

employment - draft laws published in May 2017

Draft law for amendment of the Labor Code was registered with the Senate for debate purposes under no. B183 of May 10, 2017.

The draft law aims at supplementing the legal provisions regarding the normal work time for the full-time employees, and to the work time repartition throughout the week, respectively. It is intended for a provision to be introduced stipulating that it is allowed for the work time for full time employees to be of 10 hours a day, providing the 40 hours a week time is complied with. Furthermore, in regard to the work time repartition throughout the week, such is proposed to be decided by mutual agreement between the employer and the employee, with the possibility for such to reach 10 hours a day for four days, with three days of rest.

The reasons grounding the draft law consider a precedent established on an international level (a research has revealed that increasingly more companies allow their employees to work for four days a week, with 10 or 11 hours a day) regarding the employees' productivity in multinational companies, as well as in various public institutions. The initiators of the draft law claim that such work time repartition would create a boost for increased consume and, implicitly, increased sales and profit in the areas of public food, services and tourism, due to this prolonged weekend.

Draft law for the amendment of paragraph (1) of Article 145 of the Labor Code was registered with the Senate under no. B184 of May 10, 2017.

By the said draft law it is aimed for the amendment of Art. 145 of the Labor Code regarding the annual leave, so as for the provision to be included that the minimum duration of the annual leave period to be of 25 working days, out of which one day for celebrating the employee's birthday, based on an agreement between the employee and the employer.

The draft law has been structured so as to create the possibility of motivation by increasing the annual leave period which is necessary to diminish the psychological, psychical and intellectual effects of the job related overloading, effects which will be devastating on the long run for the employees, as well as for the labor costs of the employer.

Draft law for the amendment of Art. 2, para. (2), Art. 3 of Law no. 186/2016 on some measures for insuring some categories of individuals in the public pensions system and for the amendment of Art. 2, para. (1) and Art. 5, para. (3) of Annex: Social Securities Contract was registered with the Senate under no. B189 of May 16, 2017.

The draft law proposes the extension of the period regarding the conclusion of the social security agreement in which the individuals who are not retired pay social securities contribution for the time periods in which they were not insured in the public pensions system or in a social securities system which is not integrated thereof. Also, a proposal is made that the time period to be extended during which the payment of social securities contribution can be made.

By this draft law it is aimed for an opportunity to be created for the individuals who are not retired and who have not been insured in the public pensions system to conclude a social security contract with the territorial jurisdictional house of pensions, for a period of maximum 5 years calculated for the period 2000-2015 and to pay the relevant social securities contribution afferent to normal working conditions.

Draft law for the amendment of paragraph (7) of Article 15 of Law no. 416/2001 regarding the minimum guaranteed income was registered with the Senate under no. B223 of May 30, 2017.

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By this draft law, it is proposed that it should be provided that by refusing an offered job position and/or by refusing to participate to services aimed at stimulating labor force employment and professional training, an individual loses its right for social indemnity. The current legal provisions stipulate that said right for social indemnity is lost following the 3 times repeated refusal to enter an offered job position and/or to participate to services aimed at stimulating labor force employment and professional training.

This proposal is grounded on the idea that, in practice, it has been noticed that the individuals who obtain a minimum guaranteed income in the form of social indemnity refuse to work, whereas they prefer to stay unemployed and live on the state's money. Also, the proposal comes to support local authorities who are in need of work force.

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

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