



## employment - legal changes published in February 2022

### **Romanian Government Ordinance no. 12/2022 for amending and supplementing certain normative acts in relation to the road transport, published in the Official Gazette of Romania, Part I, no. 98 of January 31, 2022, in force starting with February 03, 2022**

A series of legal provisions of Law no. 16/2017 on secondment of the employees in the framework of the transnational provision of services have been amended and supplemented following the entry into force of Government Ordinance no. 12/2022.

Hence, it is provided that drivers shall not be considered employees seconded on the territory of Romania respectively, from the territory of Romania, when:

- perform bilateral road freight transport operations (as defined by the lawmaker);
- perform, in addition to carrying out a bilateral road transport operation, an activity of loading and/or unloading in the Member States or in the transited third countries, provided that it does not load goods and unloads them in the same Member State;
- perform maximum two additional loading and/or unloading activities in the Member States or in the third countries through which they transit, provided that no goods are loaded or unloaded in the same Member State, when the bilateral road transport operation begun in the Member State of establishment during which no additional activity has been carried out is followed by a bilateral road transport operation to the Member State of establishment;
- perform operations of bilateral road transport for passengers (as defined by the lawmaker);
- when performing bilateral road transport for passengers, they shall carry out a passenger embarkation and/or disembarkation of passengers in the Member States or in the third countries they cross, provided that they do not offer passenger transport services between two points in the Member State crossed. The same shall apply to the return journey;
- shall pass through the territory of a Member State without loading or unloading goods or without embarking or disembarking passengers;
- perform the initial or final road segment of a combined transport operation as defined in Article 2 para. (1) of Government Ordinance no. 88/1999 on the establishment of rules for the combined transport of goods, with amendments.

Employers shall be required to inform employees contracted as drivers about their rights and obligations, provided by Law no. 16/2017 and Directive 2020/1.057/EU, by displaying this information at the premises of the company.

In relation to the undertakings established on the territory of a Member State other than Romania or on the territory of the Swiss Confederation which, in the framework of the transnational provision of services, post to the territory of Romania employees, certain obligations must be provided to the competent authorities of Romania in the field of secondment of drivers.



**Order of the Minister of Labour, Family and Social Protection and of the President of the National Institute of Statistics no. 38/82/2022 for amending and supplementing of the Classification of the occupations in Romania was published in the Official Gazette of Romania, Part I, no. 141 of February 11, 2022, in force from the same date**

The list of occupations practiced in the national economy is amended and supplemented through Order no. 38/82/2022, as follows:

- new occupations within the national economy are being introduced, as listed in Annex 1 to the Order, such as: ICT security administrator, behavioral analyst, business analyst, ICT business analyst, health service and policy analyst, software testing analyst, ICT system architect, cybersecurity auditor, cybersecurity advisor, investor relations director, maintenance and repair engineer, commissioning engineer, robotics engineer, ICT business analysis manager, information systems security manager, digital transformation manager, digitization specialist, waste recycling specialist, cyber security specialist for automated command-control systems, investor relations specialist and so forth;
- the occupations no longer practiced in the national economy, listed in Annex 2 to the Order, mostly occupations of Groups 7 and 8, concentrated on specific industries and trades, are eliminated.

**Law no. 24/2022 for amending and supplementing the Government Emergency Ordinance no. 158/2005 on sick leave and social security benefits, published in the Official Gazette of Romania, Part I, no. 122 of February 16, 2022, in force starting with April 16, 2022**

Law no. 24/2022 regulates new provisions on leave and healthcare allowance for nursing the patient with oncological affections, as follows:

- the right to leave and healthcare allowance for patients with oncological affections, older than 18 years, recognized in favor of the insured person who, with the patient approval, accompanies him/her at surgical interventions and at prescribed treatments by the specialist physician;
- the period granted for leave and healthcare allowance for nursing the patient with oncological affections shall not exceed 45 calendar days within 1 year for a patient;
- the beneficiary who receives a leave for nursing the patient with oncological diseases shall be entitled each year to minimum one clinical psychological evaluation session and minimum five psychological counselling sessions;
- the leave and the healthcare allowance for nursing the patient with oncological affections, as well as the clinical psychological evaluation and clinical psychological counselling sessions shall be granted based on the medical leave certificate issued by the specialist physician;
- the monthly gross amount of the healthcare allowance for patients with oncological affections is 85% of the calculation basis established in compliance with Article 10 of G.E.O no. 158/2005 and shall be fully covered from the budget of the Single National Health Insurance Fund.