



employment - legal changes published in January 2023

Law no. 26/2023 amending and supplementing the National Archives Law no. 16/1996 and Law no. 53/2003 - Labour Code, was published in the Official Gazette, Part I, no. 30 of January 11, 2023, being in force from January 14, 2023.

The normative act supplements Law no. 53/2003 (Labour Code) as to establish a time limit of 60 days within which the judicial liquidator or, where applicable, the judicial administrator must fulfil its obligation to issue a document attesting the activity carried out by the employees, to terminate and transmit to the general register of employees the termination of individual employment contracts, in the event that the employer is in insolvency, bankruptcy or liquidation proceedings.

It is also provided that failure to comply with the provisions set out above is an offence punishable by a fine between Lei 300 and Lei 1,000.

The Order of the National Agency for Employment no. 1073/2022 amending and supplementing the Procedure for profiling jobseekers registered with employment agencies, approved by the Order of the President of the National Agency for Employment no. 11/2018 was published in the Official Gazette, Part I, no. 44 of January 16, 2023, being in force from February 1, 2023.

Order no. 1073/2022 brings a series of changes to the Procedure for profiling jobseekers registered with employment agencies, as follows:

- New criteria are established for placing jobseekers in employability levels (personal, family, medical, criteria relating to willingness to take up work in the shortest possible time, to participate in vocational training programmes, to take up work in an occupation other than that for which they have experience or training, and criteria relating to motivation to take up work);
- The necessary procedure to be followed for profiling is established;
- The Annex forming an integral part of the Order is amended in order to comply with the new provisions.

Law no. 3/2023 supplementing Article 28 of Law no. 290/2004 on criminal records was published in the Official Gazette, Part I, no. 3 of 3th of January 2023, being in force since 6th of January 2023.

The law establishes the possibility of issuing criminal records also in electronic form, at the request of individuals and legal entities, after recording the option in the standard application. Criminal records certificates issued in electronic form will be signed with a qualified electronic signature and will be assimilated to authentic documents.

The Order of the Minister of Labour and Social Solidarity and the Minister of Education no. 2228/2022/3025/2023 amending and supplementing the Methodology for authorisation of adult vocational training providers, approved by Order of the Minister of Labour, Social Solidarity and Family and the Minister of Education, Research and Youth no. 353/5.202/2003 was published in the Official Gazette, Part I, no. 70 of January 27, 2023, being in force since the same date.



The Order brings a series of changes to the Methodology for the authorisation of adult vocational training providers, the most important being the following:

- According to the new provisions, the authorisation of vocational training providers may also be granted for the organisation of online programmes, the fields of activity and the procedure being established by Order of the Minister of Labour and Social Protection No 1,149/2020;
- The minimum duration of the vocational training programme for which the vocational qualification certificate is issued, by qualification level, is amended as follows:
 - 180 hours for level 1 qualification;
 - 360 hours for level 2 qualification;
 - 720 hours for level 3 qualification;
 - 1,080 hours for level 4 qualification.
- The initial assessment will be carried out only for qualification programmes according to the new regulation;
- It is established that the provision according to which, in the situation where it is found that the participants in a vocational training programme have certain competences, the duration of the training will be reduced accordingly, does not apply to level 1 vocational qualification programmes nor to programmes leading to a qualification;
- The duration of the professional training programme, expressed in training hours, for theoretical and practical training for which a graduation certificate is issued, shall be between:
 - 30-75 hours for refresher programmes;
 - 180-300 hours, for specialisation programmes.

According to the current regulation, in order to be authorised, training providers must prove that the training programmes are carried out with certified trainers in the profile or speciality corresponding to the training programme or trainers who provide evidence of their teaching qualification in the profile or speciality corresponding to the training programme. Practical training may also be carried out by master trainers or instructors/training trainers, certified in accordance with the legal provisions, who have the profile or speciality corresponding to the training programme, only for training programmes whose level of qualification is at most equal to their level. The number of trainers included in a training programme is a minimum of 2 and is determined by the provider, depending on the complexity of the programme.