



LABOR INSPECTION

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Employment of foreign workers

The employment of foreign nationals in Romania requires that the Romanian employer obtains (from the General Inspectorate for Immigration) an employment permit for each foreign citizen, or, where applicable, meets one of the exemptions from obtaining the permit. For information on the costs and conditions for obtaining the employment authorisation, please visit the website www.igi.mai.gov.ro.

The employment authorisation must be obtained by the Romanian employer for each foreign worker, following the submission of the documents stipulated by Government Ordinance No.25/2014 to the General Inspectorate for Immigration.

The work of foreign citizens shall be performed based on an individual employment contract, with a salary at least equal to the guaranteed minimum gross basic salary in Romania.

IN ROMANIA, MEDIATION AND LABOUR PLACEMENT SERVICES ARE PROVIDED FREE OF CHARGE, WITHOUT ANY COMMISSION, FEES, OR TAXES.

Transnational posting of foreign workers, by a Romanian employer

- ❖ A foreign national worker, employed by a Romanian employer, may be posted transnationally by the Romanian employer to another EU Member State for a fixed period of 12 months with the possibility of extension for an additional 6 months.
- ❖ During the posting period, the place of work changes to the territory of another EU Member State, and the foreign worker remains an employee of the Romanian employer.
- ❖ Wage entitlements and expenses arising from the posting, such as transportation, accommodation and meal expenses, depending on the country where the services are provided, are paid by the Romanian employer.
- ❖ For posting, the Romanian employer is obliged to draw up an additional act to the employment contract of the foreign employee.
- ❖ Prior to the posting, the Romanian employer must notify the state authorities where the transnational services will be provided with the details of the posted employees.

REMUNERATION

The salary is the compensation for the work performed by the employee under the individual employment contract and is determined through individual negotiations between the employer and the employee.

The employer is obliged to guarantee a gross monthly salary at least equal to the minimum gross basic salary per country.

- ✓ As of **01.07.2024**, the guaranteed minimum gross basic salary in the country is **3,700 lei** per month, for a normal working schedule averaging **167,333 hours per month**.
- ✓ In the **construction sector**, the minimum gross basic salary guaranteed in payment is at least **4,582 lei per month**, excluding allowances, bonuses, and other additional payments, for a normal working schedule averaging **167.333 hours per month**.

IMPORTANT: The gross salary is determined through negotiation, starting from the minimum wage and is specified in the employment contract. The gross salary is higher than the net salary (which the employee receives), because the net salary is the amount remaining after deducting social security contributions and taxes owed to the Romanian state.

For employees whose food, accommodation or other facilities are provided by their employer, the monetary compensation for work performed must not be less than the minimum gross national wage prescribed by law.

The employer is not entitled to automatically deduct the costs of accommodation and utilities from the monthly salary. Payments for accommodation and utilities must be separate from the employee's monthly salary.

The salary shall be paid in cash at least once a month, on the date specified in the individual employment contract. Payment may be made either by bank transfer or in cash, with the employee signing a payment receipt.

WORKING TIME AND REST PERIODS

➤ Normal working time

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

➤ Overtime

- Working time exceeding 40 hours per week
- Overtime shall be compensated with paid time off (sometimes referred to as time off in lieu) within 90 days after the overtime is worked
- If paid time off cannot be provided, the overtime shall be compensated with a salary increase of no less than 75% of the basic salary for the overtime duration.

➤ Night work

- Work performed between 22:00 – 06:00
- Night worker:
 - performs night work for at least 30% of their monthly working time
 - performs night work for at least 3 hours of their daily working time

Employees who work at night may benefit from:

- A reduction in working time by one hour from the normal working day.
- A night work bonus of 25% of their basic salary

Pregnant and breastfeeding women cannot be obliged to work at night.

➤ Periodic breaks

Lunch break

- If daily working time exceeds 6 hours, employees are entitled to a lunch break and other breaks.
- Breaks are not included in the normal hours of work and are not paid.

Daily rest break

- Between two working days → a rest period is required, of at least 12 consecutive hours.
- For shift work → a minimum rest period of 8 hours is required between shifts.

Weekly rest

- Weekly rest - 48 consecutive hours, usually on Saturdays and Sundays.
- If weekly rest is taken on other days, additional pay is provided.
- For continuous work of up to 14 days: cumulated rest must be provided, and compensation of at least 150% (time and a half) of basic salary must be paid to the employee.

- **Work on public holidays**

For work performed on religious holidays for workers belonging to religious denominations other than Christian, 2 days off are granted for each of the 3 declared annual religious holidays (totalling 6 days per year) or

If, for justified reasons, days off are not granted, employees are entitled to a supplement to the basic salary for work performed on public holidays. This supplement must be at least 100% (double time) of the basic salary corresponding to the work performed during normal working hours.

ANNUAL LEAVE

Paid annual leave is guaranteed to all employees.

- ✓ Minimum duration - 20 working days per year (this is paid pro-rata for persons who are part time)
- ✓ Leave is taken every year.
- ✓ Cash compensation is only provided in the event of termination of individual employment contract
- ✓ Employees working in arduous, dangerous or harmful conditions, as well as the blind, other disabled persons and young people up to the age of 18, are entitled to an additional leave of at least 3 working days.
- ✓ The employee is obliged to take their leave in kind.

- ✓ The leave allowance is calculated as the average daily salary from the last 3 months preceding the month in which the leave is taken, multiplied by the number of leave days.

Protective measures and working conditions for minors

- Individuals may work at and from the age of **16**.
- Employment of persons under the age of **15 is prohibited***.
- ***EXCEPTION:** Individuals aged 15 may enter into an employment contract, but only with the consent of their parents or legal guardians, provided the work is suitable for their physical development, skills, and knowledge. **Withdrawal of parental or legal guardian consent for minors under the age of 16 results in the automatic termination of the employment contract.**
- No person under the age of 18 can work in areas that are dangerous or hazardous. Employment in work areas that are dangerous or hazardous is permitted only after reaching the age of 18.

Working time for young people

- Working hours are a maximum of 6 hours per day and a maximum of 30 hours per week.
- Young people under the age of 18 are not allowed to work overtime.
- Young people under the age of 18 are not permitted to work at night.
- Young people under the age of 18 are entitled to an unpaid meal break of at least 30 minutes if the daily working time exceeds 4.5 hours.
- Young people under the age of 18 are entitled to additional annual leave of at least 3 working days. This means they receive 23 days per year (this is pro-rata for young people working part-time).

TERMINATION OF THE INDIVIDUAL EMPLOYMENT CONTRACT

- ❖ The employer issues and notifies the employee of the termination decision, which certifies the termination of employment;
- ❖ Upon termination of employment, the employer is obliged to issue the employee a certificate attesting to the work performed, the duration of employment, the salary, the length of service, as well as an extract from the general register of employees.

Change of employment to a different employer may be made as follows:

- ✓ One year after the individual employment contract with the previous employer was registered;
- ✓ Before one year has elapsed, if the employment contract has been terminated:
 - with the written consent of the previous employer;
 - at the initiative of the employer by dismissing the foreign worker;
 - by the resignation of the foreign worker, if the employer has failed to fulfil his obligations under the individual employment contract, as proven according to the law.

USEFUL LINKS

- ✓ Complaints regarding non-compliance with working conditions should be addressed to the Territorial Labour Inspectorate (ITM) where the worker is employed or where the employer's registered office is located. <https://www.inspectiamuncii.ro/contact> Select

the county where the employer's registered office is located or the county where the employee works.

- ✓ Information on working conditions and pay in the construction sector: <https://www.constructionworkers.eu/ro>
- ✓ General Inspectorate for Immigration <https://igi.mai.gov.ro/>