



Stimati colaboratori,

In contextul actual privind prevenirea raspandirii COVID-19, angajatorii au la dispozitie mai multe optiuni pentru continuarea activitatii:

- prestarea muncii la domiciliu (art. 108 – 110 din Codul Muncii);
- prestarea muncii in regim de telemunca (Legea nr. 81/2018 privind reglementarea activitatii de telemunca)

Exceptie: Potrivit art. 33 din Decretul nr. 195/16.03.2020, pe perioada starii de urgenta, angajatorul are posibilitatea de a lua masura muncii la domiciliu sau in regim de telemunca, in mod unilateral, prin decizie, fara sa mai fie necesar incheierea unuia Act Aditional la contractul individual de munca.

In cazul in care angajatorul nu-si mai poate desfasura activitatea, avand in vedere contextul actual privind prevenirea raspandirii COVID-19, exista urmatoarele masuri ce pot fi aplicate de catre angajator:

- Suspendarea contractului individual de munca pe perioada carantinei (potrivit art. 50 lit. c din Codul Muncii) – contractul individual de munca se suspenda de drept, fara a mai fi necesara emiterea unei decizii de suspendare, iar concediul de carantina nu se inregistreaza in Revisal

Dear collaborators,

In the current context of preventing the spread of COVID-19, employers have several options for continuing work:

- work at home (art. 108 - 110 of the Labor Code);
- teleworking (Law 81/2018 on the regulation of teleworking activity)

Exception: According to article 33 of Decree no. 195/16.03.2020, during the state of emergency, the employer has the possibility to take the measure of home work or teleworking unilaterally, by decision, without the need to conclude an addendum to the individual contract of employment.

If the employer is no longer able to carry out its activity, given the current context of preventing the spread of COVID-19, there are the following measures that can be applied by the employer:

- Suspension of the individual employment contract during the period of quarantine (according to article 50 letter c of the Labor Code) - the individual employment contract shall be suspended without the need to issue a suspension decision and the quarantine leave shall not be registered in the Revisal

➤ Suspendarea contractului ca urmare a fortei majore (potrivit art. 50 lit. f din Codul muncii)

Existenta cazului de forta majora este avizata de catre Camerele de Comert din Romania (art. 4 lit. (j) din Legea nr. 335/2007) la solicitarea scrisa a companiilor.

➤ Concediul pentru supraveghere copil, reglementat prin Legea nr. 19/2020, O.U.G. nr. 30/2020 si H.G. nr. 217/2020

Potrivit art. 1 din Legea 19/2020 zilele libere se acorda unuia dintre parinti pentru supravegherea copiilor cu varsta mai mica de 12 ani, sau a copiilor cu dizabilitati cu varsta de pana la 18 ani, in situatia suspendarii cursurilor sau inchiderii temporare a unitatilor de invatamant unde aceştia sunt inscrişi, ca urmare a unor situatii extreme decretate astfel de catre autoritatile competente cu atributii in domeniu.

➤ Suspension of the contract as a result of force majeure (according to article 50 letter f of the Labor Code)

The existence of force majeure shall be notified by the Romanian Chambers of Commerce (article 4 letter j of Law no. 335/2007) at the written request of the companies.

➤ Leave for child supervision, regulated by Law no. 19/2020, Government Emergency Ordinance no. 30/2020 and Government Decision no. 217/2020

According to Article 1 of Law 19/2020 days of leave shall be granted to one of the parents for the supervision of children under the age of 12, or of children with disabilities up to 18 years of age, in the event of the suspension of courses or the temporary closure of the educational establishments where they are enrolled, as a result of extreme situations so decreed by the competent authorities concerned.

Contact:

Florentina Susnea
Managing Partner
florentina.susnea@pkffinconta.ro

Maria Popa
Tax Manager
maria.popa@pkffinconta.ro