



employment - legal changes published in November 2021

Order of the Minister of Labour and Social Protection no. 1004/2021 for the approval of the application form and the statement on their responsibility provided in art. 7 para. (2) of the Government Emergency Ordinance no. 111/2021 establishing support measures for employees and other social categories in the context of restriction, suspension or limitation of economic activities as a result of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus was published in the Official Gazette of Romania, Part I, no. 1046 of November 2, 2021, in force from the same date.

The Order approved the template of the application and the statement on their own responsibility for individuals established by the article 6 para. (1) and para. (2) of the Government Emergency Ordinance no. 111/2021, respectively for:

- professionals provided by article 3 para. (2) of the Law no. 287/2009 regarding Civil code, republished, as subsequently amended and supplemented;
- individuals whose income is exclusively obtained from copyright and related neighboring rights, as regulated by Law no. 8/1996 on Copyright and Neighboring Rights, republished, as subsequently amended and supplemented;
- individuals that concluded individual employment agreements according to the Law no. 1/2005 regarding the organization and functioning of cooperatives, republished, as subsequently amended and supplemented;
- athletes, coaches, doctors, medical assistants, massage therapists, kiotherapists, researchers, as provided by Law on physical education and sport no. 69/2000, as subsequently amended and supplemented.

The Order is based on the provisions of article 6 para. (1) and para. (2), article 7 para. (2) and article 9 of Government Emergency Ordinance no. 111/2021 establishing support measures for employees and other social categories in the context of restriction, suspension or limitation of economic activities as a result of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus.

Order of the Minister of Labour and Social Protection no. 790/2021 for supplementation of the Order of the Minister of Labour and Social Protection no. 2004/2018 for the approval of the framework template of certificate and internship contract, as well as the request form for the employment bonus was published in the Official Gazette of Romania, Part I, no. 1045 of November 2, 2021, in force from the same date.

In accordance with the provisions of article no. 30 of Law no. 176/2018 regarding internship, as subsequently amended and Endorsement Report no. 2.336/DGF of 15.07.2021 and also in accordance with the provisions of article no. 15 para. (3) of Government Decision no. 81/2020 on functioning and organization of Minister of Labour and Social Protection there were introduced amendments regarding the framework template of the certificate and internship contract, as well as the request form for the employment bonus, which are provided in the annexes to the Order.



Law no. 269/2021 for the amendment of Law no. 62/2011 on Social Dialogue and Law no. 53/2003 (the Labor Code) was published in the Official Gazette of Romania, Part I, no. 1076 of November 10, 2021, entering into force on November 13, 2021.

The amendment made to the provisions of article 268 para. (1) letter (a) of Law no. 53/2003 upon the entry into force of Law no. 269/2021 aims, on the one hand to increase by 15 days the period of 30 calendar days within which requests for the settlement of a labour conflict can be initiated (the 45-days period was anyway provided in the Law on Social Dialogue, generating debates in practice) as well as, to establish a new starting moment from which the time period laid down by the provisions in force for submitting the request will begin to run, represented by the date on which the interested party became aware of the measure ordered, compared to the date on which the employer's unilateral decision has been communicated to the interested party, as provided for in the version prior to the amendment. Also, it is expressly provided that there also can be challenged in such manner commitments to pay certain amounts.

In other words, with the entry into force of Law no. 269/2021, where there is an interest in submitting a request for the settlement of a labour conflict, the interested party shall observe the provisions of article 268 para. (1) letter (a) of the Labour Code which establish the following: the requests shall be made **within 45 calendar days from the date on which the interested party became aware of the measure ordered regarding the conclusion, execution, modification, suspension or termination of the individual employment contract, including the commitments to pay certain amounts.**

At the same time, the provisions of **article 211 para. (a)** of Law no. 62/2011 on Social Dialog, which refers to the period of 45 calendar days during which unilateral measures of execution, modification, suspension or termination of an individual employment contract, including commitments to pay certain amounts may be challenged, **are repealed** once the Law no. 269/2021 enters into force.

In our view, this amendment is opportune since it definitively settles the controversy existing in the judicial practice regarding the time limit within a measure considered to be illegal in the context of a labour conflict can be challenged by the interested party.