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European Monitoring Centre on Change

## Romania: Public authorities information and consultation on dismissals

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Romania

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 22 September, 2019

Native name:

Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345 din 18 mai 2011; Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă, cu modificările și completările ulterioare

English name:

Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania No. 345 of 18 May 2011; Law no. 76/2002 regarding unemployment insurance system and employment stimulation, as subsequently amended and supplemented

### Article

68-74 (Law no. 53/2003); 49-50 (Law no. 76/2002)

### Description

In case of collective dismissal (i.e. dismissal of at least 10 employees in companies with 21-99 workers, at least 10% of staff in companies with 100-299 workers or at least 30 employees in larger firms of at least 300 workers), employers have the obligation to forward a copy of the collective redundancy notice to the local labour inspectorate and the local employment agency on the same date it was sent to the trade union or representatives of the employees (the employment agency must be notified at least 30 days before the redundancy date).

The local labour inspectorate and the local employment agency are involved in designing measures to diminish the effects of restructuring and can modify the deadlines within which collective redundancies are planned to take place.

The notification must include all relevant information regarding the intention to proceed to collective redundancy, which includes the outcome of the consultations with the trade unions or the representatives of the employees, especially:

- the reasons for the redundancy;
- the total number of employees;
- the number of employees to be made redundant;
- the selection criteria applied to employees singled out for dismissal according to law or collective agreement provisions, in order to establish priorities on the redundancy list;
- measures proposed to limit the number of redundancies;
- measures to mitigate the consequences of mass redundancies;
- severance to be paid according to law or the applicable collective agreement;
- the date when the redundancy begins or the period of time during which dismissals take place;
- the term within which the unions or the employee representatives may propose solutions to avoid mass dismissals or diminish the number of redundancies.

A copy of the notification must be sent to the trade union, on the same date. The trade union or the employee representatives may communicate their point of view to the local labour inspectorate. Within 30 days, at the request of any of the parties involved, the labour inspectorate may, with the approval of the local employment agency, resolve to shorten or to postpone the date/period of communication of the dismissal notices, provided that the said authority informs both the employer and the employee representatives of such change and of the underlying reasons.

During the procedure, the local employment agency must look for solutions to the problems triggered by the collective redundancy, and propose them in due time to the employer and the trade union or employee representatives.

### Comments

The purpose of these notifications to public institutions is to enable them to provide pre-redundancy services and to ease work-to-work transitions. Active measures counteracting unemployment aim at offering support to those in search of a job. Such measures include professional orientation; training the unemployed about how to seek a job position; professional and entrepreneurial training; establishing centres for business advice and development services; and financial support in creating new work places, including public works programmes.

One of the steps a local employment agency must take is to provide pre-redundancy services (such as information, placement to vacant jobs, career change, etc). [Employment Agencies](#) provide redundancy support services, according to Government Decision no. 278/2002. The expenses for redundancy prevention measures are funded by the unemployment insurance fund and employers.

Law 127/17 June 2018 amended article 72 regarding the collective dismissal.

#### Cost covered by

Employer  
National government

#### Involved actors other than national government

Public employment service  
Other

#### Involvement others

Labour inspectorate

#### Thresholds










Company size by number of employees:

21

Number of affected employees:

10

#### 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](#)
-  [EMCC - Legal framework for restructuring](#)
-  [Government Decision no. 278/2002 for approving the procedures on access to measures to prevent unemployment](#)
-  [Ius Laboris \(2009\), Collective Redundancies Guide, Brussels](#)
-  [Law no. 76/2002](#)
-  [Legea nr. 76/2002](#)
-  [Legea nr. 127/17 iunie 2018 \(Law no. 127/17 June 2018\)](#)

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