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In Monitorul Oficial nr. 225/31.03.2011 a fost publicata Legea nr. 40/2011 privind pentru modificarea și completarea Legii nr. 53/2003 – Codul muncii

Principalele modificari sunt urmatoarele:

Contractul de munca se incheie in forma scrisa anterior inceperii activitatii salariale si se inregistreaza in registrul salariatilor care se transmite la ITM

Salariatul va fi informat cu privire la criteriile de evaluare a activitatii profesionale a salariatului aplicabile la nivelul angajatorului

Quantumul prestatiilor suplimentare in bani sau modalitatile prestatiilor suplimentare in natura sunt specificate in contractul individual de munca.

Perioada de proba este de maxim 90 zile pentru functiile de executie si 120 zile pentru functiile de conducere

In cazul reducerii temporare a activitatii, pentru motive economice, tehnologice, structurale sau similare, pe perioade care depasesc 30 de zile lucratoare, angajatorul va avea posibilitatea reducerii programului de lucru de la 5 zile la 4 zile pe saptamana, cu reducerea corespunzatoare a salariului

In termen de 45 de zile calendaristice de la data concedierii (anterior erau 9 luni), salariatul concediat prin concediere colectiva are dreptul de a fi reangajat cu prioritate pe postul reinfiintat in aceeași activitate, fara examen, concurs sau perioada de proba

In cazul concedierii, perioada de preaviz este de 20 zile lucratoare (anterior erau 15 zile calendaristice)

Termenul de preaviz in cazul demisiei este de maxim 20 zile lucratoare pentru salariatii cu functie de executie si 45 de zile pentru salariatii cu functie de conducere sau conform clauzelor din contractul de munca

Contractul individual de munca pe durata determinata nu poate fi incheiat pe o perioada mai mare de 36 de luni (anterior 24 de luni)

Munca suplimentara se compenseaza prin ore libere platite in urmatoarele 60 de zile calendaristice dupa efectuarea acesteia (anterior erau 30 de zile)

In cazul in care programarea concediilor se face fractionat, angajatorul este obligat sa stabileasca programarea astfel incat fiecare salariat sa efectueze intr-un an calendaristic cel putin 10 zile lucratoare de concediu neinterupt (anterior erau 15 zile)

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Law no 40/2011 for amending Law no 53/2003 regarding Labour Code, was published in Official Gazette no 225/31.03.2011.

The main amendments are as follows:

Labour contract should be concluded in written form before the start of activity and should be recorded in the register of employees and then sent to the ITM

The employee will be informed by the employer on the assessment criteria applicable to the professional activity of the employee

The amount of additional benefits in cash or in kind should be specified in the individual employment contract.

The trial period is up to 90 days for executive positions and 120 days for management positions

If the temporary reduction of activity, for economic, technological, structural or similar reasons, for periods exceeding 30 days, the employer will be able to reduce working hours from five days to four days a week, with a corresponding reduction in salary

Within 45 calendar days from the date of dismissal (previously 9 months), the fired employee by the collective dismissal has the right to be primarily reemployed in the same position in the same activity, without examination, or test period

In the case of dismissal, notice period is 20 days (previously 15 days)

The resignation notice period is maximum 20 working days for employees in executive positions and 45 days for employees with leadership position or according to the employment contract.

The fixed-term employment contract can not be concluded for a period exceeding 36 months (previously 24 months)

Overtime is compensated with paid days off in the next 60 calendar days after the operation (previously 30 days)

If programming of holiday leave is fractioned, the employer has to establish the programming so that each employee to perform in a calendar year at least 10 continuous days of leave (previously 15 days)



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Regulamentul intern trebuie sa cuprinda criteriile si procedurile de evaluare profesionala a salariatilor

Internal regulation should include evaluation criteria and procedures for professional assessment of employees

Primirea la munca a pana la 5 persoane fara incheierea unui contract individual de munca se sanctioneaza cu amenda de la 10.000 lei la 20.000 lei pentru fiecare persoana identificata.

Employing up to five persons without an individual labour contract is fined from 10,000 to 20,000 lei for each identified person.

Pentru informatii suplimentare , persoana de contact este:

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