



COVID-19: Time off work for childcare during school closures and legal holidays for other Christian religious denominations

I. Time off work to allow parents to supervise their children in the event of a temporary closure of educational establishments

Law no. 19/2020 regarding the granting of days off work to parents to allow them to look after their children has been modified to include the granting of time off to one of the parents in the event that his/her child's/children's lessons are suspended, as well as during school holidays. In addition, pre-school educational centres now also fall under the category of educational establishments.

These new provisions only apply in the event of a temporary closure of educational establishments and pre-school educational centres during the current state of emergency.

The cumulative conditions parents must meet in order to be allowed to take days off work remain as before, namely: they have children of up to 12 years of age, or children with disabilities of up to 18 years of age, enrolled at educational establishments, and their particular job does not allow for homeworking or teleworking.

The granting of days off work to allow for the supervision of children does not equate to a suspension of individual employment contracts and will not be recorded in the REVISAL system (General Record for Evidence of Employees).

These days off work are granted based on the submission by one of the parents to his/her employer of an application, accompanied by a copy of the birth certificate(s) of his/her child(ren), as well as an affidavit signed by the other parent (with the exception of single parent families) stating that he/she has not also applied to his/her employer for days off work under the present law and that he/she does not belong to one of the cases that constitute exceptions with respect to the granting of days off work as per the present law.

An employer is obliged to accept and implement an employee's request, provided that all conditions stipulated under the present law are met.

However, in certain sectors that provide uninterrupted services of public interest the granting of time off is only possible with the agreement of the employer.

Source: Emergency Ordinance no. 41/2020 amending and supplementing Law no. 19/2020 regarding the granting of days off work to parents to supervise their children in the event of a temporary closure of educational establishments.

II. Public holidays for members of different religious denominations

The Labour Code has been supplemented by Law no. 37/2020, thus clarifying the provisions of Art. 139 on the granting of days off work during public holidays.

Consequently, for employees who belong to a legally recognised Christian religious denomination other than the Romanian Orthodox Church, the days off work granted for Good Friday (the last Friday before Easter), the first and second days of Easter, and the first and second days of Whitsun will fall on the dates on which these religious holidays are celebrated by the religious denomination in question.



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Employees who enjoy days off work during the aforementioned religious holidays, both on the dates they are celebrated by the legally recognised religious denomination to which they belong, and on the dates they are celebrated by a different Christian denomination, will be required to work extra days in lieu of these additional days off enjoyed, according to a schedule to be established by their employers.

It is recommended that employers update their Internal Company Regulations in order to reflect these new legal provisions.

The law does not stipulate how an employer may obtain information as to the religious denomination of its employees and employees cannot be forced by their employer to declare their religion. Therefore, in the event that an employee requests days off work for the celebration of certain religious holidays corresponding to the religious denomination to which he/she belongs, the employer will be required to seek solutions in which its employees retain the protections afforded them under the General Data Protection Regulation.

Source: Law no. 37/2020 supplementing Art. 139 of Law no. 53/2003 – The Labour Code.

This newsletter is a service of TPA.

Kind regards

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