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EMPLOYMENT

The table below represents a preliminary self-assessment tool with respect to issues with a potential impact with regards to labor relations for your company, as an employer. The table refers to matters with a large scale of applicability and has relevance for the majority of employers from the Romanian market.

The questions to which you answer negative represent matters that can imply risks. If you identify such answers, it is recommended that you make a precise analysis in order to establish the accordance with labor legislation of the enclosed documents and of the procedures followed by you, as an employer.

NO.	QUESTION	ANSWER	
		YES	NO
Formal issues			
1.	Do you conclude and update regularly the employees' electronic general registry? Do you fill in the employees' electronic general registry with the information regarding the employee's name, surname, personal identification number, employment date, position/occupation regarding the	<input type="checkbox"/>	<input type="checkbox"/>
2.	Romanian Jobs Classification (COR), the type of employment contract, the salary, the increases and their amount at the latest on the day prior to the working day when the employee commences his/her activity?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Do you fill in employees' electronic general registry with the period and the grounds for suspension of the employment contract?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Do you fill in employees' electronic general registry with the date and the ground of the termination of the employment contract on the termination date?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Do you submit the employees' electronic general registry filled in with the information stated under items	<input type="checkbox"/>	<input type="checkbox"/>

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NO.	QUESTION	ANSWER	
		YES	NO
	2, 3, and 4 above to Labor Authority by filling in the online database posted on such authority's website, by email with electronic signature or by depositing it at the Labor Authority's office within the terms mentioned under items 2 and respectively 4 above?		
6.	Do you conclude and update regularly the files of employees?	<input type="checkbox"/>	<input type="checkbox"/>
7.	Do you provide upon request the employees with certified copies of the page in the employees' electronic general registry which includes the registrations regarding such employees, of the documents in their personal files and/or statements regarding their activity, the duration of activity and their length of service, length in their job and specialization?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Do you ensure the confidentiality of the personal data and of the wages of employees?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Do you conclude the employment contract, addendums for its amendment, suspension documents, as well as termination decisions of employment contracts, in written form and in Romanian?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Do you hold medical certificates of all employees, attesting the ability to perform the respective work, issued by the Occupational Medicine Physicist?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Is your employee's age at least 15 years, and in case of employees aged between 15 and 16 do you have the consent of their parents or legal representatives regarding their employment?	<input type="checkbox"/>	<input type="checkbox"/>
Employment contract			
12.	Do you conclude employment contracts for a determined period of time for maximum 36 months ¹ ?	<input type="checkbox"/>	<input type="checkbox"/>
13.	In case you agreed with the employee to state in the employment contract a non-competition clause, does this determine exactly the object and extent of the interdiction of competition, as well as geographic area where it is applied and the non-competition indemnity?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you avoid including exclusivity clauses in the employment contracts?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Is the trial period between 5 and 120 days depending on the position held by the employee, his/her education, duration of the employment contract and if the employee suffers from a handicap or not?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Do you subject the employees to only one trial period ² ?	<input type="checkbox"/>	<input type="checkbox"/>

¹ Except for employment contracts concluded to replace an employee whose employment contract is suspended.

² Except for when employees who debuted in the company for a new position or profession or has to perform his/her activity in a work place with hard, damaging or dangerous conditions.

NO.	QUESTION	ANSWER	
		YES	NO
17.	Do you employ successively several individuals in the trial period for the same position for a cumulated period of maximum 12 months?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Do you subject the employees to a notice period of maximum 20 working days in case of resignation from executive positions or maximum 45 working days in case of resignation from management positions and do you grant a notice period of at least 20 working days in case of dismissal of employees?	<input type="checkbox"/>	<input type="checkbox"/>
Work time and rest time			
19.	Is the normal work time of 8 hours/day and 40 hours/week ³ ?	<input type="checkbox"/>	<input type="checkbox"/>
20.	Is effective work time performed by full-time employees of maximum 48 hours/week including overtime, calculated on a reference period of 4 months ⁴ ?	<input type="checkbox"/>	<input type="checkbox"/>
21.	Do you take measures to ensure that employees employed with part-time employment contract do not perform overtime?	<input type="checkbox"/>	<input type="checkbox"/>
22.	Do you grant employees who work more than 6 hours/day a lunch break of at least 15 minutes ⁵ ?	<input type="checkbox"/>	<input type="checkbox"/>
23.	Do you grant employees two consecutive days of weekly break?	<input type="checkbox"/>	<input type="checkbox"/>
24.	Do you grant employees annual paid leave of at least 20 working days ⁶ ?	<input type="checkbox"/>	<input type="checkbox"/>
25.	Do you grant the employees at least 10 working consecutive days of leave?	<input type="checkbox"/>	<input type="checkbox"/>
Employment safety and health			
26.	Did you train employees with regards to the employment safety and health, respectively in general-introductory training, training at the work place and periodic training?	<input type="checkbox"/>	<input type="checkbox"/>
27.	In case you have more than 50 employees, did you organize an employment safety and health committee organized at company level?	<input type="checkbox"/>	<input type="checkbox"/>
28.	Did you conclude contracts with ambulance services and medical emergencies services, as well as with fire-fighters?	<input type="checkbox"/>	<input type="checkbox"/>

³ Exceptions are provided restrictively by law, depending on production needs, work conditions and age of the employees.

⁴ Exceptions can be provided in the collective bargaining agreement at branch level.

⁵ Employees under 18 years old who work over 4.5 hours/day benefit from a lunch break of at least 30 minutes.

⁶ Exceptions are provided restrictively by law, depending on work conditions, age of the employees, length of service or if they have a handicap or not.

NO.	QUESTION	ANSWER	
		YES	NO
29.	Did you implement services for employment prevention and protection?	<input type="checkbox"/>	<input type="checkbox"/>
30.	Do you keep records of work areas which present risks and draft annual evaluation with regards to risks at the work place for pregnant women or women who just gave birth or who are breast feeding?	<input type="checkbox"/>	<input type="checkbox"/>
31.	Did you draft a prevention and protection plan which includes technical, sanitary and organizational measures based on the risk evaluation applicable at work conditions?	<input type="checkbox"/>	<input type="checkbox"/>
32.	Do you implement security and/or health signals at the work place?	<input type="checkbox"/>	<input type="checkbox"/>
33.	Do employees' work places respect minimal conditions with regard to work spaces, rest spaces, light, exits, air conditioning, noise, vibrations, minimal exposure to biological and chemical factors and radiation etc.?	<input type="checkbox"/>	<input type="checkbox"/>
34.	Do you ensure the employees' access to occupational medical service?	<input type="checkbox"/>	<input type="checkbox"/>
35.	Do you draft and update periodically the sole register of records with regard to employees work accidents, the sole register of records with regard to slight work accidents, the sole register of records with regard to dangerous incidents, and the sole register of records with regard to employees work accidents which are followed by work incapacity for more than 3 days?	<input type="checkbox"/>	<input type="checkbox"/>
36.	Do you ensure the individual protection equipment, if necessary?	<input type="checkbox"/>	<input type="checkbox"/>
Company's rules and regulations			
37.	Do you draft the company's rules and regulations, after consulting the trade union or respectively the employees' representatives within 60 days starting the date when the company obtained legal entity and brought to the employees' knowledge the company's rules and regulations by at least posting it to the company's billboard?	<input type="checkbox"/>	<input type="checkbox"/>
Collective bargaining agreement			
38.	In case you have at least 21 employees, do you initiate collective negotiations or accept the request in this respect of the representative trade union or of the employees' representatives in order to conclude a collective work agreement?		
39.	Do you initiate or accept a new negotiation with the employees at least 45 days before the previous	<input type="checkbox"/>	<input type="checkbox"/>

NO.	QUESTION	ANSWER	
		YES	NO
40.	collective bargaining agreement expires? In case you have concluded a collective bargaining agreement, did you register such agreement at the Labor Authority?	<input type="checkbox"/>	<input type="checkbox"/>

quick | CHECK® EMPLOYMENT is a complimentary self-assessment tool provided by our firm to its clients and business partners*. It does not represent legal consultancy, but it contains general, non-exhaustive questions in the area of Employment Law, which are meant to facilitate the addressee's work in identifying potentially problematic issue within their own organization. We recommend that you seek specialized advisory services prior to adopting and implementing any decisions on the basis of this document.

We would appreciate any reaction and suggestion regarding this tool. Please feel free to contact our Employment team, led by partner Anca Grigorescu, for any clarification about this table. You can contact us by telephone on (+40 21) 264 16 50 or by e-mail on anca.grigorescu@bpv-grigorescu.com.

bpv GRIGORESCU ȘTEFĂNICĂ is a Romanian law firm that comprehensively advises in the areas of Anti-trust and Merger Control, Banking and Finance, Corporate and Commercial, Dispute Resolution, Employment and Pensions, Energy, Environment and Regulatory, EU Law, Mergers and Acquisitions, Public Procurement, PPP and Concessions, Real Estate and Construction, Taxation. **bpv GRIGORESCU ȘTEFĂNICĂ** is a founding member of **bpv LEGAL**, an alliance of independent commercial law firms represented in Bratislava, Brussels, Bucharest, Budapest, Prague and Vienna, which offers cross-border legal advisory services to clients in Central and Eastern Europe.

bpv GRIGORESCU ȘTEFĂNICĂ is one of the leading firms in Romania in the area of Employment Law. The most recent recognitions of the expertise in these fields are included in the 2011 edition of the prestigious international legal directory *PLC Which Lawyer?* which awards the credentials of "recommended" for the individual expertise of Anca Grigorescu and of Employment team, respectively.

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