



## **II. POSTING OF WORKERS OF UNDERTAKINGS ESTABLISHED IN THE TERRITORY OF ROMANIA, TO A EU/EEA MEMBER STATE OR THE SWISS CONFEDERATION**

### **II.1 Which are the targeted situations?**

The transnational posting of workers concerns the situations where an employer established in the territory of Romania entrusts, according to the applicable law, a specific mission to its workers to be performed in a Member State other than Romania or in the territory of the Swiss Confederation, being stipulated that once the mission has been fulfilled, the workers resume their activity in the undertaking with which they have concluded an individual employment contract.

This concerns the following situations:

- the posting of a worker from the territory of Romania, on account of and under the direction of the undertaking, under a contract concluded between the undertaking making the posting and the beneficiary of the provision of services that operates in the territory of a Member State other than Romania or in the territory of the Swiss Confederation, provided there is an employment relationship, during the period of posting, between the worker and the undertaking making the posting
- the posting of a worker from the territory of Romania to an establishment or an undertaking owned by the group in the territory of a Member State other than Romania or in the territory of the Swiss Confederation, provided there is an employment relationship, during the period of posting, between the worker and the undertaking making the posting
- assigning a worker by a temporary work agency to a user undertaking established or operating in the territory of a Member State other than Romania or in the territory of the Swiss Confederation, provided there is an employment relationship between the worker and the temporary work agency during the period of posting.

The employer established in the territory of Romania must carry out a significant activity in its country of origin in order to send its workers as posted workers to the EU Member States or the territory of the Swiss Confederation.

### **II.2 Terms and conditions of employment for posted workers from Romania in the framework of the transnational provision of services**

Workers posted from the territory of Romania in the framework of the transnational provision of services shall benefit, irrespective of the law applicable to the employment relationship, from the working conditions provided by the laws and regulations in force in the Member State in whose territory services are provided, with regard to:

- maximum length of working time and the minimum period of regular rest time;
- minimum period of paid annual holidays;
- minimum wage, including compensation or payment for overtime;
- conditions of assignment of workers by temporary work agencies;
- health and safety at work;

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- protective measures with regard to the conditions of employment applicable for pregnant women or for those who have recently given birth, as well for children and young people;
- equality of treatment between men and women and other provisions on non-discrimination.

### **NOTA BENE!**

*The minimum wage applicable in the territory of a Member State or in the territory of the Swiss Confederation for a worker posted from the territory of Romania is defined by the national law and/or practice of the Member State or of the Swiss Confederation, to whose territory the worker is posted.*

The competence to verify the compliance with the abovementioned conditions of employment shall be the responsibility of the authorities of the Member State to whose territory the worker was posted.

### **NOTA BENE!**

*To avoid being sanctioned by the authorities of the Member State to whose territory workers are posted, Romanian employers shall inquire into administrative requirements and legal provisions they have to comply with in the territory of that State prior to the posting.*

### **II.3 Contact details of liaison offices in the EU Member States or the Swiss Confederation**

To request information with regard to the national legislation and/or practice applicable in the Member States or the Swiss Confederation, visit the following link: [http://europa.eu/youreurope/citizens/work/work-abroad/cross-border-commuters/index\\_ro.htm#!lightbox-uid-0](http://europa.eu/youreurope/citizens/work/work-abroad/cross-border-commuters/index_ro.htm#!lightbox-uid-0) section "Contact the competent national body".

For complaints, petitions or requests for information with regard to the applicable law in Romania, the following e-mail address can be used: [comunicare@inspectiamuncii.ro](mailto:comunicare@inspectiamuncii.ro)

### **II.4 Portable document A1 (Form A1)**

*Form A1 is a EU valid document issued by the competent authority of the State of origin of a worker posted to another EU or EEA Member State which certifies that the legislation on social security contributions in the State of origin is applicable to the worker involved and, as a consequence, they are deducted and paid in the State of origin.*

Portable document A1 is required to post a Romanian worker to a EU or EEA Member State and it is meant to only prove that its holder registered to the social security system (insurance for pension, accidents at work and occupational diseases; health insurance, family benefits) of the sending State (the State which the institution that issued the document belongs to).

Portable document A1 is issued by the National House of Public Pensions.  
(<https://www.cnpp.ro/documentul-portabil-a1>)

- [see contact information of the National House of Public Pensions.](#)