

March 2006

Labor Legislation

Law no. 67/2006 regarding employees' protection in case of company transfer, published in the Official Gazette no. 276/28.03.2006; will come into force at the date of adhering to European Union.

The main supplementary rights of the employees are:

- The employer is responsible for closing the individual labor contract if the transfer involves a major modification of the labor conditions, in employee's disadvantage;
- The clauses of the collective labor contract valid at transfer date can not be modified by the assignee and by the representatives of the employee sooner than one year from transfer date;
- If the company, unit or parts of them remain independent, following the transfer, the representatives of the employees touched by transfer preserve their status, competences and position if the representation conditions are observed, according to the law;
- The endorser and the assignee are obliged to notify the representatives of their own employees, with minimum 30 days before the date of transfer, about: the effective date and the reason of the transfer, transfer's legal, economic and social consequences for the employees, the measures considered for the employees, work conditions and for employment.

Social insurances

- Government Decision no. 312/2006 regarding the modification of the Methodological Norms for the appliance of the Law no. 76/2002 regarding the unemployment insurances system and employment support, approved by Government Decision no. 174/2002, published in the Official Gazette No. 235/15.03.2006.

In order to certify the length of payment and to settle the right to unemployment allowance, the employers are obliged, once with the labor book handing in to the person to whom the labor contract ends, to issue a certificate attesting (i) the monthly calculation base for each of the last 12 month before labor's contract ending date for which they withdrawn and paid the individual contribution to the unemployment insurance fund and if they have paid the contribution owed by the employer and (ii) if they have debts with the unemployment insurance budget, the period for which the contributions are owed and the related payable amount.

The certificate will also include the activity period, the period in which the labor reports were suspended, as well as the date and the ending reason.

This certificate is verified and certified by the labor agencies based on the monthly statements regarding the nominal evidences of the persons insured and of the payment obligations with the unemployment insurance budget submitted by the employer and also based on the records from the labor book or, as case, only based on the records from the labor book.

March 2006

- ☑ Common Order of the Minister of Health and of the President of the Health Insurance National Office no. 233/125 from March 14, 2006 for the approval of the medical leave certificate standard form and of the instructions regarding the use and filling-in the medical leave certificates based on which are given the allowances in the health social insurance system, published in the Official Gazette no. 254/21.03.2006.

This order approves the standard form of the medical leave certificate, as form with special regime, constituted as payment order and based on which are given the health social insurances allowances.

Furthermore, the instructions regarding the use and the filling-in method of the above mentioned certificate are approved.

- ☑ Order of the President of the Health Insurance National Office no. 142/2006 regarding the modification and adding of the Order of the President of the Health Insurance National Office no. 221/2005 for the approval of the Methodological Norms regarding the health social insurance contribution, published in the Official Gazette no. 287/30.03.2006.

Legal and natural persons, as employers, which according to the law are indebted to make payments to the Health social insurance national fund, declare those obligations to the territorial fiscal bodies where are registered as taxes and duties payers. The nominal lists with employees are submitted to the health social offices chosen by them.

The lists regarding the nominal evidence of insured people and of the payable obligations with the Health social insurance national fund, stamped and signed, will be submitted to the health insurance offices, on hard-copy and on disks.