



Payroll Newsletter

Governmental Decision on the Electronic Register of Employees

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30th May 2011

The Governmental Decision on the Electronic Register of Employees has been published in the Official Gazette setting out important amendments to the effective legal provisions.

The legislative amendments set forth in this GD shall enter into force starting with **1st of August 2011**.

The employers have the obligation to generate the electronic register of employees and remit it to the Territorial Labour Inspectorate.

The aforesaid measure shall also be binding for diplomatic missions in Romania, and as appropriate, for cultural institutes and economic and trade representations of other countries in Romania, for local employees who are Romanian citizens or have permanent residence in Romania.

The electronic register shall be generated based on the employment order and shall include the following information:

- a) Employee's identification data;
- b) Employment date;
- c) Assignment period and name of the host employer;
- d) Position/occupation in accordance with the Romanian Occupational Classification (COR);
- e) Type of contract;
- f) Work time and its distribution;
- g) Salary and benefits;
- h) Periods and reasons for the employment contract suspension, except for the suspension cases for medical leave;
- i) Termination date.

The items of a new labour contract must be registered in the electronic register of employees **with at least one working day prior to the commencement date**.

The date and reason of the labour contract termination must be registered in the electronic register of employees **on the termination date, the latest**.

The amendments made in the labour contracts must be registered in the electronic register **with at least one working day prior to the 20 working days provided in the Labour Code** related to addenda preparation.

The obligation to register the information regarding the salary and the benefits for the employees with labour contracts already registered must be fulfilled no later than 90 days after the date on which the GD becomes effective.

The difference between the new version and the old version of the register of employees lays in the requirement:

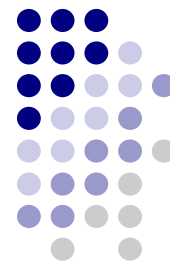
Our areas of practice:

- Tax Advisory Services
- Accountancy & Payroll
- Audit & Assurance
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- to include in the register more information on: assignment details, work time duration, payment, suspension;
- to extend the period for registering the amendments laid down in the individual employment contract.

The generation and transmission of the electronic register must be performed by an authorized person nominated based on the employer's written decision or may be assigned to a service provider authorized by the Territorial Labour Inspectorate.

If the employer decides to delegate the **responsibility to a service provider, a prior notification shall be addressed** to the Territorial Labour Inspectorate.

The electronic register shall be preserved at the employer's premises and, as appropriate, at the premises of the authorized unity that has been assigned to generate the register under the provisions of Law no 677/2001 – on the individual protection with respect to personal data processing and free movement, with the subsequent amendments and supplements.

Furthermore, a personnel file shall be prepared for each employee with at least the following documents: documents needed for employment, labour contract, addenda and other documents related to amendments, suspension, termination or education.

The employer is bound to release copies of documents from the personnel file or the extract from the register upon the employee's request within 15 days from the request date.

Sanctions for failure to comply with this decision:

- For failure to register mandatory items with at least one day prior to the commencement date – a fine of RON 10,000 per contract, without exceeding a total of RON 50,000 per company shall apply;
- For failure to register the employment related items within the terms provided by law – fines between RON 5,000 and RON 8,000 shall apply;
- For incomplete or incorrect information recorded in the electronic register – fines between RON 3,500 and RON 5,000 shall apply;
- For failure to inform the Territorial Labour Inspectorate about the person authorized to complete the electronic register of employees - fines between RON 2,000 and RON 5,000 shall apply;
- For the employer's refusal to release copies from the personal file upon the employee's request – fines between RON 300 and RON 1,000 shall apply.

The employers have the option to pay half of the sanction applied by the labour inspectors within 48 hours.

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