

employment - legal changes published in January 2017

Government Decision no. 1/2017 to establish the minimum gross wage guaranteed for payment at national level was published in the Official Gazette of Romania, Part I, no. 15 of January 6, 2017.

According to it, since February 1, 2017 the minimum gross wage guaranteed for payment at national level, amount of money that does not include bonuses and other supplements is set at Lei 1,450 per month for a full working schedule of 166.00 hours on average per month in 2017, representing Lei 8.735 /hour.

Establishing a base salary below the amount mentioned by the Decision constitutes a civil offence and employers will be sanctioned with a fine between Lei 300 and Lei 2,000 for each individual employment contract where the minimum wage is set below that required by the new law, insofar as this action does not represent a crime.

Government Emergency Ordinance no. 6/2017 amending and supplementing certain laws, as well as for the establishment of measures on investments financed by public funds was published in the Official Gazette, Part I no. 62 of January 25, 2017

The Ordinance brings changes to the following provisions relevant to labor law:

- increasing the amount of the incentive insertion - EGO no. 111/2010 [on leave and monthly allowance for raising children](#) is changed, supplemented with the provision that, from April 2017, the incentive insertion amount is set at 650 Lei; for rights following the month of April 2017 the incentive insertion amount will be increased through another normative act;
- granting the relocation bonus - [Law no. 76/2002 on the unemployment insurance system and employment stimulation](#) is supplemented with new provisions under which persons registered as unemployed at the agencies for employment who are hired in another town situated at a distance greater than 50 km from their town of residence and, as a consequence, they change their domicile or establish their residence in said town or in its neighboring towns, receive a relocation bonus. In this regard, the following provisions are established:
 - the relocation bonus is not taxable and is paid from the unemployment insurance budget, equal to 75% of the amount intended for housing expenses at the new domicile or residence, but no more than 900 Lei;
 - the relocation bonus is granted to persons whose net monthly income, either as a single individual or together with their families, does not exceed 5.000 Lei/month;
 - the conditions in which the relocation bonus is granted, the method and the period, the persons who cannot benefit from it. It is notable that the relocation bonus is granted upon request and is not cumulative with the activation bonus, the hiring bonus or the installation bonus.

Government Decision no. 35/2017 establishing the number of workers per types, newly admitted to the labor market in 2017 was published in the Official Gazette, Part I no. 85 of January 30, 2017.

The decision regulates the quota for 2017 by types of workers newly admitted to the labor market in Romania, as follows: permanent workers - 3,000; seconded workers - 700; intra-corporate transferees - 700; highly qualified workers - 500; seasonal workers - 400; trainee workers - 100; cross-border workers - 100.

New decision of the Hight Court of Cassation and Justice relevant in labor law: Decision. 34/2016 on the referral made by the Court of Appeal Iasi - Department of labor and social security disputes, published in the Official Gazette, Part I no. 18 of January 9, 2017.

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News in Laws – Legal and Tax Monthly Newsletter
February 2017

Under this decision, HCCJ established that, under the interpretation and application of art. 77 of the Labor Code, with reference to the provisions of art. 278 par. (1) of the Labor Code and the provisions of art. 1326 of the Civil Code, *individual dismissal decision issued in accordance with art. 76 of the Labor Code can be communicated via e-mail.*

HCCJ believes that this method of communication is procedurally capable of triggering the running of the judicial appeal term for the decision (according to art. 211 letter a) of Law no. 62/2011 related to the provisions of art. 216 of the same law, with reference to the provisions of art. 184 par. (1) of the Civil Procedure Code), provided that (i) the employee gave the employer this contact information and (ii) there is an established practice of this form of communication between the parties. Such decision communicated by email in PDF format accessible electronically must comply only with the formal requirements of the provisions of art. 76 of the Labor Code, not those imposed by Law no. 455/2001, on documents in electronic form.

For additional details on this material, please do not hesitate to contact us.

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