



EMCC

European Monitoring Centre on Change

Romania: Notice period to employees

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Romania

Phase:

Management

Type:

Notice period to employees

Last modified: 22 August, 2017

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

75

Description

Employers must notify their workforce about planned redundancies 20 working days in advance. The notice must be communicated in writing; most often it is a stand-alone document, but sometimes in practice it may be a clause in the dismissal decision, which states that the decision will come into force at the end of the notice period.

If the employment contract is suspended (e.g. for medical reasons), the notice is also suspended. This may delay the time of actual termination of the contract.

The provisions are applicable both to individual and collective dismissals.

Comments

The High Court of Cassation and Justice of Romania ruled - by decision no. 8/2014, published in Official Gazette no. 138 of 24 February 2015 - that a dismissal decision issued without giving notice to the employee is null and void. On the other hand, if the notice was actually granted, the dismissal decision will be valid even if it does not contain any mention about the notice. In other words, going beyond a time when the courts demanded observance of unnecessary formalism in the drafting of dismissal decisions, the High Court ruled that the dismissal decision is still valid, even if it does not expressly state that the employee has been given the notice. What matters is that the employee has indeed been notified in writing 20 days in advance that his/her employment contract will be terminated (even if no mention was made in the dismissal decision about the employer's fulfilment of this obligation).

Cost covered by

Not applicable

Involved actors other than national government

National government only

Thresholds

No, applicable in all circumstances

Sources

- EMCC - Legal framework for restructuring
- Labour Code, Law no. 53/2003
- Codul muncii, Legea nr. 53/2003
- Decision no. 8/2014 of the High Court of Cassation and Justice

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