



Stimati colaboratori,

Ordonanta de urgenta nr. 132/2020 privind masuri de sprijin destinate salariatilor si angajatorilor in contextul situatiei epidemiologice determinate de raspandirea coronavirusului SARS-CoV-2, precum si pentru stimularea cresterii ocuparii fortei de munca

In vigoare de la 10 august 2020

1. In cazul reducerii temporare a activitatii determinate de instituirea starii de urgenta/alerta/asediu, in conditiile legii, angajatorii au posibilitatea reducerii timpului de munca a salariatilor cu cel mult 50% din durata prevazuta in contractul individual de munca, cu informarea si consultarea sindicatului, a reprezentantilor salariatilor sau a salariatilor, dupa caz, anterior comunicarii deciziei salariatului. Reducerea timpului de munca se stabileste prin decizia angajatorului, pentru o perioada de cel putin 5 zile lucratoare consecutive. Reducerea timpului de munca se aplica si in cazul programului de munca in ture, precum si in cazul programului de munca inegal. Angajatorul are obligatia de stabilire a programului de munca pentru intreaga luna.

Dear collaborators,

Emergency Ordinance no. 132/2020 on support measures for employees and employers in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, as well as to stimulate employment growth

In force since August 10th, 2020

1. In case of temporary reduction of the activity determined by the establishment of the state of emergency/alert/siege, in accordance with the law, employers have the possibility to reduce the working time of employees by no more than 50% of the duration provided in the individual employment contract with the information and consultation of the trade union, the representatives of the employees or employees, as the case may be, prior to the communication of the employee's decision. The reduction of working time is established by the employer's decision, for a period of at least 5 consecutive working days. The reduction of working time is also applied in the case of the shift work schedule, as well as in the case of the unequal work schedule. The employer has the obligation to establish the work schedule for the entire month.



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| <p>2. Decizia privind reducerea timpului de munca se va comunica salariatului cu cel puțin 5 zile înainte de aplicarea efectivă a măsurii și se transmite în registrul general de evidență a salariaților cel târziu în ziua anterioară producerii acesteia.</p> <p>3. Salariații afectați de reducerea timpului de munca, beneficiază de o indemnizație de 75% din diferența dintre salariul de bază brut prevăzut în contractul individual de munca și salariul de bază brut aferent orelor de munca efectiv prestate ca urmare a reducerii timpului de munca, în completarea drepturilor salariale convenite, calculate la timpul efectiv lucrat. Indemnizația este suportată de angajator și se achită la data plății salariului aferent lunii respective, urmând a se deconta din bugetul asigurărilor pentru somaj. Indemnizația reprezintă venit de natură salarială și este supusă impozitării și plății contribuțiilor sociale. Angajatul nu are dreptul de a recupera indemnizația de la salariat.</p> <p>4. Dacă, în cursul aceleiași luni, salariatul obține atât venituri din salarii, cât și indemnizația de mai sus, în vederea impozitării, acestea se cumulează, în vederea acordării deducerii personale. Indemnizația se ia în calcul la stabilirea stagiului de cotizare de minimum 12 luni în ultimele 24 de luni premergătoare datei înregistrării cererii pentru indemnizația de somaj</p> | <p>2. The decision regarding the reduction of working time shall be communicated to the employee at least 5 days before the effective application of the measure and shall be sent to the general register of employees no later than the day before its occurrence.</p> <p>3. Employees affected by the reduction of working time, benefit from an indemnity of 75% of the difference between the gross basic salary provided in the individual employment contract and the gross basic salary related to the hours actually worked as a result of the reduction of working time, in completing the due salary rights, calculated at the actual time worked. The indemnity is borne by the employer and is paid on the date of payment of the salary corresponding to the respective month, following to be settled from the unemployment insurance budget. The indemnity represents salary income and is subject to taxation and payment of social contributions. The employee does not have the right to recover the indemnity from the employer.</p> <p>4. If, during the same month, the employee obtains both income from salaries and the above indemnity, for tax purposes, they are cumulated, in order to grant personal deduction. The indemnity is taken into account when establishing the contribution period of at least 12 months in the last 24 months prior to the date of registration of the application for unemployment benefit.</p> |
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| <p>5. Pe perioada reducerii timpului de munca sunt interzice:</p> <ul style="list-style-type: none"> - angajarea de personal pentru prestarea unor activitati identice ori similare cu cele prestate de catre salariatii al caror timp de munca a fost redus; - subcontractarea de activitati desfasurate de salariatii al caror timp de munca a fost redus. <p>6. Conditii pentru aplicarea masurii reducerii timpului de munca:</p> <ul style="list-style-type: none"> - masura afecteaza cel putin 10% din numarul de salariatii ai unitatii; - reducerea activitatii este justificata de o diminuare a cifrei de afaceri din luna anterioara aplicarii masurii sau, cel mult, din luna dinaintea lunii anterioare acesteia cu cel putin 10% fata de luna similara din anul anterior (sau la veniturile realizate pentru organizatiile neguvernamentale si PFA). <p>7. Pe perioada aplicarii masurii de mai sus, salariatii nu pot efectua munca suplimentara la acelasi angajator, iar angajatorii nu pot reduce programul de lucru in temeiul art. 52 alin. (3) din Legea nr. 53/2003 - Codul muncii si nu pot initia concedieri colective.</p> <p>8. Acordarea de bonusuri, precum si alte adaosuri la salariul de baza se efectueaza dupa finalizarea perioadei de aplicare a masurii.</p> <p>9. Si ucenicii pot beneficia de cele expuse de mai sus, cu conditia ca angajatorul sa asigure ucenicului accesul la pregatire teoretica si practica pentru dobandirea</p> | <p>5. During the reduction of working time are prohibited:</p> <ul style="list-style-type: none"> - hiring personnel to perform activities identical or similar to those provided by employees whose working time has been reduced; - subcontracting of activities carried out by employees whose working time has been reduced. <p>6. Conditions for applying the measure to reduce working time:</p> <ul style="list-style-type: none"> - the measure affects at least 10% of the number of employees of the unit; - the reduction of the activity is justified by a decrease of the turnover from the month prior to the application of the measure or, at most, from the month before its previous month by at least 10% compared to the similar month of the previous year). <p>7. During the application of the above measure, employees may not perform additional work at the same employer, and employers may not reduce the work schedule under art. 52 para. (3) of Law no. 53/2003 - Labor Code and cannot initiate collective layoffs.</p> <p>8. The granting of bonuses, as well as other additions to the basic salary is made after the end of the period of application of the measure.</p> <p>9. The apprentices can also benefit from the above, provided that the employer provides the apprentice with access to theoretical and practical training for acquiring the competencies provided by</p> |
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- competentelor prevazute de standardul occupational, potrivit Legii nr. 279/2005.
10. Perioada lucrata pe timpul aplicarii masurii reducerii timpului de munca, constituie stagiu asimilat in sistemul asigurarilor pentru somaj.
 11. In cazul reducerii temporare a activitatii determinate de instituirea starii de urgenta/alerta/asediu, in conditiile legii, profesionistii si persoanele care au incheiate conventii individuale de munca, beneficiaza, la cerere, in baza declaratiei pe propria raspundere, de o indemnizatie lunara de 41,5% din castigul salarial mediu brut. Pentru aceasta indemnizatie se datoreaza impozit pe venit, contributia de asigurari sociale si contributia de asigurari sociale de sanatate.
 12. Pentru persoanele care desfasoara activitati necalificate cu caracter ocazional (zilieri) care isi desfasoara activitatea in unul dintre domeniile prevazute la art. 13 din Legea nr. 52/2011, afectate de intreruperea sau restrangerea activitatii ca urmare a efectelor coronavirusului SARS-CoV-2, pentru o perioada de trei luni, la alegerea beneficiarului de lucrari, dar nu mai tarziu de 31 decembrie 2020, se acorda de la bugetul de stat o suma reprezentand 35% din remuneratia cuvenita zilei de munca. Suma se acorda de catre beneficiarul de lucrari, din bugetul propriu, la momentul platii contravalorii muncii zilnice, si, ulterior, se deconteaza integral, la cererea acestuia, pentru persoanele pentru care a fost platita, de la bugetul de stat alocat Ministerului Muncii si Protectiei Sociale. Cererea si lista
- the occupational standard, according to Law no. 279/2005.
10. The period worked during the application of the measure of reduction of working time, constitutes an assimilated stage in the unemployment insurance system.
 11. In case of temporary reduction of the activity determined by the establishment of the state of emergency/alert/siege, in accordance with the law, professionals and persons who have concluded individual labor agreements, benefit, upon request, based on the declaration on their own responsibility, from a monthly indemnity of 41.5% of the average gross earnings. For this indemnity is due the income tax, the social insurance contribution and the social health insurance contribution.
 12. For the persons who carry out unskilled activities with occasional character (day laborers) who carry out their activity in one of the fields provided in art. 13 of Law no. 52/2011, affected by the interruption or restriction of the activity as a result of the effects of the SARS-CoV-2 coronavirus, for a period of three months, at the choice of the beneficiary of the works, but not later than December 31st, 2020, is granted from the state budget an amount representing 35% of the remuneration due for the working day. The amount is granted by the beneficiary of the works, from his own budget, at the time of payment of the daily work, and, subsequently, is fully settled, at his request, for the persons for whom it was paid, from the state budget allocated to the Ministry of Labor and Social Protection. The request and the list of beneficiary day



zilierilor beneficiari se depun de catre beneficiarii de lucrari, spre decontare si incasare, la agentiile pentru plati si inspectie sociala judetene, respectiv a municipiului Bucuresti in a caror raza teritoriala isi desfasoara activitatea sau isi au sediul social, lunar, pentru luna anterioara, pana la data de 5 a fiecarei luni, in format electronic. Suma reprezinta venit de natura salariala pentru care se datoreaza impozit pe venit si contributie de asigurari sociale.

13. Pentru angajatii care incheie contracte individuale de munca pe perioada determinata de pana la 3 luni, se asigura decontarea unei parti din salariu reprezentand 41,5% din salariul aferent zilelor lucrate pentru o perioada de lucru de 8 ore/zi, dar nu mai mult de 41,5% din castigul salarial mediu brut prevazut de Legea bugetului asigurarilor sociale de stat pe anul 2020 nr. 6/2020. Suma va fi decontata ulterior de catre Agentia Nationala pentru Ocuparea Fortei de Munca, denumita in continuare ANOFM, la cererea angajatorilor si se efectueaza in termen de cel mult 10 zile de la data depunerii cererii.
14. Pentru desfasurarea activitatii in regim de telemunca, se acorda, o singura data, angajatorilor pentru fiecare telesalariat un sprijin financiar in valoare de 2.500 lei in scopul achizitionarii de pachete de bunuri si servicii tehnologice necesare desfasurarii activitatii in regim de telemunca. Suma se acorda, in ordinea depunerii solicitarilor, pana la 31 decembrie 2020, din bugetul asigurarilor

laborers are submitted by the beneficiaries of the works, for settlement and collection, to the county payment and social inspection agencies, respectively of the Bucharest municipality in whose territorial area they carry out their activity or have their registered office, monthly, for the previous month, until the 5th of each month, in electronic format. The amount is income of a wage nature for which it is due income tax and social security contributions.

13. For employees who conclude individual employment contracts for a determined period of up to 3 months, the settlement of a part of the salary representing 41.5% of the salary related to the days worked for a working period of 8 hours/day, but no more than 41.5% of the average gross salary provided by the Law on the state social insurance budget for 2020 no. 6/2020. The amount will be reimbursed later by the National Agency for Employment, hereinafter referred to as ANOFM, at the request of employers and shall be made within 10 days from the date of submission of the application.
14. For the purpose of telework activity, the employers are granted, once, for each teleworker a financial support in the amount of 2,500 lei in order to purchase packages of technological goods and services necessary to carry out the telework activity. The amount is granted, in the order of submitting applications, until December 31st, 2020, from the unemployment insurance budget, through ANOFM, within



de somaj, prin ANOFM, in limita fondurilor alocate cu aceasta destinatie, angajatorilor, pentru angajatii care au lucrat in regim de telemunca in perioada starii de urgenta pentru cel putin 15 zile lucratoare. In termen de 30 de zile de la acordarea sumei de mai sus, angajatorul are obligatia de a transmite ANOFM documente justificative referitoare la achizitia categoriilor de bunuri stabilite prin ordinul ministrului muncii si protectiei sociale. In cazul nerespectarii obligatiei de transmitere a documentelor justificative referitoare la achizitia categoriilor de bunuri, angajatorul restituie integral suma acordata, in termen de 30 de zile de la expirarea termenului de 30 de zile (de la acordarea sumei).

15. Prevederile prezentei ordonante de urgenta **nu se aplica** urmatoarelor categorii de angajatori:

- a) institutii publice;
- b) angajatorii care se afla in faliment, dizolvare, lichidare sau care au activitatile suspendate, potrivit legii;
- c) angajatorii care sunt inregistrati in jurisdictii necooperante in scopuri fiscale.

16. Prestarea muncii in afara programului de lucru stabilit pe perioada reducerii temporare a activitatii determinate de instituirea starii de urgenta/alerta/asediu, constituie contraventie si angajatorul se sanctioneaza cu amenda de 20.000 lei pentru fiecare persoana astfel identificata, fara a depasi valoarea cumulata de 200.000 lei. Constatarea contraventiilor si

the funds allocated for this purpose, to employers, for employees who worked in telework mode during the state of emergency for at least 15 working days. Within 30 days from the granting of the above amount, the employer has the obligation to send to ANOFM supporting documents regarding the acquisition of the categories of goods established by the order of the Minister of Labor and Social Protection. In case of non-compliance with the obligation to send the supporting documents regarding the acquisition of the categories of goods, the employer fully refunds the amount granted, within 30 days from the expiration of the 30-day period (from the granting of the amount).

15. The provisions of this Emergency Ordinance shall **not apply** to the following categories of employers:

- a) public institutions;
- b) employers who are in bankruptcy, dissolution, liquidation or who have their activities suspended, according to the law;
- c) employers who are registered in non-cooperating jurisdictions for tax purposes.

16. The work performed outside the working hours set during the temporary reduction of activity caused by the setting of emergency/alert/siege state is a contravention and the employer is penalized with a fine of 20.000 lei for each person thus identified, without exceeding the cumulative value of 200.000 lei. The establishment of contraventions and the



aplicarea sanctiunilor se efectueaza de
catre inspectorii de munca.

application of sanctions shall be carried out
by labor inspectors.

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