



EMPLOYMENT IN ROMANIA

PRACTICAL GUIDE AND FREQUENTLY ASKED QUESTIONS
- WITH ANSWERS -
FOR FOREIGNERS AND REFUGEES WHO WORK IN ROMANIA



pag. 3

About this guide

pag. 4

Who has the right to work in Romania?

pag. 5

How to look for a job?

pag. 6

What am I supposed to know before getting employed?

pag. 7

Individual employment contract (IEC)

What is the individual employment contract?
What rights and obligations do I have?

pag. 9

Salary

Is it legal to receive a lower salary?
What should I do if I have not received my full salary?

pag. 10

Annual leave

Is it legal to have an arrangement with my employer by which I waive my statutory annual leave entitlement?
Is my employer entitled to ask me to go back to work while I am on holiday?

pag. 11

Suspension, termination of the work contract

What does suspension of the employment contract mean?
What does termination of the employment contract mean?

pag. 14

Dismissal

What happens when I am dismissed?
When can you challenge the dismissal?

pag. 16

Changing my job

pag. 17

Can I have two jobs?

pag. 18

Undeclared work

pag. 20

Exploitation, harassment, discrimination

What does work exploitation mean?
How do I get to the point of being exploited through work?
What does harassment at work mean?
Discrimination in the workplace

pag. 24

Specific working conditions**This material may be of help to you if you are:**

- A foreign citizen or a stateless person bearer of a residence permit;
- An asylum seeker, refugee or a beneficiary of subsidiary protection;
- A person who has been granted tolerated status;

and you work or are looking for a job.

We hereby provide you with some important information you must have before you sign an employment contract as well as after you have become an employee.

You must be informed so as to find yourself in a correct relationship with your employer and to know to whom you may resort if you are confused and consider that your rights as an employee are breached.

This brochure is not to be deemed a substitute for professional counselling provided by a legal counsellor, a lawyer or an authority, but it can offer you the information you need to better understand what rights you are entitled to as an employee and what steps you should take in case you have problems at your workplace.



WHO HAS THE RIGHT TO WORK IN ROMANIA?

You may work in Romania on certain conditions, depending on the type of residence permit you are a holder of.

For further details regarding your right to work in Romanian, depending on the type of your residence permit, please check the Table in the Appendix!

In Romania, foreign citizens and stateless persons who have a residence permit, including asylum seekers, refugees, and beneficiaries of subsidiary protection or of tolerated status are allowed to work on certain conditions.

The conditions under which foreign citizens, including stateless persons, may be employed are determined by several authorities, of which the ones you will interact more often are the **General Inspectorate for Immigration (IGI)** and the **Territorial Labour Inspectorate (ITM)**.

Certain foreigners may get employed under the same conditions as a Romanian citizen, and as regards other foreigners, depending on the purpose of their presence and right of residence here, the employer must obtain a work permit to hire them, which is given by the GII. In this respect, the employer must file a series of documents and demonstrate that he is in compliance with the legal requirements.



HOW TO LOOK FOR A JOB?

If you are **in search of a job**, you may check the job offers posted on-line on various sites which have been designed especially for this purpose (for example Best Jobs, e-jobs, hipo) or you may look for help at the **Employment Agency** (in Romanian: Agentia pentru Ocuparea Forței de Muncă, the institution which centralizes (collects) job offers available on the territory of the county where you live.

Normally, you will be required to submit a CV (a document of one or two pages in which you provide a brief description of your training and professional experience), and for certain jobs it is also recommendable for you to have a letter of motivation

(a one-page document by which you describe why you want the respective job and how your training and experience can satisfy the respective employer's needs/expectations).

We advise you to submit these documents **in Romanian** (or in the foreign language that you speak and in which such papers are requested from you), and to be honest as regards your Romanian language skills and level of professional training.

Try to point out your knowledge and skills that might be important for the respective job and to be confident in what you can offer by your training background and experience.

Remember!

If you are not able to write your CV or letter of motivation by yourself, ask help from an NGO or a friend of yours who speaks Romanian.



WHAT AM I SUPPOSED TO KNOW BEFORE GETTING EMPLOYED?

Once you have found an adequate job offer and contacted the employer, it is important for you to clarify the following aspects:

- **what you will have to do effectively at your workplace and the conditions in which you will have to work;**
- **the location where you will have to work;**
- **the salary you will receive;**
- **your working hours/timetable,**
- **the length of your statutory annual leave, etc.**

If the potential employer does not provide such information in a written notice (advertisement) or during your discussions with him, it is for your best interest to ask these questions.

Do not be afraid that you might bother the employer by searching answers to these questions, because he is already used to give such explanations and you are perfectly entitled to have such information before you make a decision.

The individual employment contract (which is often referred to by the acronym IEC) is the result of a negotiation. This means you are entitled to ask for more than you are being offered or to state that you are not happy with certain terms/aspects

regarding the job offer. This does not necessarily mean that the employer has the obligation to amend the offer but, if your point of view is convincing, it might lead to better conditions of your employment.

For instance, you can request a higher salary, a longer statutory leave (than the minimum 20-day/year), more flexible working hours and better conditions at your workplace.



As employee you can request a higher salary, a longer statutory leave (than the minimum 20-day/year), more flexible working hours and better conditions at your workplace.

INDIVIDUAL EMPLOYMENT CONTRACT (IEC)

WHAT IS THE INDIVIDUAL EMPLOYMENT CONTRACT?

If you have come to an agreement, you and your employer shall become „parties” in an employment contract.

The respective employment contract shall set down the tasks that you will have to fulfil, the location where you will have to work and the wages and other benefits you are entitled to in exchange for your work (salary, time off work, statutory annual leave, holidays and other benefits).

Under the Romanian law, the employer has the obligation to execute the employment contract in written form, in Romanian, in two counterparts.

Read carefully the employment contract before you sign it! If you are not familiar enough with the Romanian language, you may ask to be presented with a translation of the contract into a language that you can read and understand, or you may resort to an interpreter to make sure you understand the provisions thereof.

In order to be valid, the contract must meet the requirements of the law, namely it must contain clear information as regards:

- **the signatory parties (you and your employer);**
- **your position/job;**
- **term/length of the contract;**
- **your daily/weekly timetable** and the location where you will be assigned to work (for instance, the name of the restaurant and its precise location, if your job will be in a fast food);
- **your gross/net salary,**
- **statutory annual leave;**
- **trial period** (a time interval in which both you and your employer may check whether you are the right person for the respective job);
- **notice period** (the period of time in which both you and your employer are supposed to inform each other on your/his intention to terminate the employment contract).

Remember!

You and your employer have the obligation to notify the General Inspectorate for Immigrations that the employment contract has been signed, within 10 days as of its execution!



WHAT RIGHTS AND OBLIGATIONS DO I HAVE AS AN EMPLOYEE?

All employees, irrespective of their nationality or purpose of their stay in Romania, have rights granted by the law.

Your general rights are stipulated in the Labour Code (the law which defines the rights and obligations of employers and employees), and are completed by the provisions of your employment contract.

YOUR OBLIGATIONS (EXAMPLES)

- To perform effectively the work for which you have been employed (to work in accordance with your employer's instructions and with your employment contract);
- To act in total compliance with conduct and disciplinary rules at your workplace (not to bother your co-workers, to observe the work timetable);
- To comply with the applicable labour safety and health rules;
- To comply with the confidentiality rule, if such rule is part of your contract (for example, not to discuss with anyone certain aspects which have to do with your job and the location where you work);

YOUR RIGHTS (EXAMPLES)

- To receive your salary at least once a month;
- To be paid for working overtime;
- To have 2 days off every week (as a rule, Saturdays and Sundays), and a daily lunch break;
- To have a paid statutory annual leave of at least 20 days a year;
- To work in decent conditions and in a safe environment (for instance, if you work on a building site, you are entitled to receive labour protection training, to be granted protection equipment and safety measures, so that you should not get hurt while working);
- To benefit from the same treatment just like all the other employees (for instance, not to be treated differently on account of your religion or of the fact that you belong to a certain social group, not to be excluded from certain training activities just because you are a foreigner).



SALARY

IS IT LEGAL TO RECEIVE A LOWER SALARY?

A salary cut may be made by amending the individual employment contract and **no such modification can be made** without your accord. If you consent to a salary cut, you will sign an **amendment** to your individual employment contract.

WHAT SHOULD I DO IF I HAVE NOT RECEIVED MY FULL SALARY?

You will inform your employer, the Territorial Labour Inspectorate and/or the competent court of law. Beside your salary, you are entitled to compensations for having been affected by this situation (to cover any possible damages you have incurred by not having been paid your salary, such as payment of rent, overdue invoices, etc).

Check the model of TLI notification (complaint presented at the end of this brochure.



STATUTORY ANNUAL LEAVE

IS IT LEGAL TO HAVE AN ARRANGEMENT WITH MY EMPLOYER BY WHICH I WAIVE MY STATUTORY ANNUAL LEAVE ENTITLEMENT?

You cannot waive your statutory annual leave entitlement. If you cannot take the entire annual leave in a year, you have the obligation that in the next 18 months after the respective year is over you should take all the remaining days off you are entitled to.

If you leave your current job (pursuant to the termination of your employment contract) and you still have days of statutory annual leave to take, you may use them in the notice period or you can receive supplementary payment as compensation for the days off you are entitled to.

IS MY EMPLOYER ENTITLED TO ASK ME TO GO BACK TO WORK WHILE I AM ON HOLIDAY?

Your employer may ask you to go back to work while you are on holiday only if there are **emergencies** which imperatively request that you should be present at your workplace. In such a case, your employer has the obligation to cover all your and your family's expenses incurred in connection with your return to work, as well as any possible losses you have incurred on account of this holiday interruption.



SUSPENSION OF THE EMPLOYMENT CONTRACT

WHAT DOES SUSPENSION OF THE EMPLOYMENT CONTRACT MEAN?

While your employment contract is suspended, it is still in effect even if you, the employee, do not work effectively and neither do you receive any salary.

As a rule, contracts are suspended when a situation occurs which makes it impossible for the activity to be carried on, for objective motives that are beyond the control of either of the signatory parties



Example: The contract may be suspended during lockdown/quarantine, maternity leave, and statutory leave for temporary incapacity to work - when you can no longer work because of a disease that you are suffering from).

WHAT DOES DISCONTINUANCE OF ONE'S EMPLOYMENT CONTRACT MEAN?

Discontinuance of one's employment contract means that the work relationship of the respective person with his/her employer has ceased.

The main cases of such discontinuance are:

- **dismissal**, initiated by the employer - when the employer decides he no longer wishes to work with you. There is a certain procedure that your employer must observe in such a case, he cannot simply tell you not to come to work as of the following day;
- **resignation** – when you, the employee, decide you no longer want that job. This means you have to inform the employer that you no longer want to work for him after a specific date - observing the notice

period stipulated in your employment contract.

- **termination by mutual agreement of the parties** - both you and your employer agree to put an end to your employment contract.

If you want to quit your job, then tender your resignation or make your employer the proposal to terminate your employment contract based on the parties' accord.

If your employer wants to dismiss you but you want to keep on working for the same employer, in the same position, then you should **by no means sign a resignation form** or a decision of contract termination based on the parties' accord!



Remember!

If you resign or terminate your contract pursuant to the parties' accord, then you will be no longer entitled to unemployment benefit.

The unemployment benefit is the financial support granted by the government to people who have worked legally, based on an employment contract, for at least 12 months in the past two years. You can learn more about the unemployment benefit by accessing the website of the Agenției pentru Ocuparea Forței de Muncă/National Agency for Employment, or request such information from this institution or from a non-governmental institution operating in this field of activity.



DISMISSAL

WHAT HAPPENS WHEN I AM DISMISSED (SACKED/FIRED)?

The employer may decide to dismiss you for a series of reasons, such as:

- you have failed to comply with the rules and obligations you were supposed to abide by at your workplace;
- you did not have the necessary qualifications;
- your job was eliminated from the scheme or the company discontinued its activity (for example, it went bankrupt);

If the employer decides to dismiss you, he has the obligation to give you an at least 20-working-day notice (the so-called notice period).

Should you be in this situation, you will receive **a dismissal decision** which must be motivated (it must contain explanations regarding the reasons why you have been dismissed), and it must mention the date when your activity ceases as well as the court of law where and the time limit by which you may challenge the decision.

Furthermore, **if you still have days of statutory annual leave left**, the employer has the obligation to pay you the right amount for the respective period.

Within 10 days counting from the date of your contract's termination, the employer has the obligation to inform the General Inspectorate for Immigration on such termination.



HOW CAN YOU CONTEST YOUR DISMISSAL?

Examples of illegal dismissal:

You must know that your employer has no right to dismiss you without a well-grounded reason, and he is obliged to take a series of steps before he lets you go, depending on the reasons of such dismissal. For instance, if you are accused of having failed to fulfil a professional obligation, your employer must produce a written motivation in this respect and give you the opportunity to explain what has happened.

Here's a list of situations in which your employer does not have the right to dismiss you

- a. when your contract is suspended during lockdown/quarantine;
- b. while you are on statutory annual leave;
- c. while you are on maternity leave or childcare/parental leave;
- d. when you are on strike;
- e. when you are unable to work because of a disease you are suffering from, and which is confirmed by a medical certificate/report;

There are several situations in which **the dismissal may be illegal**. If you think that your rights are violated, you may access the site of the **Territorial Labour Inspectorate** and ask for counselling or assistance to solve your problem or you may refer the matter to a court of law. If the court rules in your favour, you have the right to receive compensations in an amount equal to the salaries brought up to date and the other rights you would have benefited from if you hadn't been dismissed illegally.

Remember!

If you have been dismissed, you may apply for unemployment benefit, application which must be filed at the Local Agency for Employment, provided you have worked at least 12 months in the past 2 years.

CAN I CHANGE MY JOB?

You can change your job, choosing to work in a different job for the same employer or for another employer, at any time while **your residence permit granting you the right to stay in Romania is still valid.**

If you hold a residence permit for employment purposes, you can change your job **within 90 days counting from the moment when your previous contract was terminated.** Your new employer will have to obtain the work permit from the GII before he hires you.

Check the table provided at the end of the brochure, to see if your new employer has the obligation to ask for a work permit before you sign the employment contract, depending on the type of residence permit you have.



(C) UNHCR/Mark Henley

A refugee from Eritrea, under training on a pre-apprenticeship course.

CAN I HAVE TWO JOBS?

If you have the right to work in the same conditions as a Romanian citizen, you may have several employment contracts at the same time, but you are not allowed to work more than **48 hours a week** for the same employer. If you work for several employers, you are not allowed to work more than **60 hours/week a week.**

If you have a student's residence permit, you may not have but a part-time job (half the time of a full-time job).



Check in the table provided at the end of the brochure, to see if you can get a full-time or a part-time job, depending on the type of your residence permit.

WHY SHOULD I GET HIRED BASED ON AN EMPLOYMENT CONTRACT INSTEAD OF WORKING AS AN UNDECLARED EMPLOYEE?

Illegal work (or undeclared work/working without an employment contract) implies certain immediate and prospective risks, both for you and for your employer, such as:

- You will not benefit from the rights employees are entitled to under the law, such as: salary, benefits (food stamps), statutory annual leave, protection in case of dismissal, unemployment benefit;
- You will not have a health insurance paid by your employer;
- If the Territorial Labour Inspectorate /GII run a control, both you and your employer will get fined;
- You will not be able to extend your right of temporary residence if it depends on the existence of an employment contract;
- It may affect the possibility to obtain the right of long-term residence, as when you apply for the said right you will have to demonstrate that you can support yourself;

- It may affect your possibility to obtain Romanian citizenship, as when you apply for citizenship you will have to demonstrate that you have obtained income legally in Romania over the past 3 years.

Working without a legal employment contract exposes you to exploitation, meaning that it may force you into performing work against your will/forced labour, without benefitting from rights and decent working conditions and depriving you of the necessary protection, etc.



EXPLOITATION, HARASSMENT, DISCRIMINATION

WHAT IS LABOUR EXPLOITATION?

Labour exploitation is an abuse committed by an employer or by the person you work for and who is trying to obtain profit from your work.

You are a victim a labour exploitation if:

- you work over 48 hours a week (including extra hours);
- after a 12-hour working day you don't get a 24-hour break;
- in exchange for your extra hours (the time which exceeds the number of 40 hours a week and can go up to maximum 48 hours) you do not receive paid hours off or money added to your salary (extra money);
- you get a salary which is lower than the reference minimum wages or you don't get any salary at all;
- your employer would not let you have the days off you are entitled to, the statutory annual leave or medical leave;
- you are under 18 years of age and you work over 30 hours per week;

Examples of serious cases of exploitation:

- you work in difficult conditions, under somebody's threat;
- you are threatened or beaten to be forced to work;
- you are obliged to ask for alms or forced into prostitution.



HOW DO I BECOME A VICTIM OF LABOUR EXPLOITATION?

This can happen when:

- you accept an abusive/incorrect treatment from your employer and are afraid that you might lose your source of income;
- you are forced, deceived or threatened to work.

WHAT IS HARASSMENT AT THE WORKPLACE?

We speak of harassment when your employer or a co-worker of yours mistreats you, insults you hits you or isolates you from the other fellow workers/colleagues.

Here are some examples of harassment at one's workplace:

- You are offended or humiliated;
- Your religious or political beliefs are attacked;
- You are proposed to engage in sexual relationships with your co-workers, superiors or with the employer himself;
- You are supervised all the time or you often receive phone calls from your employer/a co-worker of yours;
- You are not permitted to express yourself or to complain about the way in which you are treated;
- You are forced to accept humiliating tasks;



DISCRIMINATION AT THE WORKPLACE

It is possible for you to be discriminated at your workplace if your employer treats you in a different way than he treats the other employees in a comparable situation, because of your age, because you are a man or a woman, because you have a certain disability, because of your religion, sexual orientation, etc.

Discrimination may appear in terms of working conditions, salary or discontinuance of your employment relationships (dismissal).

For example, we have a workplace discrimination situation when your employer is determined to **dismiss you on account of your religion**, although you fulfilled all your obligations as an employee.

Another workplace discrimination example is when your employer decides to dismiss you because he has learned that you are **pregnant**, or when a potential employer tells you he refuses to hire you because you **come from a certain country**.



Remember!

In all the situations described hereinabove as well as in any other situation in which you believe your employer has breached your rights, you must inform your employer and present him with your grievances.

If you fail to solve the problem by referring it directly to your employer, you are entitled to file a notification at the Territorial Labour Inspectorate (a document written by yourself, which must contain your and your employer's particulars, your position as an employee and the factual situation you are complaining about). You will find a model attached hereto at the end of this brochure, which you can fill straight in. This notification is enough for the Territorial Labour Inspectorate to run a check-up on your employer, pursuant to which it will decide the measures to be taken. Furthermore, you are entitled to challenge in court any measure by which your employer breaches your rights.



WHICH ARE THE SPECIFIC CONDITIONS IN WHICH I CAN WORK, CONSIDERING MY STATUS?

Residence permit	Duration of one's right of residence	Conditions which must be met to qualify for employment	IGI* permit
Asylum applicant	Valid until a final decision is issued regarding your asylum application.	<p>(i) If you have not received an answer to your asylum request 3 months after you have filed your asylum application, and you are not to be held accountable for such a delay;</p> <p>(ii) During the asylum proceedings in court.</p> <p>(iii) If you had had the right to work before you applied for asylum, you will be entitled to continue working.</p>	No
Person having a refugee status or subsidiary protection	<p>Right of residence for an undetermined period of time. The permit is renewed every 3 years for refugees. The permit is renewed every 2 years for persons who benefit from subsidiary protection.</p>	<p>In the same conditions as Romanian citizens.</p> <p>You can get employed based on the residence permit issued by the GII.</p>	No
Employment	Valid for a determined period of time. It can be extended for the term of validity of your employment contract, to which a maximum time limit may be added, depending on the category of employees you belong to.	You may have an employment contract for 8 hours/day and another contract for no more than 4 hours/day.	Yes
Studies	Valid for a determined period of time. You may request extension for a period of time equal to the total duration of your study period.	You may get a part-time job for no more than 4 hours a day.	

*Is it necessary to obtain a notice of employment from IGI?

Residence permit	Duration of one's right of residence	Conditions which must be met to qualify for employment	IGI* permit
Studies	If you have not completed your studies within the period of time you have been granted initially – you may request that your right of residence be extended for no more than 1 year, so that you may complete your studies.	You may get a part-time job for no more than 4 hours a day.	No
	If you have completed your studies - extension of your right of residence for reasons of getting employed.		Yes
Family reunification with a) Romanian citizens (your residence permit will have the mention "family member")	Your right of temporary residence may be extended for periods of up to 5 years	In the same conditions as Romanian citizens.	No
			b) refugees/ beneficiaries of subsidiary protection/ foreign citizens holding a residence permit
Toleration	For 6 months, with the possibility of successive extensions of no more than 6 months each.	<p>You can work inside the period for which you have been tolerated to stay on the territory of Romania.</p> <p>You may travel out of the area falling within the scope of competence of the GII territorial structure is allowed only if previously approved.</p>	No

*Is it necessary to obtain a notice of employment from IGI?

To the Territorial Inspectorate for Employment of County

Notification

Dear Mr./Mrs. Chief Inspector,

I the undersigned born on (date of birth), currently residing in the County/Urban District city/town/village street No. bldg. entrance floor apartment phone number bearer of residence permit series No. issued on (date) by personal ID number (CNP) profession currently employed or formerly employed since (initial date of your employment) in the position of at headquartered in (city/town/village) street No. County phone number, having taken note of the fact that labour inspectors will treat the facts notified by me hereby as confidential, as prescribed by art. 18, paragraph 1, letter c) of Law No. 108/1999 (republished) on the establishment and organization of Labour Inspection, and being aware that making false statements is a felony defined by art. 326 and punished by imprisonment from 3 months to 2 years or by a fine, I hereby refer to you this petition by which I would like to inform you on the following problems:

[Empty box for writing the problem to be complained about]

(This is where you are supposed to write the problem you want to complain about - for instance, the fact that your employer has not paid your salary, that you have not been paid for extra hours, illegal dismissal, undeclared employment, discrimination at one's workplace, etc.)

Date

Signature

Către Inspectoratul Teritorial de Muncă din județul

Sesizare

Stimate domnule/ Stimată doamnă Inspector Șef,

Subsemnatul(a) născut(a) la data de cu domiciliul în județul / sectorul localitatea strada nr. bloc..... scara etaj apartament nr. telefon..... posesor al permisului de ședere seria..... nr eliberat la data de de către CNP de profesie angajat sau fost angajat din data de în funcția de la..... cu sediul în localitatea.....str nr. județul nr. telefon luând la cunoștință că inspectorii de muncă vor păstra confidențialitatea celor sesizate de mine în conformitate cu art. 18, alin. 1, lit. c din Legea nr. 108/1999 (republicată) pentru înființarea și organizarea Inspecției Muncii, și cunoscând că falsul în declarații este prevăzut și pedepsit de art. 326 Cod Penal cu închisoare de la 3 luni la 2 ani sau cu amendă adresez o petiție prin care sesizez următoarele probleme:

[Empty box for writing the problem to be reported]

(aici vei scrie care este problema pe care o sesizezi - de exemplu, neplata salariului de către angajator, ore de muncă suplimentare neplătite, concediere ilegală, muncă la negru, discriminare la locul de muncă)

Data

Semnătura

For more information contact:

Territorial Labor Inspectorate from your county of residence::

<https://www.inspectiamuncii.ro/contact>



The General Inspectorate for Immigration

<http://igi.mai.gov.ro/ro/node/contact>



Headquarters - Str. Lt. Col. Marinescu

C-tin, nr. 15A, Sector 5, Cod Poștal 050037, București

Telephone: +4 021 410 75 13

Fax: +4 021 410 75 01

e-mail: igi@mai.gov.ro

UNHCR România

<https://www.unhcr.org/ro/>

Address: Bulevardul Primăverii nr. 48A, Sector 1,
Cod Poștal 011975, București

Telephone: +4 021 201 78 72 / 73

Fax: +4 021 210 15 94

e-mail: rombu@unhcr.org



Romanian National Council for Refugees

<http://www.cnrr.ro/index.php/ro/>

Address: Strada Viesparilor, nr. 19, et. 2, Sector 2,
Cod Poștal 020641, București

Telephone: +4 021 312 62 10 / +4 031 405 52 75

Fax: +4 021 312 62 10

e-mail: office@cnrr.ro



This publication has been produced with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR). The contents of this publication are the sole responsibility of the team at the Romanian National Council for Refugees and do not necessarily reflect the views of UNHCR or GII.