

Romania extends state of alert and issues new rules for the organisation of work

In an effort to curb the recent spread of COVID-19, the Romanian government issued new rules and restrictions, which include an obligation to wear masks in all public spaces, a curfew from 11 p.m. to 5 a.m., and an interdiction on public gatherings.

The new rules also introduce the following important changes in employment:

Working remotely becomes the rule

Public and private sector employees must implement work-from-home or teleworking structures wherever the nature of the activity allows for it. Employees whose work requires their presence on site continue to be allowed to work physically on location.

Employee consent not required for remote working

Derogating from the general principle of consent, the new regulations grant the employer the right to unilaterally impose remote working structures. This prerogative by the employer may be welcome under the circumstances, but is likely to raise other practical issues since under the law the parties are free to agree upon the details of almost all the other elements of teleworking or work from home, including the manner in which the employer is entitled to check the performance of employees.

The law does require documentary requirements for remote working structures, such as completing registrations in the Electronic Registry of Employees.

Additional obligations for telework

Law no. 81/2018 regulating teleworking obliges employers to ensure that teleworking employees are equipped with the relevant IT&C means and equipment for the performance of work unless the parties otherwise agree.

The new regulations allow employees to use their own personal equipment to perform work. Employers should be mindful that allowing employees to use their personal IT equipment and devices raises significant IT security risks that need to be considered and mitigated.

Importantly, in a typical teleworking scenario, the parties should agree on the conditions in which the employer shares in the costs and expenses that an employee incurs in the course of performing work. When teleworking was a purely consensual alternative, this issue was rarely discussed. Now, however, there appears to be a growing consensus that employers contribute to the cost of teleworking (e.g. Internet and electricity fees, rent).

Phased-out working schedules

Employers with more than 50 employees (which cannot implement remote work) must implement a phased-out working schedule that divides employees into groups starting and finishing work at intervals of at least one hour between groups. This measure does not require employee consent.

For more information on these measures, contact your CMS partner or local CMS experts **Cristina Popescu, Ruxandra Georgescu and Alexandra Voinia.**