

Legal Alert

15 November 2018

In this issue:

Amendments to the Labour Code and the Law on apprenticeship at the workplace

By Government Emergency Ordinance no. 96/2018, in place starting with 14 November, amendments to normative acts have been made, the most relevant being those referring to Law no. 53/2003 – the Labour Code and Law no. 279/2005 on apprenticeship at the workplace.



Amendments to the Labor Code and the Law on apprenticeship at the workplace

The amendments to Law no. 53/2003 – the Labour Code

- a. With regard to the possibility of women to continue their activity until the age of 65 years
 - Art. 56 para. (1) letter c) first thesis of the Labour Code is amended in the sense that an individual employment agreement ceases to exist by the operation of law at the date of cumulative fulfilment of standard age conditions and the minimum retirement contribution or, with exceptional character, for the female employee who opts in writing to continue the execution of the individual employment agreement, in the 60 calendar days prior to the cumulative fulfilment of standard age conditions and the minimum retirement contribution, at the age of 65 years;
 - Art. 56 para. (3), which provides that the employer cannot restrict or limit the female employee's right to continue her activity under the conditions mentioned above, is introduced.
- b. With regard to the possibility to establish, through Government decision, a differentiated minimum gross base salary per country guaranteed in payment
 - New provisions are introduced, respectively art. 164 para. (1¹) and para (1²), regulating the possibility to establish, through Government decision, an increase of the minimum gross base salary per country guaranteed in payment provided under para. (1), differentiated on the criteria of study level and seniority in work.

The amendments to Law no. 279/2005 on apprenticeship at the workplace

- Apprenticeship at the workplace is organized including for qualification level 1, established as per the provisions of Government Decision no. 918/2013 on the approval of the Qualifications' national framework, as provided under the amendment of art. 13 para. (1);
- If apprenticeship at the workplace is organized for acquiring the skills corresponding to qualification level 1, the duration of the apprenticeship agreement cannot be less than 6 months, as per the amendment to art. 9 para. (1);
- There are regulated new cases in which the employer does not benefit from the ways of financing the professional training through apprenticeship at the workplace as well as the amount of Lei 2,250/month granted from the unemployment insurance budget, stipulated by art. 16 of Law no. 279/2005 - for example, if, in the last year, an employment relationship has existed between the employer and the person with whom an apprenticeship agreement is to be concluded (unless an individual employment agreement was concluded with that person for the holiday period, under the conditions of Law no. 72/2007 on the stimulation of the employment of pupils and students, as further amended);

- Within 60 days from the entry into force of GEO no. 96/2018, the Ministry of Labour and Social Justice will amend accordingly the Methodological Norms for the application of the provisions of this law, approved by the Government Decision no. 855/2013.

For further questions regarding the aspects mentioned in this alert, please contact us.



Gabriela Ilie
Managing Associate
+40 726 215 083
ailie@reff-associates.ro



Raluca Balint
Senior Associate
+40 731 792 010
rbalint@reff-associates.ro

Reff | Associates

Reff & Associates SCA is a law firm member of Bucharest Bar, independent in accordance with the Bar rules and represents Deloitte Legal in Romania. Deloitte Legal means the legal practices of Deloitte Touche Tohmatsu Limited member firms or their affiliates that provide legal services. Visit the global Deloitte Legal website <http://www.deloitte.com/deloittelegal> to see which services Deloitte Legal offers in a particular country.

This alert is offered as guidance and must not be considered a consultancy service. Before taking any action based on this document, you should ask for professional fiscal/legal advisory.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the "Deloitte Network") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional advisor. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2018. For information, contact Reff & Associates SCA