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Romania: Definition of collective dismissal

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Romania

Phase:

Management

Type:

Definition of collective dismissal

Last modified: 22 September, 2019

Native name:	Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345 din 18 mai 2011
English name:	Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania no. 345 dated 18 May 2011

Article

60, 68

Description

A collective redundancy refers to dismissals, within 30 days and for one or more reasons not related to the individual workers concerned, of:

- at least 10 employees, if the employer has more than 20 employees and fewer than 100 employees;
- at least 10% of the employees, if the employer has at least 100 employees and fewer than 300 employees;
- at least 30 employees, if the employer has at least 300 employees.

There are certain periods of the labour relation when dismissal (any dismissal, including collective dismissal) is not allowed:

- during the time of temporary incapacity to work, ascertained by medical certificate;
- during quarantine;
- during the period of pregnancy, as long as the employer is informed about this fact, prior to issuing the decision of dismissal;
- during maternity leave;
- during childrearing and care giving leave until the child reaches the age of two or, in the case of a disabled child, until he becomes three;
- during the care giving leave for a sick child up to the age of seven or, in the case of a disabled child, until he reaches the age of 18, due to recurrent episodes of illness;
- while on holiday;
- during maternal risk leave, as well as during the leave granted to those employees who have recently given birth or who are breastfeeding. The interdiction of dismissal can be extended only once, for six months from the date the employee has returned to work within the enterprise.

In determining the actual number of redundant employees, workers whose contracts ceased because of the employer's initiative are also taken into account. The courts generally interpret this rule by also taking into account the workers whose contract was terminated by mutual consent, as long as this agreement was initiated by the employer.

Comments

The Romanian legislation is in line with the [Council Directive 98/59/EC](#).

The definition of collective redundancy covers all types of employment contracts, both open-ended and fixed-term contracts. These also include part-time workers.

[Law 127/17 June 2018](#) amended article 72 regarding the collective dismissal by including specific amendments regarding the crews working on sea-going vessels.

Cost covered by

Not applicable

Involved actors other than national government

National government only

Thresholds







Company size by number of employees:

21

Number of affected employees:

10

Sources

-  Ius Laboris (2009), Collective Redundancies Guide, Brussels
-  Labour Code, Law no. 53/2003
-  Codul muncii, Legea nr. 53/2003
-  EMCC - Legal framework for restructuring
-  Council Directive 98/59/EC
-  LEGE nr. 127 din 11 iunie 2018 pentru modificarea și completarea unor acte normative privind personalul navigant

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