



Stimati colaboratori,

Legea nr. 151/2020 pentru modificarea si completarea Legii nr. 53/2003 - Codul muncii

In vigoare de la 27 iulie 2020

1. Este interzisa orice discriminare directa sau indirecta fata de un salariat (discriminare prin asociere, hartuire sau fapta de victimizare, bazata pe criteriul de rasa, cetatenie, etnie, culoare, limba, religie, origine sociala, trasaturi genetice, sex, orientare sexuala, varsta, handicap, boala cronica necontagioasa, infectare cu HIV, optiune politica, situatie sau responsabilitate familiala, apartenenta ori activitate sindicala, apartenenta la o categorie defavorizata).
2. Discriminarea directa reprezinta orice act sau fapta de deosebire, excludere, restrictie sau preferinta ce are ca scop sau efect neacordarea, restrangerea ori inlaturarea recunoasterii, folosintei sau exercitarii drepturilor prevazute in legislatia muncii.
3. Discriminarea indirecta reprezinta orice actiune, criteriu sau practica aparent neutra care are ca efect dezavantajarea unei persoane fata de o alta persoana cu exceptia cazului in care acea prevedere, actiune, criteriu sau practica se justifica in mod obiectiv, printr-un scop legitim, si daca mijloacele de atingere a aceluia scop sunt proportionale, adecvate si necesare.

Dear collaborators,

Law no. 151/2020 for the amendment and completion of Law no. 53/2003 - Labor Code

In force since July 27th, 2020

1. Any direct or indirect discrimination against an employee is prohibited (discrimination by association, harassment or victimization, based on the criteria of race, nationality, ethnicity, color, language, religion, social origin, genetic traits, sex, sexual orientation, age, disability, chronic non-communicable disease, AIDS infection, political choice, family situation or responsibility, membership or trade union activity, belonging to a disadvantaged category).
2. Direct discrimination represents any act or deed of distinction, exclusion, restriction or preference that has as purpose or effect the non-granting, restriction or removal of the recognition, use or exercise of the rights provided in the labor legislation.
3. Indirect discrimination is any apparently neutral action, criterion or practice which has the effect of disadvantaging a person from another person unless that provision, action, criterion or practice is objectively justified by a legitimate aim, and whether the means of achieving that aim are proportionate, appropriate and necessary.

4. Hartuirea consta in orice tip de comportament care are ca scop sau ca efect lezarea demnitatii unei persoane si duce la crearea unui mediu intimidant, ostil, degradant, umilitor sau ofensator.
 5. Discriminarea prin asociere consta din orice act sau fapta de discriminare savarsit(a) impotriva unei persoane care, desi nu face parte dintr-o categorie de persoane discriminate conform criteriilor de la pct. 1, este asociata sau prezumata a fi asociata cu una sau mai multe persoane apartinand unei astfel de categorii de persoane.
 6. Victimizarea reprezinta orice tratament advers, venit ca reactie la o plangere sau actiune in justitie cu privire la incalcarea principiului tratamentului egal si al nediscriminarii.
 7. Este discriminatoriu orice comportament care consta in a dispune, scris sau verbal, unei persoane sa utilizeze o forma de discriminare.
 8. Nu constituie discriminare excluderea, deosebirea, restrictia sau preferinta in privinta unui anumit loc de munca in cazul in care exista anumite cerinte profesionale esentiale si determinante, cu conditia ca scopul sa fie legitim si cerintele proportionale.
 9. Este interzisa concedierea salariatilor pe criterii de rasa, cetatenie, etnie, culoare, limba, religie, origine sociala, trasaturi genetice, sex, orientare sexuala, varsta, handicap, boala cronica necontagioasa, infectare HIV, optiune politica, situatie sau responsabilitate familiala, apartenenta ori activitate sindicala, apartenenta la o categorie defavorizata.
4. Harassment consists of any type of behavior that has the purpose or effect of harming a person's dignity and leads to the creation of an intimidating, hostile, degrading, humiliating or offensive environment.
 5. Discrimination by association consists of any act or act of discrimination committed against a person who, although not belonging to a category of persons discriminated according to the criteria in point 1, is associated or presumed to be associated with one or several persons belonging to such a category of persons.
 6. Victimization is any adverse treatment, in response to a complaint or legal action regarding the violation of the principle of equal treatment and non-discrimination.
 7. Any conduct consisting in ordering, in writing or orally, a person to use a form of discrimination is discriminatory.
 8. Shall not constitute discrimination against exclusion, distinction, restriction or preference in respect of a particular job where certain essential and determining professional requirements exist, provided that the aim is legitimate and proportionate requirements.
 9. It is forbidden to dismiss employees based on race, citizenship, ethnicity, color, language, religion, social origin, genetic traits, sex, sexual orientation, age, disability, chronic non-communicable disease, AIDS infection, political choice, situation or family responsibility, membership or trade union activity, belonging to a disadvantaged category.



10. Constituie contraventie si se sanctioneaza nerespectarea dispozitiilor art. 5 alin. (2)-(9) si ale art. 59 lit. a) din Codul Muncii, cu amenda de la 1.000 lei la 20.000 lei.

Contact:**Florentina Susnea**

Managing Partner

florentina.susnea@pkffinconta.ro

10. The breach of the provisions of Article 5(2) to (9) and Article 59(a) of the Labor Code is punishable by a fine ranging from 1.000 lei to 20.000 lei.

Maria Popa

Tax Manager

maria.popa@pkffinconta.ro