

## employment - legal changes published in May 2017

**Order of the Minister of Labor and Social Justice no. 625/2017 for establishing the nominal indexed value of a meal ticket for the first semester of the year 2017** was published in the Official Gazette of Romania, Part I, no. 316 of May 3, 2017. The order establishes that the nominal value of a meal ticket cannot exceed the amount of lei 15.09 for the first semester of the year 2017, starting May this year.

**Order of the Minister of Labor and Social Justice no. 626/2017 for establishing the value of the indexed monthly amount granted in the form of nursery tickets for the first semester of the year 2017** was published in the Official Gazette of Romania, Part I, no. 316 of May 3, 2017. The order stipulates that the value of the monthly amount granted in the form of nursery tickets is of lei 440, for the first semester of the year 2017, starting May this year.

**Law no. 105/2017 for the amendment and supplementing of Law no. 52/2011 on the carrying out of occasional activities by daily workers** was published in the Official Gazette of Romania, Part I, no. 376 of May 19, 2017.

The law amends and supplements Law no. 52/2011 on the carrying out of occasional activities by daily workers and it provides, among others, that:

- no daily worker can carry out activities for the same beneficiary for a period longer than 90 days cumulated throughout a calendar year, except for the daily workers which work in the animal farming sector in extensive system by season-related pasture farming of sheep, cattle, horses, as well as those who perform season-related activities in botanical gardens within licensed universities; in the case of the last mentioned ones, the period cannot exceed 180 days cumulated throughout a calendar year;
- for the daily workers who perform activities in the field of extensive animal farming by season-related pasture farming of sheep, cattle, horses, the daily workers Register shall be filled in on a weekly basis.

**Law no. 106/2017 on certain measures for improving the implementation on Romanian territory of the rights granted as part of the free movement of workers within the EU** was published in the Official Gazette of Romania, Part I, no. 381 of May 22, 2017.

This new Law applies to the citizens of the European Union member states, others than Romania, exercising their rights stipulated by Art. 45 of the Treaty on the Functioning of the European Union on Romanian territory, for work purposes, as well as to their family members, referred to in the following as EU workers and their family members. The law applies to the following aspects regarding the free movement of workers within the EU:

- the access to job positions;
- the working conditions and employment conditions, especially regarding the compensation, dismissal, health and safety and, in the case when EU workers remain unemployed, their professional reintegration and re-employment;
- access to social and tax advantages;
- memberships in trade unions and the right to be elected as employees representative;
- access to professional training;
- access to houses;

- access to education, to apprenticeship courses and professional training for the children of EU workers;
- assistance through the county/Bucharest employment agencies.

According to the law, the EU workers and their family members benefit of *protection against any citizenship or nationality discrimination*. To this end, they can take measures in jurisdictional or judicial administrative procedures in case they feel they have been or are harmed by unreasonable limitations or obstacles or in case they feel they are subject to injustice by failure in the application of the nondiscrimination principle based on citizenship or nationality criterion.

Also, the associations, professional organizations, non-governmental organizations, including employers' unions and trade unions or other legal entities which, under national legislation, statutes and applicable collective bargaining agreement, have a lawful interest in ensuring the compliance with EU workers' and their family members' rights, based on this law, *can provide information and legal assistance and can act on behalf of the EU workers and their family members, upon the written consent thereof*, for taking the necessary judicial or administrative measures.

The National Council for Combating Discrimination is the state authority in charge with the prevention and fight against discrimination, and is designated as the authority in charge with the promotion, monitoring and upholding of the equal treatment for all EU members and their family members exercising their rights on Romanian territory, without any discrimination for citizenship reasons.

**Government Decision no. 337/2017 for the approval of the Methodological norms for seconding employees as part of the cross-border delivery of services on Romanian territory** was published in the Official Gazette of Romania, Part I, no. 411 of May 31, 2017.

The Decision approves the methodological norms for seconding employees as part of the cross-border delivery of services on Romanian territory, based on the provisions Law no. 16/2017 for seconding employees as part of the cross-border delivery of services.

According to the methodological norms, in order to establish whether or not a company effectively performs significant activities, others than the internal ones for management and/or administration, in the state member where it has been established, other than Romania, then the Labor Inspectorate shall conduct an assessment of all facts which are characteristic for a cross-border secondment.

Also, it is stipulated that, in case on the occasion of the inspection, the labor inspectors cannot obtain the information and documentation regarding the facts mentioned at para. (1) and (2), then the Labor Inspectorate shall be requested to obtain such by means of the internal market information system (IMI). In the case that, following the overall assessment of all factual elements, the labor inspectors ascertain that the conditions for cross-border secondment as stipulated by this law are not met, then they shall take the measures provided by the national legislation which apply to the identified situation.

The companies stipulated at Art. 3 letter a) of the Law are under the obligation to file with the territorial labor inspectorate where the activity is to be carried out a statement regarding the cross-border secondment of employees, as per the statement template provided in the appendix to the order.

Also, the secondment of an employee as per the conditions stipulated at Art. 5 para. (1) letter c) of Law no. 16/2017 shall be made based on the employee secondment contract concluded in writing between the temporary agent and the company active on Romanian territory and using the services of that employee. The company using the services of the employee is under the obligation to provide the labor inspectors, upon their request, with the secondment contract.

The law also regulates the facts which represent minor offence and the modality in which such facts are sanctioned by the labor inspectors.