

employment - legal changes published in December 2018

Government Decision no. 937/2018 for the establishment of the minimum gross national wage guaranteed for payment was published in the Official Gazette of Romania, Part I, no. 1045 of 10 December 2018, entering into force on the same date.

Taking into account the previous amendment of Art. 164 of the Labor Code, which allows for the establishment by Government Decision of an increase of the gross minimum wage guaranteed for payment, differentiated according to the criteria of the level of education and seniority, Government Decision no. 937/2018 provides that **as of January 1, 2019, the minimum gross national wage guaranteed for payment is set in cash excluding bonuses, at the amount of 2,080 lei per month for an average work program of 167.333 hours / month, representing 12.43 lei / hour.**

It also provides an exception to this gross minimum wage, namely that for the staff hired in positions for which higher education is required, **having at least one year's seniority, the minimum basic gross wage guaranteed for payment, excluding bonuses, increases from 2,080 lei to 2,350 lei per month, for a normal work schedule of 167.333 hours on average per month, representing 14.044 lei / hour.**

Government Decision no. 937/2018 also provides that as of January 1, 2019, all rights and obligations established by the law are determined by reference to the level of RON 2,080 of the minimum gross national wage guaranteed for payment.

Government Emergency Ordinance no. 107/2018 on amending and supplementing certain acts, as well as on the extension of certain deadlines was published in the Official Gazette of Romania, Part I, no. 1058 of December 13, 2018, entering into force on the same date.

This Emergency Ordinance amends some provisions of Law no. 165/2018 on the issue of promissory notes (which entered into force on 1 January 2019), which extended the deadlines for the entry into force of articles of the same law, as follows:

- on January 1, 2021, art. 24-27 of Chapter VI on holiday vouchers takes effect;
- until January 1, 2021, the provisions of Law no. 165/2018 do not apply to holiday vouchers.

Last but not least, it provides that, as of 1 January 2019, Law no. 142/1998 on the granting of meal tickets and Law no. 193/2006 on the granting of gift vouchers and nursery vouchers are repealed.

On 1 January 2021, Government Emergency Ordinance no. 8/2009 on the granting of holiday vouchers will also be repealed.

Order no. 2495/2018 of the Minister of Labor and Social Protection regarding the approval of the List of basic occupations for which level 1 training programs can be organized was published in the Official Gazette of Romania, Part I, no. 1058 of December 13, 2018, entering into force on the same date.

It approves the List of basic occupations for which level 1 training programs can be organized, mentioning as an example the following occupations: *cleaning lady* - COR code 911201, *landscape caretaker* - COR code 931202, *manual packer* - COR code 932101, *goods handler* - COR code 933303, *loader-unloader* - COR code 933301, *gate controller* - COR code 962906.

The Order also provides that legal entities interested in the organization of level 1 training programs must request the Ministry of Labor and Social Justice to update the List of skills under Art. 6 of the Order of the Minister of Labor, Social Solidarity and Family and of the Minister of Education, Research and Youth no. 35 / 3.112 / 2004 for the approval of the list of skills for which programs finalized with skill certificates can be organized.

Law no. 337/2018 regarding the status of the labor inspector was published in the Official Gazette of Romania, Part I, no. 1107 of 28 December 2018, with effect from 31 December 2018.

From the provisions of this law, we mention, with regard to the **labor inspector's territorial competence** that the labor inspector within the Labor Inspectorate can carry out control activities throughout the country only together with labor inspectors from within the territorial inspectorate afferent to the location where the control activity is carried out.

The control activities shall be carried out **only on the basis of the control card, of the badge attesting the function performed in the exercise of the attributions established by law and of the travel order signed by the head of the institution** or by the person designated by them and after the completion of the sole control registry of the controlled entity, under the conditions provided by Law no. 252/2003 on the single control registry.

Government Emergency Ordinance no. 114/2018 on the establishment of measures in the field of public investments and fiscal-budgetary measures, the amendment and of certain acts and the extension of certain deadlines was published in the Official Gazette of Romania, Part I, no. 1116 of December 29, 2018, entering into force on the same date.

- **Among others, the Emergency Ordinance no. 114/2018 brings amendments to the Law no. 52/2011 on occasional activities performed by day-workers.**

With regard to day workers, it should be noted that a person can not perform day-work activities for more than 120 days during a calendar year, irrespective of the number of beneficiaries, except for those who perform animal farming activities in extensive system of seasonal grazing of sheep, cattle, horses, seasonal activities in botanical gardens of accredited universities, as well as in the wine sector, for which the period may be 180 days during a calendar year. Also, the beneficiary can not use a person for more than 25 calendar

days on a continuous basis in day-work activities, and if the work done by the day worker requires a longer period, they can be used under a fixed-duration contract.

Moreover, the areas where unskilled work of an occasional nature can be performed, are significantly reduced, namely to: a) agriculture, hunting and ancillary services; b) forestry, with the exception of forestry exploitation; and c) fisheries and aquaculture.

- **Also, the Emergency Ordinance no. 114/2018 establishes by way of derogation from the provisions of art. 164 par. (1) of the Labor Code** that for the period between January 1, 2019 and December 31, 2019, for the construction sector, the minimum gross national wage guaranteed for payment shall be set in cash, not including bonuses, to the amount of **3,000 lei monthly**, for a normal work schedule of 167.333 hours per month, representing 17.928 lei / hour.

These provisions apply only to the fields of activity referred to in art. 66 (1) of the Emergency Ordinance, including: 2361 - *Manufacture of concrete products for construction*, 2512 - *Manufacture of metal doors and windows*, etc.