

15 May 2019

Legal Bulletin



Employment

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Approval of the Methodological Norms for Implementing Law No. 202/2002 on Equal Opportunities and Equal Treatment between Women and Men

Government Decision No. 262 of 24 April 2019 approving the Methodological Norms for Implementing Law No. 202/2002 on Equal Opportunities and Equal Treatment between Women and Men was published in the Official Gazette of Romania, Part I, No. 333 on 2 May 2019, and entered into force on the same date.

The enactment imposes several new obligations on employers, with the aim of promoting equal opportunities and equal treatment between women and men and abolishing all forms of discrimination on grounds of sex, both in the public and in the private sector.

In this respect, we mention some of the new obligations that the Methodological Norms impose on employers:

1. **Drafting an internal procedure for informing public authorities**

According to Law No. 202/2002, as soon as an employee reports to his/her employer a possible case of discrimination on grounds of sex, the employer must inform the public authorities for the implementation and control of compliance with the legislation on equal opportunities and equal treatment between women and men.

In this context, the Methodological Norms lay down the employers' obligation to draft an internal procedure providing the institutional circuit for the measures required to immediately inform

the public authorities, such information process requiring compliance with the General Data Protection Regulation¹.

2. Drafting an internal policy on eliminating harassment tolerance at the workplace and on anti-harassment measures

As an action and prevention measure in the field of equal opportunities and equal treatment, the Methodological Norms set forth the employers' obligation to draft an internal policy as an act distinct from the internal regulations and the organisation and operation rules, which include themselves explicit references to the prohibition of discrimination on grounds of sex.

Moreover, the Methodological Norms provide for an indicative structure of such policy, including the following elements:

- a. Guiding principles;
- b. Legal framework;
- c. Purpose and scope;
- d. Harassment at the workplace, providing a detailed definition of undesirable behaviours and attitudes;
- e. Sexual harassment, providing a detailed definition of undesirable behaviours and attitudes;
- f. Preventive measures, providing details on possible measures and sanctions to be applied in case of harassment at the workplace;
- g. Proactive measures, providing the employer's and the employees' concrete duties and responsibilities;
- h. Confidentiality rules;
- i. Preliminary measures for solving the cases reported to the employer;
- j. Methods for solving the cases reported to the employer;
- k. Drawing conclusions on the reported cases analysed and deciding on the measures ordered by the employer.

In order to ensure a common understanding of the internal policy and of the methods for reporting situations generated by a possible discrimination on grounds of sex, the Methodological Norms set out the employers' obligation to conduct **projects, training programmes, actions and campaigns for informing, educating and raising the awareness of employees.**

¹ Regulation 679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, published in the Official Journal No. 119L of 4 May 2016.

3. Other obligations

In addition to the above, the Methodological Norms provide that in order to prevent, combat and eliminate discrimination on grounds of sex, employers must also apply other action and prevention measures, namely:

- **To continuously inform all the employees** about their rights in the field of compliance with equal opportunities and equal treatment between women and men, by all possible means of communications, namely: meetings, reunions, releases, messages sent via email or posted on intranet networks, the entity's social media accounts, SMSs, including messages exhibited in conspicuous places, on traditional or electronic displays located inside/outside the building;
- To organise **information sessions** and **specialised training** in the field of equal opportunities and equal treatment between women and men, for the management of the institution and other leadership positions;
- To promote an attitude based on mutual respect and good collaboration which ensures a professional behaviour at any time, inclusively during the **meetings organised off the premises** and **outside the business hours**, as well as in the on-line environment;
- To inform the employees about the **procedure for filing complaint** for sexual harassment/ inappropriate behaviour at the workplace, and about the method for solving reports/complaints made by persons harmed by such acts.

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Employment is one of the practice areas in which our lawyers have acquired extensive experience, ranging from management schemes tailored for both entities undergoing privatisation or private entities set up by international corporations in Romania, to preparing and negotiating collective and individual labour agreements and related specific clauses (employee benefits, restrictive covenants, stock option plans and trade option plans). Our attorneys also deal with employment related matters in relation to mergers & acquisitions and privatisations, involving redundancy programs, negotiations with trade unions, pension issues raised in transactions, investment management agreements etc. Our specialists are frequent lecturers on employment law issues and regular contributors to local and foreign publications, whilst being actively involved in the activities of reputed domestic and international associations and organisations such as the European Employment Lawyers' Association (EELA), Multilaw, AmCham etc.



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