

CMS: Romania expected to pass laws regulating remote work

With the COVID-19 pandemic making work-from-home the new “normal” within most companies, the Romanian government is expected to adopt two draft labour-sector ordinance and amend legislation, which will simplify the ability of companies to implement remote work or telework – the flexible working arrangement where employees can perform operations at home or at another location outside of the office.

The first ordinance, drafted at the end of last year, regulates the digitalisation of labour relationships and contains provisions, which give companies the flexibility to use remote work as a means to serve the needs of employers and employees both during the pandemic and afterwards.

The ordinance was drafted in response to the widespread use of remote work during the current crisis. According to the Romanian Minister of Labour and Social Protection, the number of telework agreements has now increased to 400,000 compared to 50,000 telework agreements listed for the same period last year.

This draft languished since late 2020 after the public raised various proposals and objections, but should be adopted soon, according to the Ministry of Labour and Social Protection.

Digitalisation of the labour market

Although the final versions of the draft ordinance has not been published, the main amendments are expected to touch upon the following topics:

- The possibility of concluding employment agreements and documents by using a qualified or extended electronic signature with a time stamp;
- The possibility for employers to purchase electronic signatures on behalf of employees;
- The possibility for employers to keep an electronic archive of employment documents;
- Simplifying telework conditions (e.g. providing remote health and safety training for teleworkers);
- Creating new confidentiality requirements for documents handled by employees outside of a company's premises.

New rules for companies with under nine employees

In addition to the draft, the Minister of Labour and Social Protection also announced a second emergency labour ordinance, which is expected to have a massive impact on small business.

When this regulation is adopted, a company with less than nine employees will not be obliged to issue internal regulations, job descriptions for each job position (individual employment agreements will be enough) or keep records of when employees begin and end work each day. (Under the current legislation, these documents are mandatory for all companies).

For more information on these legislative changes and remote work in Romania, contact your CMS client partner or local CMS experts: **Horia Draghici, Ruxandra Georgescu and Alexandra Voinia.**