

PETERKA PARTNERS

YOUR CEE LAW FIRM

New amendments to Law 53/2003 on the Labour Code regarding work from home/tele-working by parents

As of 24 July 2023, there are in force certain additional provisions regarding work from home/tele-working of employees that are providing for minors up to the age of 11.

According to Law 241/2023 amending Law 53/2003 on the Labour Code (hereinafter “**Law 241/2023**”), employees who provide for children up to 11 years of age **shall have the benefit, upon request, of 4 days per month of work from home or under tele-working regulations**, except when the nature or the type of work does not allow for the carrying out of such activity under such conditions. In addition, such an employee **should have at his/her own disposal all the means that are necessary for carrying out his/her duties** under his/her job description during such period of work-from-home/tele-working.

If **both parents or legal representatives are employees**, the request of such employee referred to hereinabove, should be accompanied by a **statement in lieu of an oath of the other parent or legal representative**, which should evidence the fact that, for the same requested period, such other parent/legal representative has not requested concomitantly the carrying out of the activity from home or by tele-working.

The law also addresses the situation in which the parent or the legal representative is “single”. According to the applicable legal provisions, a “single” person in this case is a person who satisfies one of the conditions herein below:

- a) He/she is not married;
- b) He/she is a widow/widower;
- c) He/she is divorced;
- d) His/her spouse has been declared missing by decision of a court of law;
- e) His/her spouse is under preventive arrest for a period longer than 30 days or such spouse has had a sentence depriving him/her of freedom and he/she does not participate in providing for the children;
- f) He/she has not reached 18 years of age, and is in one of the situations provided for under points a)-e) hereinabove; or
- g) He/she has been appointed a tutor or he/she has been entrusted with one or more children and he/she is in one of the situations provided for under points a)-c).

In the **case of “single” parents/legal representatives**, Law 241/2023 stipulates that the statement in lieu of an oath of the other parent/legal representative **is not necessary**.

PETERKA PARTNERS

YOUR CEE LAW FIRM

Such regime of work-from-home/tele-working should be documented in an addendum to the individual labour agreement, which also implies that the consent and signature of the employer is necessary.

PETERKA & PARTNERS Romania remains at your full disposal to provide more information and any related legal assistance connected to this topic.

The article has been prepared by Ioana Sebestin - Nazaru, Deputy Director for Romania at PETERKA & PARTNERS.

No information contained in this article should be considered or interpreted in any manner as legal advice and/or the provision of legal services. This article has been prepared for the purposes of general information only. PETERKA & PARTNERS does not accept any responsibility for any omission and/or action undertaken by you and/or by any third party on the basis of the information contained herein.

www.peterkapartners.com