

**REDEFINING WORK-LIFE BALANCE IN ROMANIA IN THE LIGHT
OF DIRECTIVE (EU) 2019/1158 ON WORK-LIFE BALANCE AND
LAW NO. 283/2022 AND LAW NO. 241/2023**

**A munka-magánélet egyensúlyának reformja Romániában
a 2019/1158. EU irányelv, valamint a 283/2022. és a 241/2023. számú
törvények tükrében**

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This paper examines the impact of Directive (EU) 2019/1158 on work-life balance on the member states of the European Union, with a particular focus on Romania. It explores how recent legislative reforms, including Law No. 283/2022 and Law No. 241/2023, have sought to address systemic challenges in balancing professional and personal responsibilities. These laws, introduced as a direct response to the directive, demonstrate the EU's significant role in shaping labor policies and fostering equality across its member states. The analysis delves into the key provisions of the new laws, such as caregiver leave, telework options for parents, and family emergency leave, highlighting their importance in aligning Romanian labor practices with European standards. Additionally, this paper provides an overview of existing Romanian labor code regulations on working time and rest periods, showcasing the legal framework's evolution toward more employee-centric practices. Beyond legislative analysis, the paper identifies persistent challenges in achieving sustainable work-life balance and offers actionable recommendations to address them. These proposals include the potential introduction of the right to disconnect as a mechanism to safeguard employees' mental health and prevent burnout, alongside measures to normalize shared caregiving responsibilities and enhance workplace flexibility. By examining these developments, the paper underscores the progress Romania has made under the influence of the directive and situates this within the broader context of European initiatives to modernize labor markets. The findings highlight the EU's pivotal role in driving meaningful reforms and fostering a labor market that prioritizes equity, sustainability, and well-being for all employees.

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Jelen tanulmány az ún. munka és magánélet közötti egyensúlyról szóló 2019/1158 EU irányelv tagállamokra gyakorolt hatásait vizsgálja, különös tekintettel Románia esetére. A szerző áttekinti, hogy a közelmúlt jogalkotási reformjai, köztük a 283/2022. sz. és a 241/2023. sz. törvények, miként próbálnak megoldást nyújtani a szakmai és személyes kötelezettségek összehangolásában jelentkező rendszerszerű kihívásokra. E törvények, amelyek közvetlen válaszként születtek az irányelvre, jól példázzák, milyen jelentős szerepet játszik az Európai Unió a munkajogi szabályozások alakításában, valamint a tagállamok közötti esélyegyenlőség és igazságosabb munkafeltételek megteremtésében. A tanulmány részletesen bemutatja az új törvények legfontosabb rendelkezéseit, ilyen a gondozói szabadság, a szülők számára elérhető távmunka lehetőségei és a családi vészhelyzet esetén igénybe vehető szabadság, hangsúlyozva ezek jelentőségét abban, hogy a román munkajogi gyakorlat jobban igazodjon az uniós elvárásokhoz. A dolgozat kitér a román munka törvénykönyvének jelenleg érvényben lévő munkaidő- és pihenőidő-szabályaira is, rávilágítva arra, hogyan mozdul el a szabályozás fokozatosan egy munkavállaló-központúbb szemlélet felé. A jogszabályi elemzésen túl a tanulmány azonosítja a fenntartható munka-magánélet egyensúly elérésében továbbra is fennálló kihívásokat, és gyakorlati javaslatokat fogalmaz meg ezek orvoslására. A javaslatok között szerepel többek között a „lecsatlakozáshoz való jog” bevezetése, amely hozzájárulhatna a munkavállalók mentális egészségének védelméhez és a kiégés megelőzéséhez, emellett pedig fontos cél a gondozási feladatok kiegyensúlyozottabb megosztásának elősegítése és a munkahelyi rugalmasság erősítése is. A tanulmány ezen fejlemények elemzésén keresztül mutatja be, milyen előrelépéseket tett Románia az irányelv nyomán, és ezeket a változásokat az európai munkaerőpiac modernizálására irányuló átfogó uniós törekvések kontextusában értelmezi. Az eredmények kiemelik az Európai Unió kulcsszerepét az érdemi reformok ösztönzésében, valamint egy olyan munkaerőpiac kialakításában, amely az egyenlőséget, a fenntarthatóságot és a munkavállalók jólétét helyezi előtérbe.

Kulcsszavak: *munka és magánélet egyensúlya, jogi reform, gondozói szabadság, távmunka, lecsatlakozáshoz való jog*

Introduction

“And in the end, it’s not the years in your life that count. It’s the life in your years.” This quote by Abraham Lincoln was deliberately selected because it captures the essence of work-life balance, which should be accepted and respected as a key condition for a fulfilling life, to the mutual benefit of individuals, businesses and society. As highlighted in numerous studies and academic literature, in the field of labour relations this directly influences the quality of work, productivity, and employees’ health and safety. On a broader socio-economic level, it also affects demographic trends such as birth rates, the upbringing and education of children, labour force participation rates, and the economic dependency ratio, among other factors.¹

¹ ZARNESCU Valentina Lidia: Reflectarea principiului privind echilibrul dintre viața profesională și cea privată în legislația română. *Revista Română de Dreptul Muncii*, Ed. Wolters Kluwer, Bucharest, 2023/5, <https://sintact.ro/#/publication/151029375?keyword=Zarnescu,%20Valentina%20Lidia:%20Reflectarea%20principiului%20privind%20ech>

In today's society, which is deeply affected by *hustle culture*, performance and success are often measured by overwork and exhaustion. It is crucial to reevaluate how work is integrated into life to ensure that professional commitments do not overshadow personal fulfillment and well-being.

Historically, the role of work has undergone significant transformation, evolving into a complex and often overwhelming force. Work has always played a central role in social communities, transitioning from a means of survival to a path toward self-fulfillment and an indispensable part of modern life. However, a few decades ago, work was distinctly separate from other aspects of life. Today, this boundary has blurred, as participation in paid labor no longer guarantees the rights and stability it once did. Growing inequality, increasing exclusion from the labor market, and unattainable life goals for many have made work an area of concern rather than just opportunity.

Work's central role in modern societies, where wage labor is viewed simultaneously as the foundation of social identity, participation and self-fulfillment, is a relatively recent historical development. According to Emőke Török, this conception is the result of a long process of transformation, during which physical labor, once despised and associated merely with survival, excluding individuals from a free and complete human life, gradually became the sole legitimate path to a socially recognized human existence. The Christian ideal of equality, the Protestant work ethic, the rise of the urban bourgeoisie and the transformation of scientific thought all contributed to making work the primary domain of personal value creation and self-realization for the modern individual.²

This shift in perception influenced thinkers like Max Weber, who linked the roots of capitalism to Calvinism.³ For Weber, work was not only a duty but also a virtue and a source of personal satisfaction, traits that defined the capitalist ethos.⁴ The Enlightenment further elevated the value of labor, with philosophers like Hegel asserting that work distinguishes humans from animals, and Marx framing it as an expression of the human condition. By the 17th century, the prevailing belief was that increased labor and consumption equated to greater happiness. This perspective dominated until the late 20th century and continues to influence society today.

In this context, Directive (EU) 2019/1158 on work-life balance emerges as a transformative framework addressing the evolving role of work in society.

ilibrul%20dintre%20via%C5%A3a%20profesional%C4%83%20%C5%9Fi%20cea%20privat%C4%83%20%C3%AE%20legisla%C5%A3ia%20rom%C3%A2n%C4%83,%20Revista%20Rom%C3%A2n%C4%83%20de%20Dreptul%20Muncii,%20nr.%205,%202023.&cm=SFIRST, 22nd of June, 2025.

² TÖRÖK Emőke: A banausziától a bémunkáig – Változások a munka értelmezésében. *Szociológiai Szemle* 2009/4., 43–67. https://epa.oszk.hu/05000/05067/00069/pdf/EPA_05067_szocszemle_2009_04_043-067.pdf, 1 st of January, 2025.

³ Orio GIARINI – Mircea MALIT: *Dublă spirală a învățării și a muncii*. Editura Comunicare.ro, București, 2005, 79.

⁴ Max WEBER: *A protestáns etika és a kapitalizmus szelleme*. Ábrahám Zoltán (translated). L'Harmattan, Budapest 2020, 270.

This paper examines the directive's implementation in Romania, particularly through Law No. 283/2022 and Law No. 241/2023, which aim to align Romania's labor practices with European standards. These reforms tackle systemic issues such as gender inequality, inflexible employment structures, and limited support for caregiving responsibilities. By analyzing the impact of these measures, the paper highlights progress made in fostering work-life balance while identifying barriers that persist in Romanian society and the labor market.

Through this study, I aim to shed light on how these legislative advancements contribute in Romania to a more equitable and sustainable approach to work. Additionally, I explore potential solutions to ensure the directive's full potential is realized, advocating for a balanced integration of professional and personal lives to create a society where work enhances life rather than diminishes it.

1. Background and context

Work-life balance challenges have long been identified as a significant barrier to gender equality in the labor market. Women, in particular, are disproportionately affected by the dual burden of paid employment and unpaid caregiving responsibilities.

According to the European Commission, this Directive brings clear benefits for EU citizens by setting higher standards for working conditions for those with caring duties. It seeks to boost women's employment and income, narrow the gender pay and pension gaps, and enhance business efficiency by cutting absenteeism. In addition, it helps maintain sustainable public finances and tackles demographic challenges by encouraging more people to stay in or return to the labour market, thus lowering the economic dependency ratio.

The Directive was developed in response to Europe's ageing population, which increases the demand for care and highlights the need to support older employees and informal carers, who are mostly women and less active on the labour market than men. These demographic effects are reflected in Recital 27 of Directive (EU) 2019/1158, which clarifies that care needs will keep rising due to an ageing society and more age-related conditions, and that Member States should consider this when designing long-term care and social policies.⁵ Recital 27 explicitly provides: "*In order to provide men and women with caring responsibilities with greater opportunities to remain in the workforce, each worker should have the right to carers' leave of five working days per year. Member States may decide that such leave can be taken in periods of one or more working days per case. In order to take account of divergent national systems, Member States should be able to allocate*

⁵ OPRESCU Elena Daniela: Concediul de îngrijitor și problemele determinate de reglementarea necorespunzătoare a acestuia. *Revista Română de Dreptul Muncii*, Ed. Wolters Kluwer, Bucharest, 2023/3, <https://sintact.ro/#/publication/151027972?keyword=Oprescu,%20Elena%20Daniela:%20Concediul%20de%20C3%AEngrijitor%20C8%99i%20problemele%20determinate%20de%20reglementarea%20necorespunz%C4%83toare%20a%20acestuia,%20Revista%20Rom%C3%A2n%C4%83%20de%20Dreptul%20Muncii,%20nr.%203,%202023.&cm=SFIRST>, 22nd of June, 2025.

*carers' leave on the basis of a period other than a year, by reference to the person in need of care or support, or by case. A continued rise in care needs is predicted, because of an ageing population and, consequentially, the concomitant increase in the prevalence of age-related impairments. The rise in care needs should be taken into account by Member States when they develop their care policies, including with regard to carers' leave. Member States are encouraged to make the right to carers' leave available with regard to additional relatives, such as grandparents and siblings. Member States can require prior medical certification of the need for significant care or support for a serious medical reason."*⁶

The Directive is firmly grounded in several key EU and international legal frameworks, underscoring its commitment to promoting gender equality and human rights while building on earlier legislative measures. Firstly, the Treaty on the Functioning of the European Union (TFEU), through Article 153(1)(i), empowers the Union to support and complement Member States' efforts in ensuring gender equality in the labor market and equal treatment at work. Similarly, the Charter of Fundamental Rights of the European Union strengthens this foundation by guaranteeing equality between men and women in all areas, including employment, work, and pay under Article 23, and by ensuring protection against dismissal related to maternity, as well as recognizing the right to maternity and parental leave under Article 33, which facilitates the reconciliation of family and professional life.

In addition, the European Pillar of Social Rights reinforces these principles, with Principle 2 emphasizing gender equality in the labor market and Principle 9 underscoring the importance of work-life balance for all workers. Internationally, the Directive aligns with the 1989 United Nations Convention on the Rights of the Child, which recognizes the shared responsibility of parents in raising their children, and the 2006 Convention on the Rights of Persons with Disabilities, which obliges parties to ensure full enjoyment of rights for children with disabilities, reflecting the Directive's provisions for carers.

Building on these robust legal frameworks, the Work-Life Balance Directive also draws upon and strengthens earlier EU directives. For instance, it builds on Directive 2010/18/EU, which regulated parental leave through a framework agreement between social partners, and Directive 2006/54/EC, which addressed gender equality in employment and working conditions. Additionally, it incorporates the protections established in Council Directive 92/85/EEC, which ensured maternity protections. While Directive 2010/18/EU has been repealed and replaced, the Work-Life Balance Directive enhances existing rights and introduces new entitlements to better address evolving demographic and social needs, including aging populations and increasing caregiving responsibilities. Collectively, these frameworks provide a solid legal basis for the Directive's objectives, reflecting its comprehensive and forward-looking approach.

⁶ <https://eur-lex.europa.eu/legal-content/EN-FR/TXT/?uri=CELEX%3A32019L1158>, 22nd of June, 2025.

The Directive highlights that the prevalence of extended working hours and changing work schedules negatively impacts women's participation in the workforce. *"However, work-life balance remains a considerable challenge for many parents and workers with caring responsibilities, in particular because of the increasing prevalence of extended working hours and changing work schedules, which has a negative impact on women's employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women are likely to work fewer hours in paid employment and to spend more time fulfilling unpaid caring responsibilities. Having a sick or dependent relative has also been shown to have a negative impact on women's employment and results in some women dropping out of the labour market entirely."*⁷

These challenges are further compounded by the lack of incentives for men to take on an equal share of caregiving responsibilities. The Directive specifically notes the absence of sufficient paid paternity and parental leave in many Member States as a key factor contributing to the low uptake of such leave by fathers. This imbalance reinforces traditional gender roles and widens the gender gap in employment, pay, and career advancement. *"The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. The lack of paid paternity and parental leave in many Member States contributes to the low takeup of leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender stereotypes and differences between work and care. Policies on equal treatment should aim to address the issue of stereotypes in both men's and women's occupations and roles, and the social partners are encouraged to act upon their key role in informing both workers and employers and raising their awareness of tackling discrimination. Furthermore, the use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment."*⁸

The Directive introduces minimum standards designed to promote work-life balance, enhance gender equality, and provide essential support for caregivers. At the core of its implementation are several key provisions, starting with paternity leave, outlined in Article 4. Fathers or equivalent second parents are entitled to 10 working days of paid paternity leave upon the birth of their child, paid at a level equivalent to sick leave, as specified in Article 8(2). Importantly, this leave is available regardless of marital or family status and cannot be subject to work qualification or length-of-service requirements, ensuring broad accessibility.

In addition, parental leave, governed by Article 5, grants each parent four months of leave, with two months being non-transferable to encourage an equitable sharing

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158>, 1st of January, 2025.

⁸ Idem.

of caregiving responsibilities. This leave is available until the child reaches a specified age, up to eight years, as determined by national legislation or collective agreements. To accommodate diverse needs, workers may request flexible parental leave arrangements, such as part-time leave, while employers are required to provide written justifications for any refusals or postponements.

Furthermore, the Directive introduces carers' leave in Article 6, allowing workers five working days per year to provide personal care or support to a relative or household member with serious medical needs. The term "relative" includes children, parents, spouses, or partners, as detailed in Article 3(e), ensuring that those with caregiving responsibilities receive adequate support.

Additionally, flexible working arrangements, addressed in Article 9, provide workers with children up to at least eight years of age or those with caregiving responsibilities the right to request adjustments such as remote work, flexible schedules, or reduced working hours. Employers are required to respond to such requests in writing and justify any refusals. Workers also retain the right to return to their original working arrangements once the agreed period of flexibility ends.

The Directive ensures protection against discrimination and dismissal for those exercising their rights under these provisions. Article 33 of the Charter guarantees that workers cannot face dismissal or adverse treatment for requesting leave or flexible working arrangements. Employers are held accountable for providing lawful justifications for any refusals, reinforcing the Directive's commitment to protecting workers' rights and fostering a supportive and inclusive workplace.

Thus together, these provisions represent a comprehensive framework aimed at addressing the evolving needs of workers, promoting gender equality, and supporting caregiving responsibilities in a fair and sustainable manner.

In several EU Member States, the right to carers' leave goes well beyond five days per year, offering stronger support for workers with caring responsibilities.

For example, in Belgium, employees are entitled to various forms of carers' leave, such as one month of paid leave to care for a seriously ill relative up to the second degree or a person living in the same household. Belgium also grants long-term leave of up to twelve months with a replacement income, six months of unpaid carers' leave, and short-term emergency leave that may be partially paid by the employer.

In Spain, the law provides for up to four days of paid leave for events such as the death, serious accident, illness, hospitalisation or surgery of a relative. To comply with EU requirements, Spain amended its legislation to explicitly recognise carers' leave and to extend its coverage to people living in the same household as the carer.

Germany offers several options, including urgent care leave of up to ten working days, paid through an allowance covering ninety percent of lost wages, and unpaid carers' leave for up to six months. To help cover living costs during unpaid leave, workers can apply for low-interest loans. German law also allows up to three months of leave to accompany a dependent person at the end of life. However, the limited use of long-term carers' leave has led experts to recommend extending it to thirty-six months with income replacement of sixty-five to one hundred percent, similar to parental leave.

In France, carers' leave can last up to three months (except when longer periods are negotiated through collective agreements) and may be extended up to one year or even cover the entire career. This leave is paid at the national minimum wage for up to twenty-two days, but capped at eighty percent of full salary, which limits its practical use. Another provision entitles parents to take leave to care for a child due to illness, accident or disability, for up to three years, with benefits paid for up to three hundred and ten days.

In Hungary, employees can take unpaid leave to care for a family member if the care period exceeds thirty days. The maximum duration is two years without pay, although employees may qualify for other care-related allowances. Long-term care is mainly provided either through the healthcare system or by family members. Hungarian law also provides for paid leave to care for a disabled child or a child with a chronic illness.

By comparison, in Romania, legislation has introduced a new type of leave, carers' leave, but its maximum duration of five days, which will be further analysed in this study, appears insufficient to achieve a genuine balance between personal and professional life.⁹

2. Working time and rest time regulations in Romania

Based on the basic dichotomous concept, the issue of working time and rest time is also placed within a rigid framework in the Romanian Labour Code, which is regulated by Chapters I–III of Title III.¹⁰ According to the law, working time is the period during which the employee is at work, at the disposal of his employer and performing his duties and tasks, in accordance with the provisions of the employment contract, the applicable collective agreement and/or the legislation in force. In simple terms, all periods other than working time are considered as rest periods, i.e. a given period is either working time or not (*Labour Code § 111*).

For the definition of working time and rest periods, it is also necessary to take into account Directive 2003/88/EC concerning certain aspects of the organisation of working time, which defines “working time as the period during which the worker is at work, at the employer’s disposal and carrying out his activity or duties in accordance with national legislation and/or practice, and rest time as the period which does not constitute working time”.¹¹

⁹ OPRESCU: op. cit.

¹⁰ “The Romanian Labour Code currently in force was adopted in 2003 (...) It has undergone several amendments to date, of which Law 40/2011 was the one that in many respects set a new direction in the development of Romanian labour law, significantly shifting it towards the needs of a more flexible labour market.” – The author’s free translation.

LIPTÁK Katalin – MÉLYPATAKI Gábor – VALLASEK Magdolna – MUSINSZKI Zoltán: Munkaidőszabályok változása a rendszerváltás óta Magyarországon és Romániában. *Erdélyi Társadalom* 18 (2), 2020, 128.

¹¹ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning the organisation of working time [Directive 2003/88/EC Art. 2 para. (1)–(2)].

Romania's Labour Code thus transposes Directive 2003/88 and contains strict rules on working time and rest periods. For full-time employees, the normal working week is 40 hours, which typically means 8 hours per day spread over 5 days. For workers under 18, this is reduced to 30 hours per week, with a maximum of 6 hours per day. Employers may apply an unequal or individual working pattern, provided that the total weekly working time does not exceed the legal maximum.

It is very interesting to note that, through the amendments introduced by Law No. 283/2022, employees in Romania now have enhanced opportunities for flexible and tailored work arrangements. This law allows employers to establish individualized work schedules for all employees, including those on caregiver leave, either at the employee's request or with their agreement. Individualized work schedules are designed to offer flexibility in organizing working time to better accommodate the needs of both employers and employees (Labour Code § 118, as amended by Law No. 283/2022).

Under this framework, the daily working hours are divided into two periods: a fixed period, during which all employees are simultaneously present at the workplace, and a variable or flexible period, which enables employees to choose their arrival and departure times, provided they adhere to the required daily working hours. Employers must ensure that these schedules comply with the legal provisions. Additionally, if an employer refuses an employee's request for an individualized work schedule, the refusal must be justified in writing within five working days. Employees also retain the right to revert to their original schedules at the end of the agreed period or earlier if their circumstances change. This approach ensures flexibility and adaptability in accommodating diverse employee needs (*Labour Code §§ 112, 114 and 118, as amended by Law No. 283/2022*).

In comparison, Law No. 81/2018, which regulates telework, provides a structured framework for organizing remote work activities and highlights the mutual responsibilities of employers and teleworkers. Teleworkers arrange their working hours in agreement with the employer, as outlined in the individual employment contract, internal regulations, or applicable collective labor agreements (Law No. 81/2018 § 4). Employers may request teleworkers to perform overtime if both parties agree in writing and the employee works full-time. Additionally, employers have the right to monitor teleworkers' activities primarily through information and communication technology, ensuring compliance with job requirements while respecting contractual terms.

The legislator of the Labour Code defines overtime work as work performed outside the normal working week (40 hours), while providing that "the maximum legal working time may not exceed 48 hours per week, including overtime". This rule is established in the general legal provisions on labor relations (Labour Code § 112 para. (1) and 120 para. (1)). The exception being the case where it is possible, to some extent, to extend the duration of working time and exceed the 48 hours per

week, provided that the average working hours, calculated over a reference period of 4 calendar months, do not exceed 48 hours per week.¹²

As a general rule, overtime work is possible only with the consent of the employee. As such, the employer cannot unilaterally order overtime work. The exception is in the case of force majeure, or for urgent work intended to prevent accidents or to eliminate the consequences of an accident.

It is important to note that only employees who have reached the age of majority and are employed on a full-time individual employment contract may perform overtime work. As such, employees who have a part-time employment contract may not work overtime, except in situations expressly provided for by law, such as force majeure or for other urgent work to prevent accidents or to eliminate their consequences. Overtime work by employees under the age of 18 is prohibited.

In this respect, in the spirit of the law, several *cumulative conditions* must be met in order for the work performed to be considered overtime, and whenever these conditions are met and overtime is involved, it must be compensated accordingly. First, the work must be performed over and *above normal working time*. Secondly, the employer must *require* the employee to perform additional work. As such, the fact that the employee unilaterally decides to work beyond normal working hours cannot be considered as overtime. Similarly, it will not be considered as overtime work if the request came from another person and not from the employer.

At the employer's request, employees may perform overtime work. Therefore, it is the employer who must take the initiative to request overtime, which may be written or verbal. In the practice of the courts, it has been decided that "*overtime work may be performed only under certain conditions, namely it is necessary to have the employer's request to perform overtime work, since it is the employer who will pay the remuneration, as well as the employee's agreement to this effect*".¹³ In the case at hand, "*the plaintiff has not proved the existence of a request by the employer to perform overtime work, and such a request does not result from the data and records kept at the establishment. At the same time, according to paragraph h), point 2 lit. c) of the individual employment contract, overtime shall not be worked, except in cases of force majeure or for other urgent work to prevent accidents or to eliminate their consequences. As such, it was up to the employee to manage his working arrangements in such a way as to keep within the 8-hour working day. Moreover, there is no evidence that the claimant was required to perform additional tasks, the performance of which would lead to an extension of the statutory working*

¹² It is important to note here that the law provides for certain sectors of activity where a reference period of more than 4 months may apply, but not exceeding 6 months [Labour Code § 114 para. (3)]. Further, subject to compliance with the regulations on the protection of the health and safety at work of employees and only for objective reasons, the law provides for the possibility of derogating from the length of the reference period, but not exceeding 12 months [Labour Code § 114 para. (4)].

¹³ ȚICLEA Alexandru: *Tratat privind timpul de muncă și timpul de odihnă*. Ed. Universul Juridic, Bucharest, 2020, 134.

time. Accordingly, the evidence adduced in the case was not capable of corroborating the applicant's allegations concerning the overtime which he claimed. Accordingly, the tribunal rejected the plaintiff's claim for payment of the statutory holiday pay for work performed on weekly rest days and public holidays." ¹⁴ In some situations, the court may impose overtime pay even where there was no express request by the employer, but the overtime work was performed and benefited the employer. Thus, "as long as the electronic correspondence proves that the overtime hours worked were in the interest of the employer, who benefited from the employee's work by tacitly accepting this situation, the employee is entitled to be remunerated for the work performed". ¹⁵ Also in this regard, it has been pointed out that "the employer's request is implied since it has been proved that the fulfillment of certain work tasks led to the extension of the statutory working hours". ¹⁶ The third condition that must be met in order for work to be considered overtime work under the provisions of the Labor Code is that the employee must perform his or her tasks and duties *in accordance with the provisions of the individual employment contract*, the applicable collective bargaining agreement and/or the legislation in force. It is important to emphasize that the employee's refusal to perform overtime work does not constitute disciplinary misconduct and the employee cannot be disciplined for this reason.

The rule for compensating the employee for overtime work is by paid time off within 90 calendar days after the overtime is performed, and only in the event that compensation by paid time off is not possible within the 90 calendar days, in the following month, overtime may be paid to the employee by adding a bonus to the salary corresponding to the duration of the overtime. The overtime increment is the exception and must be paid in the month following the expiry of 90 calendar days after the overtime has been worked. The amount of this bonus is set by negotiation in the collective agreement or, where applicable, in the individual employment contract and may not be less than 75% of the basic salary. In practice, there are a number of situations where employees are not compensated at all for overtime work, neither by paid time off nor by additional remuneration. In such cases, legal action can be brought within the 3-year limitation period, which starts to run from the date on which the entitlement is due.

3. Legislative reforms in Romania

The status of the implementation of the EU directives on work-life balance and transparent working conditions in Romania demonstrates significant progress through the enactment of several legislative measures. These include Emergency Ordinance No. 117/2022, Emergency Ordinance No. 57/2022, Law No. 283/2022, and Law No. 241/2023, which collectively align Romanian labor laws with the

¹⁴ C. Ap. Oradea, secția I. civ., dec. civ. nr. 884/2019, <http://sintact.ro>, 1st of January, 2025.

¹⁵ Civil decision no. 7946 of 30. 11. 2011 handed down by the Bucharest Court of Appeal.

¹⁶ Decision no. 2407/2021 of 14/07/2021 Craiova Court of Appeal.

principles and objectives set forth by Directive (EU) 2019/1158 (*GEO No. 117/2022; GEO No. 57/2022; Law No. 283/2022; Law No. 241/2023*).

Emergency Ordinance No. 117/2022, effective from 29 August 2022, amended the provisions of Law No. 210/1999 on paternity leave. This ordinance introduced a series of improvements, ensuring fathers are entitled to 10 working days of paid leave, extendable to 15 days if they complete a child-rearing course. During this period, employees are protected from dismissal, and the leave is fully paid, with the remuneration calculated at 100% of the employee's salary. Furthermore, paternity leave is included in employment seniority, ensuring that fathers benefit from uninterrupted career progression. Employers who fail to grant this leave face fines ranging from RON 4,000 to RON 8,000, ensuring compliance with the law and reinforcing the directive's aim to encourage shared caregiving responsibilities (*GEO No. 117/2022; Law No. 210/1999*).

Emergency Ordinance No. 57/2022, which came into force on 5 February 2022, revised Law No. 202/2002 on equal opportunities for women and men and amended Article 3, paragraph (21) of Government Emergency Ordinance No. 121/2021. These amendments strengthened measures to prevent workplace discrimination and promote gender equality. By addressing unequal treatment, the ordinance ensures a more inclusive work environment, laying the groundwork for equitable participation in caregiving and professional responsibilities [*GEO No. 57/2022; Law No. 202/2002; GEO No. 121/2021 Art. 3 para. (21)*].

The adoption of Law No. 283/2022, published in the Official Gazette on 19 October 2022 and effective from 22 October 2022, marked a comprehensive reform of the Labour Code and the Administrative Code. A key provision introduced by this law is caregiver leave, as stipulated in Article 152¹, which grants employees up to five unpaid working days per year to care for a relative or household member with severe medical needs. This leave is not deducted from annual vacation entitlements and is counted toward both employment seniority and specialty seniority. Moreover, during this period, employees continue to benefit from health insurance coverage without additional contributions, ensuring that their access to essential services is maintained (*Labour Code § 152¹, as amended by Law No. 283/2022*).

Prior to the adoption of Law No. 283/2022, Romanian legislation already provided for three types of care-related leave under the social insurance system: leave for caring for a sick child, leave for attending to patients with oncological conditions, and leave for the care of a disabled child. To implement Article 6 of Directive (EU) 2019/1158, the Romanian legislator introduced a new form of carers' leave through Articles 152¹ and 153¹ of the Labour Code, which set out the main legal provisions in this area. Under these rules, employers are required to grant carers' leave to employees who need to personally provide care or support to a relative or to a person living in the same household who is affected by a serious medical condition. The leave is granted for a maximum of five working days per calendar year, based on the employee's written request. As for the definition of "relative", Article 153¹(4) of the Labour Code includes the employee's child, spouse, or parent. Since Romanian law does not recognise civil partnerships, the employee's

partner or cohabitant is only covered if they share the same household. In practice, several issues arise regarding the implementation of this right. It is unclear whether the five days of leave apply per dependent person or as a general annual entitlement, and whether the leave must be taken consecutively or may be broken down into shorter periods. The law does not address these aspects explicitly, nor does it rule out the possibility of additional rules being established through collective agreements or internal company policies. As a result, flexibility in the use of this leave is left to interpretation and may depend on the specific needs and circumstances of the employee.¹⁷ In addition, the law introduced force majeure leave under Article 152², allowing employees to take up to ten working days annually to address urgent family emergencies caused by illness or accidents. Employees must notify their employer in advance, and the two parties must mutually agree on how to recover the missed working time (*Labour Code § 152², as amended by Law No. 283/2022*).

Article 118 of the same law introduced flexible working arrangements, enabling employees to request individualized work schedules that include fixed and variable hours, remote work, or reduced hours. Employers are required to justify refusals in writing within five working days of receiving a request, and employees retain the right to return to their original schedules once the agreed period ends or circumstances change (*Labour Code § 118, as amended by Law No. 283/2022*).

Transparency in employment relationships has also been significantly enhanced. Amendments to Articles 17 and 18 of the Labour Code mandate that employers clearly communicate key employment details, such as salary components, working hours, overtime compensation, and training opportunities (*Labour Code §§ 17, 18, as amended by Law No. 283/2022*).

Building on these reforms, Law No. 241/2023, effective from 24 July 2023, introduced additional support for parents and legal guardians through Article 118¹. This provision grants employees with children under 11 years old the right to work remotely or from home for four days per month, provided that their job responsibilities allow for such an arrangement. To prevent overlap when both parents are employed, a declaration from the other parent confirming they have not requested the same arrangement for the same period is required, except in specific situations, such as single parenthood, widowhood, or other exceptional circumstances outlined in Law No. 277/2010. Under this provision, employees are responsible for ensuring they have the tools needed to perform their duties, as required by Law No. 81/2018 on teleworking (*Labour Code § 118¹, as amended by Law No. 241/2023; Law No. 277/2010; Law No. 81/2018*).

However, it has already been recommended by many that the right to work remotely or telework for a certain number of days each month should not be limited to parents of young children but should also be available to employees with comparable caregiving responsibilities. Workers who are entitled to carers' leave often need additional flexibility to balance their care obligations with their professional duties. Extending teleworking arrangements to this category would help

¹⁷ ZARNESCU: op. cit.

address practical difficulties, ensure equal treatment and support a genuine balance between work and private life.¹⁸

The adoption of these laws represents a direct response to Directive (EU) 2019/1158, introducing essential measures to foster work-life balance and increase labor market participation. By addressing entrenched gender inequalities and providing practical solutions for employees with caregiving responsibilities, these reforms align Romanian labor legislation with European standards.

However, I believe that cultural and systemic barriers, such as the stigma surrounding flexible work and the underutilization of paternity leave, remain challenges to the full realization of the directive's goals.

In conclusion, the implementation of Law No. 283/2022 and Law No. 241/2023 demonstrates Romania's commitment to creating a modern, inclusive, and equitable labor framework. These laws provide a foundation for fostering work-life balance through rights such as caregiver leave, force majeure leave, flexible working arrangements, and teleworking options for parents (*Law No. 283/2022; Law No. 241/2023*). Nevertheless, continued efforts to address societal norms and enhance awareness are essential to fully unlock the transformative potential of these legislative changes, ensuring sustainable and inclusive labor practices for all.

4. The impact of digitalization and teleworking

I believe that work-life balance is an essential condition for a decent working life and must be respected in all circumstances, especially in today's society, which is plagued by a culture of haste and the tendency to measure performance and success through overwork. Respect for working time and its predictability is a core employee entitlement, and any abuse of it may justify full compensation if the employer unlawfully demands constant availability.¹⁹

The labour market in modern society has been greatly influenced by technology and the rapidly growing digitalisation. We have to accept that today's workers have the possibility – through the proliferation of smartphones, tablets and mobile internet connections – to do their work from their office or remotely, from a completely different country or even a different continent. It is for this reason that I recall Martini's famous advertisement of the 1980s, "*anytime, anyplace, anywhere*", which is the perfect definition of agile working. *Anyplace, anytime* is the principle that best characterises this trend, which is now in its heyday and has recently become increasingly fashionable in European countries. Evidence of this can be found in a study by the global accounting firm Grant Thornton, which found that Finland had the most flexible working hours in the world in 2011 (92% of companies allowed employees to adapt their working hours, compared to 76% in the UK, 76% in the

¹⁸ ZARNESCU: op. cit.

¹⁹ However, I think it is important to note that employers certainly have the possibility to impose on-call time, but only within the limits set by law.

US, 50% in Russia and only 18% in Japan).²⁰ It is therefore not an exaggeration to say that the growing use of BYOD (“Bring Your Own Device”)²¹, *big data*²², *cloud computing*²³ and artificial intelligence in corporate practice will inevitably transform the rhythm and organization of work in the near future. Carl Frey and Michael Osborn, researchers at the University of Oxford, looking at 702 occupational groups, found that 47% of US workers are likely to have their jobs automated in the next 20 years.²⁴ However, it is also crucial to address the occupational health risks of platform working. It is no coincidence that, for example, there is already a colloquial term in Japanese, *karoshi*, for people who die from overwork.²⁵

The proliferation of teleworking in the digital world, and with it the increasing expectation of employers that workers should be available on the other side of the screen at all times, has made it increasingly difficult to strike and maintain a healthy balance between their personal and work lives, which can lead to gradual stress and burnout.²⁶

According to many studies, maintaining a healthy balance between work and private life over long periods is a major challenge for employers, as prolonged imbalance often leads to chronic occupational stress, widely known as burnout. With the rapid development of the digital era, burnout has moved beyond laboratories and academic studies, becoming a frequent and concerning issue across almost all professional fields, particularly in modern office environments dominated by glass and steel buildings.

²⁰ <https://www.bbc.com/worklife/article/20190807-why-finland-leads-the-world-in-flexible-work>, 1st of January, 2025.

²¹ Manfred WEISS: Digitalizzazione: sfide e prospettive per il diritto del lavoro. *DRI*, 2016, 3, 651.

²² Thomas LESTAVEL: Les promesses très commerciales du “big data”. *Alternatives économiques* 2015, 350, 70–73. Big data is the term used to describe the vast amount of data generated by companies, smart grids, the private sector and individual users worldwide and on a daily basis.

²³ Gérard VALENDUC – Patricia VENDRAMIN: *Work in the digital economy: sorting the old from the new*. ETUI – European Trade Union Institute, Brussels, 2016, 20.

²⁴ Harold MEYERSON: *Technology and Trade Policy is Pointing America Toward a Job Apocalypse*. The original paper is Carl Benedikt Frey and Michael Osborne, “The Future of Employment: How Susceptible Are Jobs to Computerisation,” Oxford University, September 17, 2013, https://www.washingtonpost.com/opinions/harold-meyerson-technology-and-trade-policy-is-pointing-america-toward-a-job-apocalypse/2014/03/26/ba331784-b513-11e3-8cb6-284052554d74_story.html, 1st of January, 2025.

²⁵ Paul M. SECUNDA: The Employee Right to Disconnect. *Notre Dame Journal of International & Comparative Law*, 2019, Vol. 9, Iss. 1, Article 3, 1–38, <https://scholarship.law.nd.edu/ndjicl/vol9/iss1/3>, 1st of January, 2025.

²⁶ *Working anytime, anywhere: The effects on the world of work*. Eurofound – International Labour Office Publications Office of the European Union, Luxembourg, and the International Labour Office, Geneva, 2017, 49–50.

A fast-paced and demanding workload increases stress levels, eventually forcing employees to take mental health breaks to recover. Such recovery periods can significantly influence or even redirect an employee's career. The main causes of burnout include excessive working hours and the complex nature of tasks that need to be completed under continuous pressure. To fully recover, employees must reorganize their personal life to include relaxation time, physical activities, meditation practices, or hobbies that help restore mental balance.

From a productivity point of view, work-related stress translates into notable costs for employers. It lowers concentration and work performance, while recovery and reintegration often take a long time due to the specifics of mental health conditions. Even when an employee returns to work, they may still require time to readjust and may not perform at full capacity immediately. Additionally, companies often need to hire temporary replacements or invest in training new staff, which means extra expenses.

To tackle these issues, the European Parliament has encouraged member states to support research aimed at improving working conditions and reducing the risk of mental health problems, with particular attention to women.

To prevent burnout and minimize its impact, many companies have started to implement wellbeing initiatives that focus on supporting employees' emotional balance and overall wellbeing. In Romania, such programs are becoming increasingly common. For example, the "Wellbeing by SmartExperience" initiative, developed through several studies, helps create a strong organizational culture where people feel connected and aligned with their company's values.

These wellbeing programs provide concrete benefits: they increase non-financial motivation, uplift employees' mood and mental state, and help reduce staff turnover.²⁷

The phenomenon of work-life balance became a particular concern in the aftermath of the Covid-19 crisis, as the social distancing during the quarantine seemed to completely upset the balance among home workers, with working outside working hours no longer being an individual choice of workers, but often an employer expectation. As a result, the introduction of a 'right to disconnect', which can be a way for employees to refrain from electronic communications at work during their rest periods, has been the subject of increasing debate in a number of countries. The 'right to disconnect' has emerged as an excellent solution to this problem and has already been introduced in many European countries in the form of legislation or company rules. Unfortunately, therefore, the concept of *karoshi* is not

²⁷ TICHINDELEAN Mărioara — VOLONCIU Magda: Aspecte privind rolul muncii digitale în reconcilierea vieții profesionale cu viața privată. *Revista Română de Dreptul Muncii*, Ed. Wolters Kluwer, Bucharest, 2021/5., <https://sintact.ro/#/publication/151022528?keyword=Tichindelean,%20Marioara;%20Volonciu,%20Magda:%20Aspecte%20privind%20rolul%20muncii%20digitale%20%C3%AEn%20reconcilierea%20vie%C8%9Bii%20profesionale%20cu%20via%C8%9Ba%20privat%C4%83,%20Revista%20Rom%C3%A2n%C4%83%20de%20Dreptul%20Muncii,%20nr.%205,%202021.&cm=SFIRST>, 22nd of June, 2025.

far removed from European societies, especially in the post-COVID world, where the boundaries between work and private life are increasingly blurred in the context of teleworking. High-pressure industries such as finance, IT and technology in Europe often encourage workers to push their limits, leading to physical and mental exhaustion. Although teleworking and digitalisation are characterised by flexibility, they also contribute to a culture of overwork.

The European Union is trying to address these challenges through social innovation, such as the Directive (EU) 2019/1158 on work-life balance. The EU aims to promote flexible working and ensure rest periods to protect workers from burnout and related health problems. Romania has made significant legislative reforms to bring its Labour Code into line with EU directives, in particular the Directive (EU) 2019/1158 on work-life balance. These changes aim to strengthen workers' rights, promote gender equality and address systemic challenges in achieving work-life balance. An important element of the reforms is the introduction of different types of special leave to support workers in family emergencies, caring responsibilities and childcare needs.

While significant progress has been made, challenges remain, in particular in ensuring equal treatment of women in employment and workplace practices. Only comprehensive solutions to these systemic problems can achieve a fairer labour market and reduce the social burden of rigid working conditions and underdeveloped care infrastructure.

One promising initiative to mitigate these risks is the *right to disconnect*, which has already been implemented in several European countries as either legislation or company policy. This right allows employees to disengage from work-related tasks and communications outside of their official working hours, creating a clear boundary between professional and personal life. For teleworking mothers, the right to disconnect would be transformative, granting them the ability to focus on childcare and household responsibilities without the constant pressure of work interruptions.

The right to disconnect is more than a practical solution, it is a fundamental safeguard for mental and physical health in an increasingly digitalized labor market. By ensuring rest periods and protecting workers from the culture of overwork, this initiative addresses the root causes of stress and burnout. It aligns with the broader goals of Directive (EU) 2019/1158 on work-life balance, which promotes flexibility and equitable sharing of caregiving responsibilities.

As a partial conclusion, I can state that the adoption of the right to disconnect in Romania would complement existing reforms under Law No. 283/2022 and Law No. 241/2023, which already provide important measures such as caregiver leave, individualized work schedules, and telework options for parents. These laws have laid a strong foundation for improving work-life balance, but they must be accompanied by cultural and structural shifts to ensure their effectiveness. The right to disconnect would be a critical step in protecting workers, particularly teleworking mothers, from the risks of digital overwork (*Law No. 283/2022; Law No. 241/2023*).

Conclusions

Directive (EU) 2019/1158 on work-life balance has emerged as a transformative force throughout Europe, and its implementation in Romania exemplifies this success. By inspiring key legislative reforms, including Law No. 283/2022 and Law No. 241/2023, the directive has laid the foundation for a labor market that aligns with European standards (*Law No. 283/2022; Law No. 241/2023*).

These reforms introduce pivotal measures such as caregiver leave, telework options for parents, individualized work schedules, and robust protections against dismissal, signaling a significant shift toward workplace flexibility and equity. These legislative advancements reflect the directive's ability to promote positive change, particularly in Central and Eastern European countries striving to modernize their labor frameworks and bridge longstanding gaps in gender equality.

The COVID-19 pandemic underscored the importance of these reforms, particularly for teleworking parents. However, it also brought to light new challenges, such as the blurred boundaries between professional and personal life. Teleworking mothers, in particular, often faced the dual burden of caregiving and professional obligations, highlighting the need for additional protections.

Directive (EU) 2019/1158 has already demonstrated its value by fostering a culture of equity, flexibility, and well-being throughout the European Union. The directive's clear principles have been instrumental in accelerating these changes, enabling Romania to align more closely with Western European labor practices. By continuing to align its labor policies with European standards and addressing emerging challenges, Romania has the opportunity to create a more inclusive society where work enhances life rather than diminishes it [*Directive (EU) 2019/1158*].

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