

20 March 2020

COVID-19 Legal Insights



Employment

In this issue:

1. **State of emergency. Impact on the labour and social protection relations**

Protection of employment relationships within the state of emergency

A state of emergency was declared in Romania on 16 March 2020 by Presidential Decree No. 195/2020 (the “Decree”), published in the Official Gazette No. 212/2020.

The Decree institutes a 30-day state of emergency throughout the Romanian territory and establishes first emergency measures of direct and immediate application, as well as measures of gradual applicability with a view to preventing the spread of COVID-19 and handling the consequences of this epidemic.

The Decree impacts on the employment relationships as well, the adopted measures being evidenced herein below.

1. **Social welfare measures**

According to the Decree, social welfare measures are to be taken for the employees and their families from economic sectors the activity of which is affected or fully or partly stopped by decisions of the public authorities throughout the state of emergency. Although, up to the preparation of this material, a legislative act implementing said measures has not been adopted yet, such measures are expected to address the fact that benefits to be granted to the employees, should their employment contracts be suspended further to the temporary interruption/decrease of the activity by the employer (*i.e.* temporary layoffs), are to be covered from the unemployment security budget. Nevertheless, to be exempted from the obligation to pay such benefits, employers should meet certain conditions regarding the degree of decrease in proceeds or the number of employment contracts suspended throughout the state of emergency. Also, employers could be compelled to

maintain the employment relationships with said employees for a period of 6 months from the activity restart.

2. Simplifying formalities for implementing work from home / telework

Central and local public institutions and authorities, autonomous administrative authorities, *regies autonome*, national companies and companies where the State or an administrative - territorial unit is the sole or majority shareholder, as well as private companies shall be required to implement, where objectively possible, work from home or telework.

By way of derogation from the existing legal framework, which in such cases requires the conclusion of certain addenda to the individual employment contracts, within the context of the state of emergency, such measures may be implemented unilaterally by the employer, through a decision.

3. Suspending inspections conducted by the Territorial Labour Inspectorates

Throughout the state of emergency, specific inspections conducted by the Territorial Labour Inspectorates with respect to assigned employers shall be suspended, except for (i) inspections ordered by the Minister of Labour and Social Welfare, (ii) inspections ordered by Labour Inspection as to implement decisions taken by the National Committee for Special Emergency Situations, (iii) inspections meant to investigate reported acts highly dangerous to society and (iv) inspections for the investigation of work accidents.

4. Collective bargaining agreements and collective labour disputes

Declaring, initiating or organising collective labour disputes is prohibited throughout the state of emergency in companies that are part of the national energy system, in operational units of the nuclear sector, in units working 24/7, in health units and social security units, telecommunication units, public radio and television, railway transport units, units providing public transportation and public sanitation, as well as public supply of natural gas, electricity, heat and water.

5. Other measures

Applications for social benefits may also be submitted electronically.

Certificates confirming a child's degree of disability and foster parent certificates issued by the Child Protection Commission as well as certificates confirming the degree and type of disability issued by the Commission Assessing Adult Disabled Persons will remain valid until the state of emergency is terminated, even where they are set to expire during the state of emergency.

Similarly, certificates accrediting providers of social services and social services licenses, both provisional and operating ones, which are due to expire during the declared state of emergency, will remain valid until the state of emergency ceases.

serban.paslaru@tuca.ro

mihai.anghel@tuca.ro

Editors

COVID-19 Legal Insights is our response to the COVID-19 outbreak. We shall keep you informed on the various legal challenges posed by the coronavirus, thanks to a dedicated practice group comprising lawyers with different backgrounds, such as compliance/regulatory, corporate and commercial, insurance, labour and employment, litigation and arbitration, insolvency, public procurement, data privacy, tax and customs. In addition, our taskforce offers strategic advice on crisis-specific matters: corporate restructuring, review and (re)negotiation of agreements (including collective bargaining agreements and individual employment contracts), performance of the contracts which are affected by force majeure and hardship, unblocking pre-litigation relationships, etc. To keep abreast of developments, please feel free to regularly check our dedicated online resource: <http://www.tuca.ro/covid-19/>



Șerban Pâslaru
Partner
+4 021 204 88 90
serban.paslaru@tuca.ro



Mihai Anghel
Managing Associate
+4 021 204 88 90
mihai.anghel@tuca.ro

TUCA ZBARCEA ASOCIATII

Șos. Nicolae Titulescu nr. 4-8
America House, Aripa de Vest, et. 8
Sector 1, 011141, București, România
T + 4 021 204 88 90
F + 4 021 204 88 99
E office@tuca.ro
www.tuca.ro

This material is for reference only. It does not seek to provide legal advice, which may be requested according to each specific legal issue and may not be relied upon for any purposes whatsoever. For details and clarifications on any of the topics dealt in this Legal Bulletin, please do not hesitate to contact the attorneys indicated hereinabove.