



LABOUR INSPECTION



Information campaign



EMPLOYMENT OF FOREIGN CITIZENS IN ROMANIA



Employment of foreigners studying in Romania

Foreigners having a temporary residence permit for studies

may be employed in Romania **without a notice of employment** only with an individual part-time employment contract with a **maximum working time of 4 hours / day**.

The individual part-time employment contract also includes the following elements :

- working hours and work schedule;
- the conditions under which the work schedule may be modified;
- ban on overtime, except force majeure.

During or at the end of the trial period, the individual employment contract may be terminated only by written notification, without notice, at the initiative of either party, without the need to state reasons

The “**trial period**”

- takes place after the conclusion of the individual employment contract;

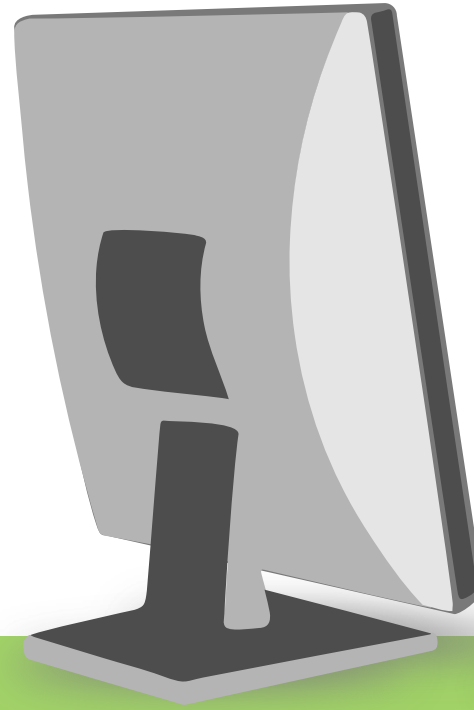




Posting foreigners in Romania

After obtaining the posting notice

from the General Inspectorate for Immigration, the **beneficiary sends to the Territorial Labour Inspectorate a notice** regarding the posting of foreign employees, within 5 days from the starting date



identification data of the beneficiary where the posting was accomplished



- ❖ legal person: full name / address / sole registration code or other identification number;
- ❖ natural person: name and surname / full address / personal identification number or another identification number.

identification data of the foreign employer posting the employee



full name / address / sole registration number or other identification number of the employer, and, in case, the name / full name and address of the legal representative in Romania

identification data of posted foreign national



numele si prenumele/data nașterii/ cetățenia/seria și numărul documentului de călătorie/perioada detașării/funția și locul desfășurării activității.



Forms of employment in Romania

Individual employment contract

- ❖ It is concluded no later than the day before the start of work;
- ❖ the employer has the obligation to inform the future employee about the working conditions;
- ❖ the employer has the obligation to hand over a copy of the contract to the employee;
- ❖ the salary is individually negotiated.

Temporary employment contract

- ❖ It is concluded before starting work with a **temporary work agent**;
- ❖ the actual work takes place at the user's location
- ❖ the agent has the obligation to inform you about the working conditions of the user
- ❖ the agent does not charge any fee for making employees available to the user;
- ❖ the agent pays the salary rights to temporary employees.



Forms of employment in Romania



WORK AT HOME CONTRACT

- ❖ It is concluded before the start of work;
- ❖ the employee fulfills at home specific tasks related to the position
- ❖ the employee establishes himself the work schedule;
- ❖ the employer is in charge of transport regarding raw materials and finished products;
- ❖ the employer is entitled to check the activity of the employee under the conditions established in the contract by mutual agreement;
- ❖ the employee has the same recognized by law (salary / working time and rest) rights as those of an employee working at the workplace organized by the employer.

TELEWORKING EMPLOYMENT CONTRACT

- ❖ It is concluded before the start of work;
- ❖ the employee's work is carried out regularly at least one day a month, in a different place than the employer's premises, using information and communication technology;
- ❖ the teleworker and the employer establish together the work schedule;
- ❖ the additional work is performed only with the written consent of the teleworker as being a full-time employee;
- ❖ the employee has the same recognized by law (salary / working time and rest) rights as those of an employee working at the workplace organized by the employer

Working and rest time

Working time

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

Additional working time

- ❖ Additional working time requires employee consent (Except in the case of force majeure);
- ❖ Extra work is compensated by paid hours in the following 60 calendar days after the date of the completion;
- ❖ Inability to pay off additional working time with free working hours = salary increase \geq 75% of the basic salary according working time;.
- ❖ For young people under the age of 18, legal working time is 6 hours a day and 30 hours a week



Rest time

- ❖ **Weekly rest time is 48 consecutive hours**, usually Saturday and Sunday. Weekly rest time may be granted on some other days, and the employees will benefit from a salary increase defined by a collective employment agreement or, where appropriate, by the individual employment contract
- ❖ Minimum length of rest leave - 20 working days. The employee shall be obliged to take leave in kind. Financial compensation for unpaid leave is allowed only in the event of termination of the individual employment contract.
- ❖ **Launch break** is not included in normal daily working time.
- ❖ For **work performed on public holidays munca** = increase to the basic salary of 100% corresponding to work performed during normal working hours



LEGISLAȚIE INCIDENTĂ:

- ❖ **Law No. 53/2003** — Labour Code, republished;
- ❖ **Government decree No. 905/2017** - on the general register of employees;
- ❖ **Law No 52/2011** on the exercise of occasional activities carried out by day-to-day workers, as amended and supplemented;
- ❖ **Government decree No. 25/2014** on the employment and posting of foreigners on Romanian territory, as amended and supplemented;
- ❖ **Law No. 81/2018** on the Regulation of teleworking.