

Paid parental leave while schools close due to COVID-19

On 9 March 2020, the Romanian Centre for Emergency Situations decided that all schools (public and private sectors) would be suspended from 11 March 2020 until 22 March 2020 to limit the effects of Coronavirus (subject to potential extension, depending on the developments). Starting Monday 16 March 2020, the Romanian President has declared a state of emergency – as a result, schools will remain closed at least until Easter. The news left a lot of employees scrambling to identify immediate solutions to ensure that children continued to be well cared for and supervised while classes are suspended.

To manage these concerns, the Romanian Parliament passed a law (Law no. 19/2020) requiring employers (both in the public and the private sector) to grant paid leave to one of the parents if schools are closed due to “extreme situations”.

The draft law provides that:

- employers must grant employees paid leave if schools are closed in exceptional circumstances such as extreme meteorological conditions or other similar situations qualified as such by the competent authorities, but only if the tasks associated with the employees’ roles cannot be performed in “working from home” or teleworking conditions;
- subject to the above conditions being met, employees are entitled to paid leave for the entire duration that schools/kindergarten are closed due to such exceptional circumstances, by effect of the law;
- by way of exception, in certain industries/sectors where activity must be provided on a continuous basis (such as sanitary and social services, utilities, railway transport, nuclear facilities etc), consent of the employer for such leave is required;
- paid leave (as per the above) can be granted to only one of the parents, and only if the child in care is of maximum 12 years of age (or 18 years of age for children with a disability), who are formally registered as attending courses in a school;
- paid leave will be granted on the basis of a an application from the parent who will remain home, accompanied by a statement on own responsibility by the other parent (where applicable), confirming that the other parent has not sought a similar relief;
- during such leave, employees will be entitled to a payment of up to 75% of the employee’s base salary, but not more than 75% of the average gross salary in the economy (currently at RON 5429, approx. EUR 1,100).

*For more details on the above, please contact **Cristina Popescu**, Senior Counsel CMS Romania and Head of CEE Insurance Practice Group.*