

Working time and rest period (Law no. 53/2003 - the Labour Code, republished, as subsequently amended and supplemented)

A. Working Time (Articles 111 - 128)

Working time is any period during which the employee performs the work, is at the employer's disposal and performs his duties and tasks, according to the provisions of the individual labour (employment) contract, the applicable collective labour agreement and/or the legislation in force.

A.1. The normal duration of working time

For full-time employees, the normal working time is 8 hours per day (for 5 days) and 40 hours per week.

An uneven distribution of working hours may be opted for, while observing the normal working time.

The legal maximum duration of working time may not exceed 48 hours per week, including overtime.

A 12-hour daily length of the working time shall be followed by a rest period of 24 hours.

The work schedules and how they are distributed over the days are brought to the attention of employees and displayed at the employer's premises.

The employer has the obligation to keep records of the hours worked by each employee and to submit these records to the Labour Inspection whenever requested.

A.2. Overtime work

Work performed outside the normal weekly working time (8 hours a day and 40 hours per week) shall be considered overtime.

Overtime cannot be done without the consent of the employee (except in case of force majeure or for preventing accidents / removing the consequences of an accident).

Upon the employer's request, employees may perform overtime work, while observing the legal maximum duration of working time.

It is forbidden to perform overtime work beyond the maximum duration of working time (except in case of force majeure or for preventing accidents / removing the consequences of an accident).

The overtime shall be compensated by paid time off within the next 60 calendar days after its performance and the employee shall receive the salary corresponding to the overtime performed beyond the normal working time.

If paid compensatory time off is not possible, the employee shall be paid for overtime by adding an extra pay (established by negotiation, cannot be less than 75% of the basic salary) corresponding to its duration.

A.3. Night work

Work performed between 22:00 and 06:00 hours shall be considered night work.

The night worker:

- performs night work of at least 30% of his/her monthly working time;
- performs night work for at least 3 hours of his/her daily working time.

The normal duration of working time shall not exceed an average of 8 hours per day (calculated over a reference period of up to 3 calendar months, while observing the legal weekly rest period).

Night shift employees shall benefit:

- either from a work schedule reduced by one hour from the normal duration of the working day (for the days when they perform at least 3 hours of night work), without this leading to a decrease in the basic salary;
- or an increase for night work of 25% of the basic salary (if such time represents at least 3 hours of night work in the normal working time).

Pregnant women, those that have recently given birth and the breastfeeding ones cannot be obliged to perform night work.

B. Regular rest period (Articles 133 - 137)

Rest period is any period that is not working time.

B.1. Lunch break

If the daily working time exceeds 6 hours, employees are entitled to lunch break and other breaks (under the applicable collective labour agreement or internal regulation).

Breaks shall not be included in the normal daily working time.

B.2. Daily rest

Employees have the right to a rest period that may not be shorter than 12 consecutive hours between two working days.

In the case of shift work, this rest period between the shifts may not be shorter than 8 hours.

Shift work -a way of organizing the work schedule, under which employees succeed each other at the same work station, according to a certain schedule.

Shift employee - the employee whose work schedule is part of a shift working time.

B.3. Weekly rest

The weekly rest is 48 consecutive hours, usually on Saturdays and Sundays.

Weekly rest may also be granted on other days set by the applicable collective labour agreement or by internal regulation.

(3)In that case employees shall benefit from an increase in the salary, as laid down in the collective labour agreement or, where applicable, in the individual employment contract.

Weekly rest days may be granted cumulatively, after a period of continuous activity that cannot exceed 14 calendar days.

Employees whose weekly rest is granted cumulatively are entitled to compensation of at least 150% of the basic salary.

C. Public holidays (Article 139 and Article 142)

The non-working public holidays:

- 1 and 2 of January;
- 24 January - Day of Unification of the Romanian Principalities;
- first and second day of Easter;

- 1 May;
- 1 June;
- first and second day of Pentecost;
- 15 August - the Assumption;
- 30 November - St. Andrew's Day, the Patron Saint of Romania;
- 1 December - the Great Union Day, the Romanian National Day;
- first and second day of Christmas;
- two days for each of the three annual religious holidays, declared as such by the legal religious cults, other than the Christian ones, for persons belonging to them.

If, for justified reasons, days off are not granted, employees benefit from an increase in the basic salary which may not be less than 100% of the basic salary for the work performed in normal working hours.

D. Annual rest leave (Articles 144 - 151)

The right to paid annual rest leave is guaranteed to all employees.

The right to annual rest leave may not be subject to any assignment, waiver or limitation.

The minimum duration of the annual rest leave is of 20 working days.

The actual period of annual rest leave is set out in the individual employment contract.

The non-working public holidays and the paid days off are not included in the duration of the annual rest leave.

When determining the length of the annual rest leave, the temporary incapacity to work, the maternity leave, the maternity risk leave and the child care leave shall count as working time performed.

The rest leave shall be taken each year.

If the annual rest leave may not be taken, the employer is obliged to grant the annual rest leave not taken within 18 months from the year following that in which the entitlement to the annual rest leave was born.

Compensation in cash for not taken rest leave is only allowed in case of termination of the individual employment contract.

Employees working in difficult, hazardous or harmful conditions, the blind, other disabled persons and young people under the age of 18 shall benefit from an additional period of rest leave of at least 3 working days.

Taking the annual rest leave is done under a collective or individual planning.

Planning is done by the end of the calendar for the next year.

The employee is obliged to take the annual rest leave in-kind during the period in which it was planned, except in cases expressly provided for by law or when, for objective reasons, the leave cannot be carried out.

The rest leave may be interrupted, upon the request of the employee, for objective reasons.

The employer may recall the employee from annual rest leave bearing all the expenses necessary of returning to work, as well as any damage suffered as a result of the interruption of the leave.