



WORKING AND RESTING TIME

➤ Normal working time

- Full-time – 8 hours a day (for 5 days) and 40 hours a week.
- Maximum duration – 48 hours per week, including overtime.
- The daily working time of 12 hours will be followed by a rest period of 24 hours.

➤ Additional work

- Working time > 40 hours/week
- Additional work beyond the maximum duration **is prohibited** (except in case of force majeure)
- Additional work is compensated by paid off hours within the next 90 calendar days after it has been completed
- Impossibility of compensation by paid free hours = salary increase $\geq 75\%$ of basic salary, corresponding to its duration.

➤ Night work

- Work performed from 22.00 to 6.00
- Night employee:
performs night work of at least 30 % of its monthly working time
perform night work for at least 3 hours of his daily working time
- The normal working time shall not exceed an average of 8 hours per day (calculated over a reference period of a maximum of 3 calendar months, subject to weekly rest).

➤ Night workers can benefit from:

working hours reduced by one hour from the normal working day, with basic salary being maintained

allowance for night work of 25 % of basic salary

- Pregnant, lactating and lactating women cannot be obliged to perform night work.

➤ Periodic rest

Lunch break

- daily working time > 6 hours = meal break and other breaks
- breaks shall not be included in the normal daily working time

Daily rest

- between two days of → rest work of at least 12 consecutive hours
- shift work → at least 8 hours between shifts
 - ✚ Shift work – employees succeed each other at the same job, according to a specific programme

Weekly rest

- Weekly rest – 48 consecutive hours, usually Saturday and Sunday.
- Weekly rest on other days = a salary increase
- continuous activity of up to 14 calendar days = cumulative rest + compensation of at least 150 % of basic salary.

Public holidays

- Public holidays on which they are not working are:
 - ✚ 1 and 2 January; 24 January;

- ✚ the first and second day of Easter; 1 May; 1 June;
 - ✚ the first and second day of Pentecost; The Assumption of the Mother of God;
 - ✚ November 30 – St. Andrew’s Apostle;
 - ✚ 1 December; the first and second day of Christmas;
 - ✚ two days for each of the 3 annual religious holidays, declared such cults legal non-Christian religions
- No days off = basic salary of at least 100 % of the basic salary corresponding to work performed in normal working hours.

ANNUAL LEAVE

paid annual leave is guaranteed to all employees.

- ✓ Minimum duration – 20 working days
- ✓ Not included in the duration of holiday leave are public holidays not working and paid holidays
Sick leave period; maternity leave, maternity risk leave and sick child care leave consider periods of employment.
- ✓ Rest leave shall be taken every year. In the event of failure to take, the employer is obliged to grant untaken leave within 18 months from the year following that in which the right to annual leave was born
- ✓ Cash compensation – only in case of termination of the individual employment contract
- ✓ Employees working in difficult, dangerous or harmful conditions, blind, other disabled persons and young people under 18 years of age additional → leave of at least 3 working days.
- ✓ The employee is obliged to take annual leave in kind.
- ✓ Leave may be interrupted, at the request of the employee, for objective reasons. The employer may recall the employee from annual leave with all related expenses.
- ✓ Annual leave allowance shall be the average daily salary entitlements for the three months preceding that in which the leave is taken, multiplied by the number of days of leave.

PAY

The salary is the consideration for the work performed by the employee on the basis of the individual employment contract and is determined by individual negotiations between the employer and the employee.

The salary shall be confidential and shall include: basic salary, allowances, bonuses and other additions.

The employer shall be obliged to guarantee in payment a gross monthly salary at least equal to the gross minimum wage per country.

For employees to whom the employer provides food, accommodation or other facilities, the amount of money due for the work performed may not be less than the gross minimum wage per country provided for by law.

According to **Government Decision No 1071/2021** starting on 01 January 2022, the **minimum gross basic salary per country guaranteed in payment is in the amount of RON 2.550** permonth for a normal working hours on average of 167,333 hours/month, representing 15,239 lei/hour .

By way of derogation from Article 164(1) of Law No 53/2003 – Labour Code, during the period from **1 January 2020 to 31 December 2028**, for the construction sector, the minimum gross base salary guaranteed in payment shall be **at least RON 3.000 /month, excluding** allowances, bonuses, other additions, for a normal working hours on average of 167,333 hours/month.

Equal opportunities and treatment between women and men

• Equal opportunities and treatment between men and women in employment relationships means non-discriminatory access to:

- ✓ the choice or free exercise of a profession or activity;
 - ✓ equal earnings for work of equal value;
 - ✓ promotion at any hierarchical and professional level;
 - ✓ employment and working conditions which comply with the rules on health and safety at work, including dismissal conditions;
 - ✓ non-wage benefits as well as public and private social security schemes;
 - ✓ employers' organisations, trade unions and professional bodies and their benefits;
 - ✓ social benefits and services
- In order to prevent and eliminate any behaviour, defined as discrimination on grounds of sex, the employer shall have the following obligations:
- ❖ to ensure equal opportunities and treatment between employees, women and men, in employment relationships of any kind, including by introducing provisions to prohibit discrimination based on sex in the organisation and functioning regulations and internal regulations of establishments;
 - ❖ to lay down in the internal regulations of the units disciplinary sanctions, under the conditions laid down by law, for employees who violate the personal dignity of other employees by creating degrading environments, intimidation, hostility, humiliation or offensive, through acts of discrimination;
 - ❖ to keep employees informed of their rights to respect equal opportunities and equal treatment of women and men in employment relations;
 - ❖ inform the public authorities responsible for the application and enforcement of legislation on equal opportunities and treatment between men and women as soon as they have been notified;
 - ❖ discrimination by the employer of practices which place persons of a particular sex at a disadvantage in relation to employment relationships shall be prohibited;
 - ❖ maternity cannot constitute a ground for discrimination.

Protection of Maternity at Work

- The employer is obliged to keep the employee's pregnancy confidential
- Pregnant employee is entitled to a quarter reduction in normal working time while maintaining earnings
- Employers are obliged to grant nursing workers, during working hours, two breastfeeding breaks of one hour each, until the child reaches the age of one year. Breast-feeding breaks can be replaced by a reduction in normal working time by two hours daily. Breaks and reduction of normal working time do not reduce earnings
- The pregnant employee, the recently-born employee and the breastfeeding employee cannot be obliged to perform night work
- **The employer shall be prohibited from** terminating employment or service in the case of:
 - a pregnant employee, a recently-born employee and a breastfeeding employee for reasons directly related to her condition;
 - an employee who is on maternity risk leave;
 - an employee who is on maternity leave;

- an employee who is on parental leave up to the age of 2 years or, in the case of a disabled child, up to 3 years of age;
 - an employee who is on leave to take care of a sick child under the age of 7 or, in the case of a disabled child with intercurrent conditions, up to the age of 18.
- The prohibition on termination of employment does not apply in the event of dismissal on grounds of judicial reorganisation, dissolution or bankruptcy of the employer, under the terms of the law.

Protection measures and working conditions for minors

- The natural person acquires work capacity upon reaching the age of **16**.
- The employment of persons **under the age of 15 is prohibited**.
- The natural person may enter into an employment contract as an employee **at the age of 15, with the consent of the parents** or legal representatives, for activities appropriate to their physical development, skills and knowledge.
The withdrawal of the consent of parents or legal representatives in the case of 15-year-old minors, until the age of 16, shall result in **the automatic termination of the employment contract**.
- Employment in heavy, harmful or dangerous jobs can be done after the age of 18.

Working time

- The duration of working time is **6 hours/day and 30 hours/week**.
- Young people under the age of 18 **may not perform additional work**.
- Young people under the age of 18 **cannot perform night work**.
- Young people under the age of 18 shall have a meal break of at least 30 minutes if the daily working time is longer than 4 and a half hours.
- Young people under the age of 18 shall have **additional leave of** at least 3 working days.
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The pay for working time shall be at least at the level of the minimum wage in the economy.
Apprenticeships for young people aged 16-18 can be trained on the basis of an **apprenticeship contract**, respecting working conditions for minors.

The employment of a minor in breach of the legal conditions of age or its use for the performance of activities in **breach of the legal provisions relating to the working regime of minors constitutes a criminal offence** and shall be punished by imprisonment from 3 months to 2 years or by a fine.