



NEWS REPORT

Date: 10 March 2011
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Title: A new Labor Code presented to the Parliament
Country: Romania
Context
Issue at stake: Government engages its responsibility on a new Labour Code
Ground of discrimination: Race/ethnic origin, religion/belief, disability, age
Source: Legislation
Field: Employment

Content

Political development: On March 8th, 2011, the Government engaged its responsibility before the Parliament, in order to proceed to the adoption of the new Labour Code [*Codul Muncii*] by-passing further parliamentary debates through a fast-track procedure.

The institution of assumption of responsibility is provided by Article 114¹ of the Romanian Constitution and it is deemed by the doctrine and the jurisprudence to be a constitutional exceptional measure meant to promote legislative provisions that are needed to ensure the governmental programme.

The opposition parties represented by 210 members of the Parliament filed a motion of no-confidence against the Government and announced their intention to also seize the Constitutional Court to challenge the decision –

¹ Art.114 of the Romanian Constitution provides: (1) The Government may assume responsibility before the Chamber of Deputies and the Senate, in joint session, upon a program, a general policy statement, or a bill.
(2) The Government shall be dismissed if a motion of censure, tabled within three days from the date of presenting the program, the general policy statement, or the bill, has been passed in accordance with provisions under Article 112.
(3) If the Government has not been dismissed in accordance with paragraph (2), the bill presented shall be considered as passed, and the program or the general policy statement become binding on the Government.
(4) In case the President of Romania demands reconsideration of the law passed according to paragraph (3), the debate thereon shall be carried in the joint session of both Chambers.

making procedure and the content of the new law. The debates and the vote for the motion will take place on 16 March and the opposition needs 236 votes in favour in order to repel the draft law and oust the Government.² Otherwise, the law will be automatically adopted.

Relevant provisions of the law: The new law would introduce contracts for temporary workers and allow for a longer duration of the labour contracts on a fixed period of time basis which could last up to 36 months. The trial period would be extended from 30 days to 90 days for executive positions and to 120 days for positions of management. In the case of persons with disabilities, the Labour Code would maintain the current trial period of 30 calendar days. Trade unions and the opposition criticized the new Labour Code for the changes in the hiring and firing procedures, particularly as the termination of a labour contract becoming significantly easier. One of the contested provisions is the new Article 49 (5) and (6) which would allow termination of a labour contract even when the work relation is suspended (for example due to maternity or sickness). According to the new Code, the provisions regarding collective dismissals would not apply to employees in public institutions and public authorities.

Internet link source and additional information: The text of the new Labour Code in Romanian is available at <http://www.juridice.ro/wp-content/uploads/2011/03/CM-08-03.doc> (08.03.2011)

² In 2010, the Government survived four no-confidence votes as it has 247 votes in the 470-seat Parliament.