

LEGAL ALERT

APRILIE 14, 2021

Government Emergency Ordinance no. 26/2021 amending and supplementing Government Emergency Ordinance no. 111/2010 on child-raising leave and monthly benefit

Context

Government Emergency Ordinance no. 26 (“**GEO 26/2021**”) amending and supplementing Government Emergency Ordinance no. 111/2010 on child-raising leave and monthly benefit (“**GEO 111/2010**”) was published in the Official Gazette of Romania on 8 April 2021.

The methodological implementing rules for the provisions of GEO 111/2010 will be properly amended base on a decision of the Government within 60 days from publication of GEO 26/2021 (i.e. as of 8 April 2021).

The provisions of GEO 26/2021 will come into force on the date when the Government decision amending the methodological rules is published in the Official Gazette.

Main amendments and supplements

- **Rules applicable to the beneficiaries of the child-raising benefit**
 - In order to calculate the 12-month contribution period, in the last two years before the child's birthdate, the periods when the employed parents benefited from technical unemployment benefit according to GEO no. 30/2020 will also be taken into consideration.
- **Return-to-work bonus**
 - According to the provisions which are still effective until the entry into force of GEO 26/2021 (i.e. the date when the Government decision amending the methodological rules is published in the Official Gazette), the return-to-work bonus amounting to RON 650 will be granted to the persons who, although being entitled to benefit from child-raising leave, decide to return to work at least 60 days before their child is two years old, respectively three years old in case of a disabled child.
 - GEO 26/2021 amended the amount and requirements for granting this return-to-work bonus, as follows:
 - **RON 1,500** if the entitled persons obtain income before their child is six months old, respectively one year old in case of a disabled child. This amount will be granted until the child is two years old, respectively three years old in case of a disabled child. Afterwards, the parent will receive a return-to-work bonus amounting to **RON 650** until their child is three years old, respectively four years old in case of a disabled child.
 - **RON 650** if the entitled persons obtain income after their child is six months old, respectively one year old in case of a disabled child. This amount of the return-to-work bonus will be granted until the child is three years old, respectively four years old in case of a disabled child.
 - The persons who completed the child-raising leave and obtain taxable income will benefit from the return-to-work bonus amounting to RON 650 after their child is two years old, respectively three years old in case of a disabled child, and until their child is three years old, respectively four years old in case of a disabled child.

- In case the persons entitled to the payment of the return-to-work bonus are on sick leave, except for maternity leave, they will continue to receive the return-to-work bonus.
- By means of GEO 26/2021, the legislator repealed the provision which generated a great deal of controversy in practice and which regulates the 6-month extension from return to the workplace for the interdiction to dismiss the employee who benefits from either child-raising leave or payment of the return-to-work bonus. Nevertheless, the cases where the dismissal of the employee is prohibited have also been maintained after publication of GEO 26/2021. Thus, **the employee cannot be dismissed while on child-raising leave or receiving the return-to-work bonus.**