

employment - draft laws published in August 2017

Draft laws on regulating telework was registered with the Senate for debate under no. B362 on 16 August 2017.

The draft regulates the way work is carried out by the employee through teleworking, taking into account the modernization of the labor market at European level. For the job categories in which information and communication technology is used, the draft establishes a right and not an obligation, in the sense of the parties agreeing on the place of the employee's activity.

According to the draft, telework is defined as a form of work organization where an activity that could be carried out within the work place provided by the employer is carried out by an employee remotely, on a regular and voluntary basis, using information and communication technology, on the basis of an individual full-time employment agreement or an addendum thereto, subject to the following conditions:

- a) the activity takes place outside of the work place provided by the employer, by using IT&C means, such as the internet, smartphone, or other;
- b) telework takes place at least a day a month;
- c) the employee gave their approval on this work organization upon signing the individual employment agreement or an addendum thereof, as applicable;

Also, the draft provides that tele-employees organize the working hours in agreement with the employer, and overtime is forbidden. It also stipulates the elements that the individual labor agreement must contain, besides those provided in art. 17, par. (3) of the Labor Code.

It also takes into account the employer's obligations to ensure occupational health and safety in the telework locations, providing certain obligation in this respect.

The draft's purpose is the following:

- to achieve flexibility and adaptability of work relations to the current social-economic relations, in relation to the dynamic evolution of the labor market;
- Benefits will be established for both the employee and the employer. More specifically, the employer will reduce administrative costs for renting space, utilities, fuel consumption, and car fleet. As far as the employee is concerned, the benefits consist in eliminating the cost of money and time from traveling to and from the employer's place of work, as well as the freedom to choose the job and the use of working time, in order to improve the balance between work and personal life.

The draft law has received a favorable opinion from the Legislative Council and the Economic and Social Council, currently pending review with the standing committees of the Senate.