

LEGAL ALERT

APRIL 9, 2021

Law no. 59/2021

Context

On 6 April 2021, Law no. 59/2021 ("Law 59/2021") approving Government Emergency Ordinance no. 182/2020, for supplementing Government Emergency Ordinance no. 147/2020 on granting days off to parents for monitoring their children, in case of limitation or suspension of teaching activities involving the actual presence of children in educational establishments and early childhood educational establishments, as a result of the spread of the SARS-CoV-2 coronavirus ("GEO 147/2020"), as well as article 6 of Government Emergency Ordinance no. 132/2020 on support measures for employees and employers in the context of the epidemic caused by the spread of the SARS-CoV-2 coronavirus, as well as for stimulating the employment increase, was published in the Official Gazette of Romania, and will enter into force on 9 April 2021.

Main amendments and supplements

- **Beneficiaries of the measure**

- The previous version of GEO 147/ 2020 referred to families in which a parent was entitled to days off, provided that the other parent did not benefit from days off in his/her turn. Such provisions were difficult to implement for single-parent families. Subsequently, Law 59/2021 expressly provided that the parent in a family composed of a single person (e.g. the person is unmarried, widow/widower, divorced, with his/her spouse remanded in custody for more than 30 days or is serving a custodial sentence and does not contribute to the support of his/her children etc.) will also benefit from days off.
- As an exception, the parent or legal representative having in his/her care, supervision and support one or more children attending school, with chronic diseases for which the family physician or the specialist physician issued certificates for education under the terms provided in the joint order of the Minister of Education and the Minister of Health, will also benefit from days off, the reference to Order no. 5.487/1.494/2020, which was repealed, being eliminated.

- **The period of granting days off in case of limitation or suspension of teaching activities involving the actual presence of children in educational establishments and early childhood educational establishments, in the cases provided in the joint order of the Minister of Education and the Minister of Health**

- Law 59/2021 removed the delimitation of the period of granting days off by reference to the application of the measure during the second and third scenarios, and referred to the cases provided in the joint order of the Minister of Education and the Minister of Health. Such amendment was made so as to be applicable to any scenario, without the need for another legal change in case of adoption of another joint order of the Minister of Education and the Minister of Health.
- Thus, in such case, the number of days off will be determined depending on the period provided:
 - a) in the decision of the county committee for emergency situations/Bucharest Committee for Emergency Situations, if the limitation or suspension of teaching activities involving the actual presence of children in educational establishments is established by decision of the county

committee for emergency situations/Bucharest Committee for Emergency Situations, upon proposal of the managing board of the educational establishment or early childhood educational establishment, based on the epidemiological criterion concerning the cumulative incidence rate of the municipality;

- b) in the decision of the management of the educational establishment, if the limitation or suspension of teaching activities involving the actual presence of children in educational the establishment is decided as a result of the occurrence of cases of sick children in the educational establishment or early childhood educational establishment.

- **Documents to be submitted by the employee**

- The new provisions do not require the employee to submit other documents than those previously set forth, but, through the enactment of Law 59/2021, the contents of the affidavit of the other parent were amended, such changes being applicable only to employees in the national defense system, public order and national security system, prisons and public sanitary units.
- The affidavit of the other parent will not be submitted in case of single parents.
- In case the educational establishment limits or suspends its activity as a result of the occurrence of cases of sick children in such establishment, the parent will also submit with the employer a copy of the decision of the management of the educational establishment, in addition to the above documents. Such decision should be communicated to the parents within no more than 24 hours from its issuance (including by electronic means of communication and by posting it on the website of the educational establishment and of the county school inspectorate).