

# Amendments regarding transnational posting of workers

31 March 2017

## In brief

Law no. 16/2017 regarding posting of workers within the framework of the provision of transnational services has been published and comes into force on 20 May 2017. Law no. 344/2006 will be repealed as of that date.

## In detail

Law no. 16/2017 is applicable to the posting of workers from an EU member state or from the Swiss Confederation to Romania or vice versa, its purpose being to guarantee an adequate level of protection for the workers posted within the framework of the provision of transnational services.

The provisions of the current Law no. 344/2006 regarding the posting of workers within the framework of the provision of transnational services are reiterated almost in full, with a few clarifications. For instance, it is clarified that the posting allowance is granted in order to compensate for the inconveniences caused to workers by removing them from their usual environments.

In addition to this, Law no. 16/2017 introduces a series of measures and control mechanisms applicable in Romania for cases of posted workers, including measures regarding international cooperation. In this respect,

the Labour Inspection Authority is designated the competent authority and the liaison office with the authorities in other EU member states.

Law no. 16/2007 also regulates a series of aspects that can be analysed by the Labour Inspection Authority, through the territorial labour inspectorates, with the purpose of identifying cases of real transnational postings and preventing abuses.

Moreover, it establishes several procedural rules regarding administrative cooperation between competent authorities in EU member states, including the types of requests that can be sent between authorities and the related terms for response. Law no. 16/2017 also regulates the transnational collection of the amounts deriving from the sanctions applied for non-compliance with the posting rules.

Law no. 16/2017 also allows workers posted to Romania to

contact the Romanian authorities directly if they consider that their rights as posted workers are not being complied with.

It also stated that in the case of a subcontracting chain for different services in the field of construction, the contractor and subcontractor can be jointly liable for the right not granted to the posted worker.

*[Source: Law no. 16/2017, published in the Official Gazette no. 196 dated 21 March 2017]*

## The takeaway

Law no. 16/2017 transposes Directive 96/71/CE and Directive 2014/67/CE into national law. It comes into force on 20 May 2017, at which time Law no. 344/2006 will be repealed.

Within 60 days as of the publishing of Law no. 16/2017, methodological norms for its application will be adopted. Until the new norms are published, GD no. 104/2007 remains into force.

### *Let's talk*

For a deeper discussion of how this issue might affect your business, please contact:



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