



Legal Newsletter November 2023

New obligations on employers to combat harassment at work

On 17 October 2023, the Romanian Government adopted Decision no. 970/2023 on the methodology to prevent and combat moral and sexual harassment at work, measures all employers in Romania are obliged to implement by 16 April 2024.

The main obligations on employers are as follows:

- develop an internal procedure for recruiting and selecting new employees, including a policy for promotion and filling decision-making positions
- implement guidelines on preventing and combating moral or gender-based harassment tailored to their specific working conditions
- introduce into their internal regulations the provisions of Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination and those of Law no. 202/2002 on equal opportunities and equal treatment between women and men
- prohibit and punish all actions that may lead to moral or gender-based harassment at work
- inform and train all employees by organising yearly training courses based on the provisions of the methodology
- publish the methodology through all internal means of employee communication/information

Employers who fail to comply with this Government Decision and to implement the procedure to prevent and combat moral and sexual harassment risk fines of up to 200,000 lei.

Source: Government Decision no. 970/2023 approving the methodology to prevent and combat moral and sexual harassment at work.

Increase in the gross minimum wage in construction, agriculture and the food industry

On 1 November 2023, Government Emergency Ordinance no. 93/2023 establishing the minimum gross basic wage for the construction, agricultural and food industry sectors came into force, with the result that the gross minimum wages in these sectors have increased as follows.

The gross minimum wage in the construction sector has increased from 4,000 lei to 4,582 lei, while in agriculture and the food industry the gross minimum wage has increased from 3,000 lei to 3,436 lei. The increase in the gross minimum wage in the construction sector benefits 423,110 employees, while in the agricultural sector and food industry it benefits 168,000 employees.

In addition, in early October the national gross minimum wage was raised from 3,000 lei to 3,300 lei, with the Romanian government planning further to increase the minimum wage, in stages, until 2025, when it will reach 3,900 lei.

*Source: Emergency Ordinance no. 93/2023 on the establishment of the national minimum gross basic wage for the construction, agricultural and food industry sectors
Decision no. 900 of 28 September 2023 on the establishment of the national minimum gross basic wage*



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Key aspects of the Whistleblower's Law

Under Law no. 361/2022 on whistleblowing in the public interest, the so-called Whistleblower's Law, employees, suppliers, and customers of a company may report misconduct or actions that violate the law and/or the code of conduct while remaining protected from any negative consequences therefrom.

Key aspects:

- applies to all private legal entities with 50 or more employees as well as to authorities, public institutions, and other public legal entities, regardless of the number of employees.
- the obligation to identify or implement internal reporting channels, set up internal reporting procedures and carry out follow-up actions imposed by public authorities and institutions also applies to their entities without legal personality with at least 50 employees.
- by way of example, the protection afforded by the law applies to reports of non-compliance in areas such as public procurement, services, products and financial markets, as well as the prevention of money laundering and terrorist financing, product safety and compliance, transport safety, environmental protection, radiation protection and nuclear safety, food and feed safety, animal health and welfare, public health, consumer protection, privacy and personal data protection and the security of networks and information systems.
- companies are required to implement a system of protection not only for employees who report irregularities, but also for people whose employment relationship has not started, are in the process of recruitment or other pre-contractual negotiations, or where the employment or service relationship has ended.
- people are protected against dismissal or other forms of retaliation.
- each company must assign persons responsible for receiving and monitoring whistleblowing cases.

The reporting channel must meet the following conditions:

- it must be easily accessible and permanently at least a means of reporting.
- it must protect the identity of the reporter and be confidential during the course of the investigation, unless the reporter expressly consents to make it public.
- it must allow for written reporting, on paper or electronically, by communication on telephone or other voice messaging systems, or by face-to-face meeting at the request of the whistleblower in the public interest.
- all personal data relating to whistleblowers and reported persons must be handled in accordance with the GDPR.

Please note that, according to Article 36 of the law, all private legal entities with more than 50 employees are obliged to comply with the provisions of this law, under penalty of a fine, as of 17 December 2023.

TPA Romania offers through its affiliated law practice consultancy, assistance and support services for companies seeking to ensure compliance with the new legal obligations in the field of whistleblowing in the public interest, including through entirely outsourced solutions.

Source: Law no. 361/2022 on whistleblowing in the public interest

This newsletter is a service of TPA.

Kind regards,
Your TPA Team



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