

Legal Alert

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Minor offences provided under labor regulations that are object of the prevention law

Law 270/2017 on prevention provides that the public control authorities have the obligation to apply the sanction of warning and to establish a remediation plan if they ascertain that one of the minor offences expressly regulated by law has been committed.



Minor offences provided under labor regulations that are object of the prevention law

The prevention law regulates the obligation of public control authorities to apply the sanction of warning and to establish a remediation plan, if they ascertain that one of the minor offences expressly regulated by the law has been committed. The minor offences covered by such law and the template of the remediation plan have been approved through Government Decision no. 33/2018, published in the Official Gazette on 5 February 2018.

Among the minor offences in the field of labor law with regard to which the public control authorities are obliged to apply the remediation plan procedure, are included the following:

- The failure of the assignor or the assignee to comply with the obligations stipulated in Law no. 67/2006 on the protection of employees in case of transfer of the undertakings, the unit or parts thereof;
- Non-observance of certain information and consultation obligations regulated by Law no. 467/2006 on establishing the general framework for information and consultation of employees;
- Failure to comply with certain obligations under Law no. 319/2006 on safety and health at work (e.g. failure by the external services provider to submit the half-yearly report of activity, failure by the employer to provide hygiene-sanitary materials free of charge or lack of provisions concerning these materials in the collective labor agreement or the individual labor agreement).

The procedure essentially involves the following:

- The investigating agent concludes the minutes on finding the minor offence by which the sanction of the warning is applied, enclosing a remediation plan containing issues to be corrected and the compliance deadline for each of them (maximum 90 calendar days from the date of handing over/communicating the minutes).
- Within maximum 10 working days after the expiry of the remediation period, the control authority has the obligation to verify if the measures set out in the remediation plan have been fulfilled. If the offender fails to comply with the legal obligations under the remediation plan established, the authority shall apply the sanctions provided by the specific legislation, other than the warning.

If, within 3 years from the conclusion of the minutes regarding the minor offences and application of the warning under the aforementioned conditions, the offender repeats the same minor offence, the legal provisions in force regarding the finding and sanctioning minor offences shall apply directly.

[For further questions regarding the aspects mentioned in this alert, please contact us.](#)



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