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##### **Rules on setting adequate minimum wages, new regulation of the concept of worker, changes with an impact on public procurement**

Law no. 283/2024 on the amendment and completion of certain normative acts, in order to establish adequate minimum wages, brings a series of significant amendments not only to the Labor Code, but also, among others, to legislation in areas such as the establishment and organization of the Labor Inspectorate, works and service concessions, public procurement, and the Administrative Code. The new law entered into force on 17.11.2024.

##### **Rules on the correct determination of professional status, transparency on the use of algorithms, protection of personal data, other changes with an impact on platform workers**

The Directive that was adopted on the legal protection to platform workers has been recently published in the Official Journal of the European Union .

## I. Law no. 283/2024 on the amendment and completion of certain normative acts, for the establishment of adequate minimum wages

Law no. 283/2024 on the amendment and completion of certain normative acts, in order to establish adequate minimum wages, a series of significant amendments are made not only to Law 53/2003 on the Labor Code, but also, among others, to Law no. 108/1999 on the establishment and organization of the Labor Inspectorate, Law no. 100/2016 on works concessions and service concessions, Law no. 98/2016 on public procurement, Emergency Ordinance no. 57/2019 regarding Administrative Code. Law no. 283/2024 entered into force on 17.11.2024.

Among the most important legislative changes are:

- definition of the concept of '**worker**';
- the minimum threshold of the salary received by the temporary employee for each assignment became the minimum gross basic salary, as opposed to the minimum gross salary per country guaranteed in payment (the current provision of the Labor Code);
- defining the concepts of **basic salary**, **minimum gross basic salary** and **minimum gross basic salary per country guaranteed in payment**;
- with regard to **the basic salary**, it is defined as representing the fixed component of the gross remuneration paid to an employee for the work he performs during a month, which does not include bonuses, allowances and other additions;
- the employer cannot negotiate and establish gross basic wages through the applicable individual employment contract and/or collective bargaining agreement, below the value of the minimum gross hourly basic wage;
- failure to comply with the provisions regarding the guarantee in payment of the minimum gross basic salary established by a normative act or the minimum salary level established by the applicable collective labor agreement shall be sanctioned with a fine of between RON 3,000 and RON 5,000, **for each person** for whom non-compliance with these legal provisions has been found, without exceeding the cumulative value of RON **200,000**;
- the act of the employer who repeatedly sets salaries **below the level of the minimum gross basic salary** for the employees employed under the individual employment contract constitutes a crime and is punishable by **imprisonment or a criminal fine**;
- **the definition of labour conflict has been extended** to cover legal employment relationships not based on an individual employment contract;
- the award criteria that the contracting authority has the right to apply in order to determine the most economically advantageous offer will also include whether the tenderer has a collective labour agreement concluded with a trade union organisation at unit level or a collective labour agreement is applicable to it at the level of the collective bargaining sector;
- with regard to public procurement, the contracting authority excludes from the procedure for awarding the public procurement contract/framework agreement/concession any economic operator who has been sentenced by a final criminal court decision to a sentence in the last 2 years prior to the submission of the tender, for violating the legislation on the establishment and payment of minimum wages to their workers;
- also, the contracting authority has the right to terminate the contract in question if the economic operator has been convicted during the performance of the contract by a final criminal judgment for violating the legislation on the establishment and payment of minimum wages to their workers;

A new criterion for awarding the concession contract for public property has been added, namely the compliance with the obligations applicable in the fields of environment, social and employment relations established by legislation adopted at European Union level, by national legislation, by collective agreements or by treaties, conventions and international agreements in these areas.

## II. Directive no. 2024/2831 on improving working conditions for platform workers

Adopted on 23 October 2024, the Directive was published very recently in the Official Journal of the European Union, respectively on 11.11.2024, with Member States having until 01.12.2026 for the transposition into national legislation.

Platform work, within the meaning of the Directive, is an activity organised through a digital labour platform and carried out in the European Union by a person on the basis of a contractual relationship between the digital labour platform or an intermediary and that person, whether or not there is a contractual relationship between that person or an intermediary and the recipient of the service.

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