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## Romania: Reemployment obligation after restructuring

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Romania

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 18 August, 2017

Native name:	Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345 din18 mai 2011
English name:	Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania no. 345 of 18 May 2011

### Article

74

### Description

If, within 45 calendar days after a 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), the employer resumes operations, he must notify the dismissed employees thereof. Within this time span, the dismissed employees have a priority right to reemployment, without having to undergo an exam, competition or probation. The employee must respond regarding this reemployment offer within five days after receiving the notice. Only if an employee refuses or fails to answer, the employer has the right to hire another person.

In case of an individual dismissal, there is no obligation to reemploy the dismissed employee. However, since the dismissal should always have a serious and real ground, if the employer reinstates the job very soon after the dismissal, the court may not consider the dismissal to have been justified from the outset.

### Comments

It should be noted that the period during which redundant employees had the right to be reemployed used to be 9 months. This period was significantly reduced to only 45 days by amendments to the Labour Code in 2011.

#### 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

- [Labour Code, Law no. 53/2003](#)
- [Codul muncii, Legea nr. 53/2003](#)

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