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Romania: Employees obligation to undertake training

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Romania

Phase:

Anticipation

Type:

Employees obligation to undertake training

Last modified: 16 May, 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 of 18 May 2011

Article

61 (d), 63 (2), 193

Description

In the Labour Code vocational training is framed as an employer's duty and an employee's right, rather than as an obligation of the employee. As a consequence, refusal of participation in professional training cannot be sanctioned and cannot directly lead to dismissal. However, the refusal to participate in professional training may be reflected in the employee's periodic assessment results, which may indirectly lead to dismissal on grounds of professional inadequacy (Article 61 (d) of the Labour Code). Such a dismissal can only be carried out after a preliminary assessment of the worker's competence.

According to Article 193 of the Labour Code, the modalities of training are the following:

- attendance of courses organised by the employer or vocational training service providers in Romania or abroad;
- internships for vocational adjustment to the requirements of the job or of the workplace;
- internships for practical training and specialisation in Romania and abroad;
- apprenticeship;
- individualised training;
- other forms of training agreed upon between the employer and the employee.

Comments

This obligation corresponds to the worker's right to vocational training, a right provided by Article 39, paragraph 1 (g) of the Labour Code.

The employee having participated in a vocational training course or an internship financed by the employer may not resign for a certain period of time, negotiated by the parties, otherwise he/she will have to pay back all expenses generated by the training.

Cost covered by

Employer


Involved actors other than national government

National government only

Thresholds

No, applicable in all circumstances

Sources

 DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring

 Labour Code, Law no. 53/2003

 Codul muncii, Legea nr. 53/2003

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