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Amendments with regard to reinsertion stimulus for parents

On 17 May 2021, Emergency Ordinance 26/2021 for the amendment and completion of Government emergency ordinance no. 111/2010 regarding leave and indemnity for the raising of children (**EO 26/2021**) came into force.

The most important changes envisage the right of parents returning to work before certain deadlines, after having taken leave for the raising of a child up to 2 years of age, or, as the case may be, up to 3 years of age (in the case of a child with disabilities).

Before the entry into force of GEO 26/2021, parents taking leave for raising a child aged up to 2 years and 3 years (in the case of a child with disabilities), and who returned to work at least **60 days before the child reached the afore-mentioned age limits**, would receive a reinsertion stimulus until the child reached **3 years of age, or, as the case may, 4 years of age** (for a child with disabilities), amounting to **RON 650** (approximately EUR 130.52).

According to the new rules introduced by EO 26/2021, **parents returning to work during the period in which they would otherwise be entitled to taking leave for raising a child of up to 2 years or 3 years** (in the case of a child with disabilities) are entitled to a **reinsertion stimulus of:**

- (a) **RON 1,500** (approximately EUR 306), if parents return to work before the child reaches 6 months, or 1 year (in the case of the child with disabilities). This amount will be granted to parents until the child reaches 2 or 3 years of age, as the case may be.;

In addition, for parents that comply with the situation described hereinabove benefit for the period after a child reaches 2 years (or 3 years of age, as the case may be) until a child reaches 3 years (or 4 years in the case of the child with disabilities) from a reinsertion stimulus of RON 650.

- (b) **RON 650** – if parents return to work after the child reaches the age of 6 months, or 1 year (in the case of the child with disabilities), but before the child reaches 2 or 3 years of age, as the case may be.

In addition, for parents that comply with the situation described hereinabove benefit for the period after a child reaches 2 years (or 3 years of age, as the case may be) until a child reaches 3 years (or 4 years in the case of the child with disabilities) from a reinsertion stimulus of RON 650.

Equally, parents that have finalized the leave for raising the child and who return to work **will also benefit from this measure (i.e., reinsertion stimulus until the child reaches 3 or 4 years)**.

In addition, EO 26/2021 continues to preserve the obligation of the employer not to dismiss an employee who is on leave for raising a child or who benefits from the re-insertion stimulus. However, the provision according to which **this prohibition could be extended once, by 6 months**, after the definitive return of the employee to work, was deleted after the entry into force of EO 26/2021.

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Instead, now it is expressly provided that this prohibition **does not apply in the case of dismissals following the judicial reorganization or the bankruptcy of the employer.**

As a result of the increase, under certain conditions, of the reinsertion stimulus, and given that many employees benefit from the minimum guaranteed wage, **we expect that in the coming period, many employees will return to work from this leave sooner**, so as to benefit from the increased reinsertion stimulus.

In this respect, the relevant employees will have to notify the employer 30 days beforehand, in writing, regarding their intention to return to work.

For any further information and assistance with respect to employment legal matters, please do not hesitate to contact us at: sebestin@peterkapartners.ro

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