

*accace*

# News Flash

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**New legislative changes applicable  
to Romanian Labour Code starting  
25.01.2015**

## Romanian Labour Code changes starting 25.01.2015

This law is amending several provisions of the Labor Code, as follows:

### Annual leave of employees

In essence, this law is levelling local legislation - Labour Code provisions with European legislation - Directive 2003/88 / EC provisions, applicable on this topic.

Thus as of 01/25/2015, temporary disability periods and those for maternity leave (sick leave), maternal risk and leave to care for a sick child, are regarded as periods of activity performed by the employee in the company. They must therefore be taken into account in determining the duration of annual leave.

We see clarified by this law also the practical approach of granting vacation days in case the employee enters a prolonged sick leave maternity maternal risk for child care or sick. In this case, the employee's annual leave will be interrupted, following that all remaining days to be consumed after he returns from medical leave period. If not possible, then the days of annual leave not taken, will be rescheduled.

Simultaneously, the law establishes a clear deadline for granting to the employee the right to benefit of his untaken annual leave days, in the case he or she was on sick leave during the entire year.

Thus the company is obligated to ensure an environment where the employee shall be able to benefit of its untaken days, within 18 months from the year following the employee was on sick leave.

**Keep in mind!** The prolonged 18 months deadline is only referring to the case in which we are talking about an employee that was unable to perform its vacation right due to reasons out of his control.

When talking about activities carried out in normal conditions, it remains mandatory (as before) for the employees to fully perform their annual holiday in the current year.

### Temporary staffing non-discrimination payment

This provision is reinforcing the principle of non-discrimination of employees working under a temporary leasing labor agreement and permanent employees of the company working inside the same employer.

Thus, the law inserts the following provisions:

*"(3) The salary received by the temporary employee for each mission cannot be lower than the one received by the permanent employee, as long as both are performing the same job or a similar one.*

*(4) To the extent that the beneficiary of the temporary employee does not have engaged such an employee, the salary of the temporary employee will be determined taking into account the salary of a person employed by individual labour contract performing the same job or a similar one as specified in the contract collective labor at user level. "*

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## About the author

Heading to her third year of experience within Accace, Maria Cojocariu is currently company's Payroll Manager, responsible with coordinating the local payroll and HR operations. During her time in Accace, Maria had a constant presence in local media, both online and print, as well as several TV interventions that followed the release of company's regional studies.

Prior to Accace, Maria specialized in payroll outsourcing and labor law matters, by obtaining a qualification in human resource management, approved by the Ministry of Labour and by holding key positions in several other well-known outsourcing companies.

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With more than 250 professionals and branches in 7 countries, Accace counts as one of the leading outsourcing and consultancy services providers in Central and Eastern Europe. During past years, while having more than 1400 international companies as customers, Accace set in motion its strategic expansion outside CEE to become a provider with truly global reach.

Accace offices are located in Czech Republic, Hungary, Romania, Slovakia, Poland, Ukraine and Germany. Locations in other European countries and globally are covered via Accace's trusted partners network.

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