

employment - legal changes published in March 2021

Government Decision no. 293/2021 on the extension of the state of alert on the Romanian territory starting with March 14, 2021, as well as the establishment of the measures applied during it to prevent and combat the effects of the COVID-19 pandemic was published in the Official Gazette of Romania, Part I, no. 245 of March 11, 2021, entering into force on the same date.

According to the Decision, it was established that starting with March 14, 2021, the state of alert will be extended for another 30 days on the entire territory of the country.

The Decision stipulated the obligation for the economic operators that carry out trade/ service activities in closed and/ or open spaces, public and/ or private, to organize and carry out their activity between 5:00-21:00. In the localities where the cumulative incidence at 14 days is higher than 4 and less than or equal to 7.5/ 1,000 inhabitants, these economic operators have the obligation to carry out their activity on Fridays, Saturdays and Sundays in the time interval 5:00-18:00. In the localities where the cumulative incidence at 14 days exceeds 7.5/ 1,000 inhabitants, the activity will be carried out between 5:00-18:00 every day.

Also, the travel ban outside the home/ household is maintained in all localities between 22:00-5:00, with the following exceptions:

- a) travelling in professional interest, including between the home/ household and the place/ places where the professional activity takes place and back;
- b) travelling for medical assistance that cannot be postponed or performed remotely, as well as for the purchase of medicinal products;
- c) travelling outside the localities of persons who are in transit or make journeys whose time interval overlaps with the prohibition period, such as those made by plane, train, coach or other means of passenger transport, and which can be proved by ticket or any other way proving the payment of the trip;
- d) travelling for justified reasons, such as the care/ accompaniment of the child, the assistance of the elderly, sick or disabled persons or the death of a family member.

In the localities where the cumulative incidence at 14 days is higher than 4 and less than or equal to 7.5/ 1,000 inhabitants, it is forbidden to travel outside the home/ household on Fridays, Saturdays and Sundays between 20:00 - 5:00, except for the reasons indicated above. In the localities where the cumulative incidence at 14 days exceeds 7.5/ 1,000 inhabitants, the movement of persons outside the home/ household is prohibited between 20:00-5:00, regardless of the day, except for the same reasons mentioned above.

In order to verify the reason for the trip, the persons are obliged to present, at the request of the competent authorities' personnel, the service card or the certificate issued by the employer or a statement on their own responsibility, previously filled in.

The Decision maintains the obligation to wear a protective mask in public spaces, commercial spaces, means of public transport and at the workplace.

Also, for all public or private institutions and economic operators, the obligation to decide the organization of work to working from home or teleworking regime is maintained, where the specificity of the activity allows, under the conditions of art. 108-110 of the Labour Code, as well as those established by the Law no. 81/2018 on teleworking activity.

In the situation where the employee cannot work in teleworking or work from home regime, in case there are more than 50 employees, the employers have the obligation to organize the work schedule so that the staff is divided into groups to start or end the activity at a difference of at least one hour.

Senate Decision no. 19/2021 on the proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union - COM (2020) was published in the Official Gazette of Romania, Part I, no. 296 of March 24, 2021.

Through the Decision, the Senate established that the proposed legislative act [which is based on Article 153 para. (1) of the Treaty on the Functioning of the EU, which stipulates that the Union must support and complement the actions of the Member States in the field of labour conditions, within the principles of subsidiarity and proportionality] does not establish a common statutory minimum wage at Union level and no concrete methods of calculation are imposed on the basis of the average salary or the median salary in each Member State, being exclusively intended for the Member States that have established statutory minimum wages, such as Romania.

Based on this Directive, clear criteria will be set up for establishing the minimum wage. The national criteria will need to include at least the purchasing power, the general level of the gross wages and their distribution, the rate of growth of the gross wages and developments in labour productivity.

As a consequence of the above, the Senate requested the Government of Romania to implement the Law no. 174/2020 for the amendment and supplementation of the Government Emergency Ordinance no. 217/2000 on the approval of the minimum monthly consumption basket.