



COVID-19 Legal Flash – Legal obligations and solutions for companies

In light of the current COVID-19 pandemic, Romanian employers/companies have certain legal obligations when it comes to compliance with health and safety regulations. Companies should therefore be taking certain measures to minimise the risk of contamination among their employees, some of which are briefly described below:

1. Remote work

The labour code contains provisions relating to changes of place of work and ways of working which can be enacted either unilaterally or by agreement of the parties. Therefore, pursuant to the conclusion of an addendum to their individual employment contract, employees are permitted to perform their work remotely where fulfilling the duties specific to their positions involves the use of information and communication technologies.

2. Temporary interruption of activity

Employers may, after consulting the unions or employee representatives, unilaterally decide to temporarily reduce/discontinue their activity, thereby suspending employment relations with their employees. In this eventuality, an employer must pay employees an allowance amounting to at least 75% of their basic salary.

In addition, employers may opt to place their employees in a state of technical unemployment, involving either payment of compensation equivalent to 75% of each employee's basic salary or with agreement among the parties that the employees enter a period of leave without payment.

3. Important measures regarding employee health and safety

Where there is no clear indication of workplace infection, business activity should be carried out under normal working conditions with all necessary hygiene and employee protection measures being ensured. The employer is obliged to provide hygiene and sanitary materials to its employees free of charge. Failure to do so will result in a fine of between RON 3,000 and 6,000 (EUR 620 and 1,250). Employers may or should take some of the following measures:

- implement remote working policies, thus establishing both general and specific rules for application in exceptional situations
- reduce or implement a flexible work schedule depending on the specific activity of their employees
- review internal regulations and policies for ensuring health and safety at work in order to establish the obligations of the parties in certain situations and the penalties applicable in the case of noncompliance
- implement a business continuity insurance plan in the case of threats with an impact on employee health



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4. Quarantine and self-isolation

Employees may take medical leave and are entitled to a medical leave allowance equal to around 75% of their salary.

TPA Legal Romania is standing by to help you with any amendments to employment contracts or updates to internal regulations.

This newsletter is a service of TPA.

Kind regards

Your TPA Team

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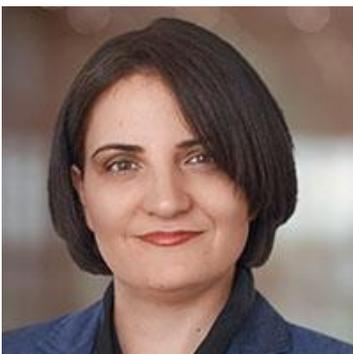
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