

BRIEF ANALYSIS ON THE EMPLOYERS' COMPLIANCE WITH THE LEGAL PROVISIONS ON THE PREPARATION AND COMPLETION OF THE GENERAL REGISTER OF EMPLOYEES

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Abstract

The present study aims to provide a brief presentation of the legal framework regarding the employers' duty to register the individual employment contracts on a specially designated platform as well as an analysis of the control activities carried out by the Labour Inspection authority concerning the compliance with the legal provisions on preparing and completing the General Register of Employees.

Keywords: *General Register of Employees; labor inspectors; employees; labor inspections; sanctions.*

JEL Classification: *J4, J5, J8*

INTRODUCTION

The Labour Inspection holds the official status of a supervisory authority which is responsible both for promoting fair and equitable labour relations for all parties involved in the labour market and for combating the undeclared and under-declared work by all legal means it possesses. In this respect, verifying the extent to which employers comply with legal provisions concerning the preparation and completion of the General Register of Employees represents one of the legal tools that available to this authority.

The introduction of the regulations regarding the General Register of Employees is the result not only of the need for a national database comprising the information on employed individuals, but also of the necessity of providing labour inspectors with a control tool aimed at combating the undeclared work thus improving the quality of the inspections as such as well as reducing the duration of inspections on the employer's premises.

The aim of the present study is not only to highlight the financial consequences borne by the employers who fail to comply with these legal provisions, but also to raise awareness of the importance that employers must pay attention to in order to prevent more severe measures that may be applied by inspectors such as the suspension of activity.

II. THE EMPLOYER'S DUTY TO REGISTER THE INDIVIDUAL EMPLOYMENT CONTRACT. A LEGAL FRAMEWORK.

The legal framework in terms of the duty to register the individual employment contracts is primarily regulated in Romania by the Labour Code. In Article 16 paragraph 2, it is stipulated that 'prior to the commencement of an activity, the individual employment contract shall be registered in the General Register of Employees which shall be submitted to the Territorial Labor Inspectorate no later than the day before the commencement of activity itself' (Vidat, 2016; Țiclea, 2016). It thus needs to be observed that the submission deadline is set before day the employee actually begins work, as an imperative condition, in order to formally declare employment before the activity starts, thereby avoiding the undeclared work and its corresponding penalties.

The employer's duty to set up the General Register of Employees and to carry out the legally required entries is stipulated in the same legal act (i.e. Article 40 of the Labour Code).

A specific article (i.e. Article 34) of the Labour Code explicitly regulates the General Register of Employees whose role is to act as a proof of work experience and specialization primarily based on an extract generated by the platform.

The General Register of Employees shall be filled in and submitted to the Territorial Labor Inspectorate in the hiring order and shall comprise the identification details of all the employees, their date of hiring, their position/occupation according to the Romanian Classification of Occupations or other applicable legal provisions, the level and specialization of completed studies, the type of individual employment contract, the salary, the bonuses and their amounts, the period of time and the reasons for suspension of the employment contract, the period of secondment as well as the termination date of the employment contract (Article 34, paragraph 3). The register shall be kept at the employer's residence or at the headquarters of the employer's company and must be made available to the labour inspector or to any other authority that requests it in accordance with the law.

According to Article 34 paragraph 51 of the Labour Code, "the General Register of Employees is available online to the employees and to the former employees in terms of the data that concern them. The right of access is limited to viewing, downloading and printing this data as well as to generating and downloading an extract from the online register."

Upon the termination of the employer's activity, the register shall be submitted to the Territorial Labour Inspectorate within whose jurisdiction the employer's registered office or residence is located. In the event of insolvency, bankruptcy, or judicial liquidation, the judicial administrator or, as applicable, the judicial liquidator has the duty to issue employees within a maximum of 60 calendar days, a document certifying the activity carried out by them as well as to record and submit in the register (which is pursuant to paragraph 61) the termination of the individual employment contracts, too.

According to paragraph 7 of the Labour Code, the methodology for the setup, the entries to be made, the necessary conditions for the online access both for the current or former employees to the data in the register including the conditions for proven work experience and specialization together with any other elements related to its preparation are part of the Government Decision.

The first Government Decision adopted in this regard was the Government Decision no. 500/2011(repealed) followed by the Government Decision no. 295 of March 27th, 2025 on REGES-ONLINE. Article 15 of this legislative document states that the Government Decision 905/2017 will be repealed in six months' time after its entry into force. Thus, we have concluded that the date on which the Government Decision 905/2017 will be repealed is September 30th, 2025.

According to Article 2 of the Government Decision no. 295/2025, REGES-ONLINE is an IT platform designed for the data completion, submission, management, consultation and processing related to the elements of the individual employment contract in accordance with the provisions of European Union Regulation 2016/679 of the European Parliament and of the Council of April 27th, 2016 on the protection of natural persons in terms of the processing of the personal data and the free movement of the data. It is important to note that all employers are required to register in the newly established REGES ONLINE Register within 6 months from the date of entry into force of this decision (pursuant to Article 11, paragraph 1 of the Government Decision 295/2025). Accordingly, employers have the duty to fill in and specify in this Register all the elements of active individual employment contracts that exist at the time of accessing the Register itself. The elements are not to be found in the IT system that represents the technical solution for submitting the data to the Register by employers (as provided in Article 10 of the Government Decision no. 905/2017).

The new REGES-ONLINE actually plays a key role in protecting the rights and safety of both the employees and the employers' safety and rights. In this respect, the General Employee Register must be accessible online to both all the employees and the former employees with regard to the data that concerns them. It must also allow the viewing, downloading and printing of this data as well as the online generation and downloading of an extract from the Register (according to the Labour Inspectorate, 2025).

Failure by employers to register in the newly established REGES-ONLINE Register within 6 months from its date of entry into force shall be sanctioned with a fine ranging from 15,000 to 20,000 lei (see Article 11, paragraph 3). Furthermore, failure to complete and submit all the elements of active individual employment contracts at the time of accessing the Register is punishable by a fine ranging from 5,000 to 10,000 lei (see Article 11, paragraph 4).

III. TOTAL NUMBER OF INSPECTIONS CARRIED OUT TO VERIFY THE MANNER IN WHICH EMPLOYERS COMPLY WITH THE LEGAL PROVISIONS REGARDING THE PREPARATION AND COMPLETION OF THE GENERAL REGISTER OF EMPLOYEES' RECORDS.

Taking into account the fact that the Government Decision no. 295/2025 will become mandatory for all employers starting at the end of September 2025, the data available on the Labor Inspection's website on the inspections and sanctions are based on the provisions of the Government Decisions no. 500/2011 and no. 905/2017.

As a result of the analysis of the activity reports carried out by the Labour Inspectorate in terms of labour relations during 2013–2024 [11]–[23], “the main deficiencies which have been identified during the inspections regarding the employers’ compliance with the legal provisions on the preparation and completion of the General Register of Employees are as follows: the failure to meet the deadline for submitting elements of the individual employment contract to the Register as well as the failure to report modifications or suspensions of the contract.”

We have identified the following data regarding the number of inspections carried out by the labour inspectors in order to verify how employers comply with the legal provisions on the preparation and completion of the General Register of Employees (see Figure1):

- out of a total of 100,457 inspections carried out in the field of labour relations in 2013, 93,704 inspections focussed on verifying the employers' compliance with the legal provisions on the preparation and completion of the General Register of Employees. They represented 93.27% of the total number of inspections;
- out of a total of 130,720 inspections carried out in 2014, 122,440 were related to verifying how employers complied with the legal provisions regarding the preparation and completion of the General Register of Employees. They represented 93.52% of the total number of inspections;
- in 2015, 70,069 inspections were out for the above-mentioned purpose and represented 96.14% of the total number of inspections in the field of labour relations;
- in 2016, 71,863 inspections were conducted in order to verify how employers complied with the legal provisions on the preparation and completion of the General Register of Employees. They represented 93.71% of the total number of inspections;
- in 2017, 66,007 inspections were conducted and represented 90.41% of the total number of inspections;
- in 2018, 62,904 inspections took place. They represented 87.77% of the total number of inspections;
- in 2019, 66,093 inspections were conducted whereas the same number being recorded in 2020;
- in 2021, a number of 59,364 inspections were conducted, 63,790 inspections took place in 2022 and 61,675 were conducted in 2023;
- in 2024, there were 59,056 inspections which was the lowest number of inspections.

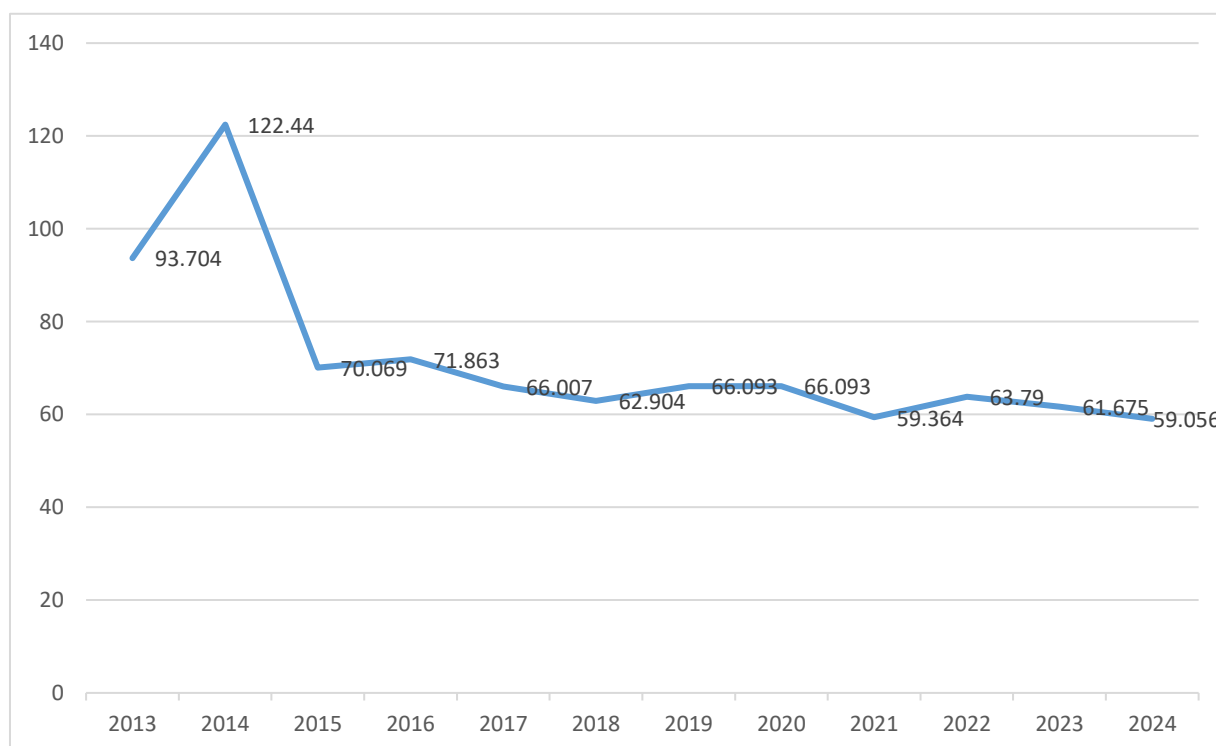


Figure 1. Total inspections carried out to verify how employers comply with the legal provisions on the preparation and completion of the General Register of Employees (2013–2024).

Source: own interpretation based on data available on the website <https://www.inspectiamuncii.ro/raport-de-activitate-in-domeniul-relatiilor-de-munca>

The above chart highlights the fact that the number of inspections was more intense right from the very beginning of the introduction of the General Register of Employees. Starting with 2015, there has been a continuous decline with slight fluctuations as 59,056 inspections took place in 2024 – which is approximately 60%

fewer than those in 2014 (i.e. 122,440 inspections). One possible factor contributing to the decrease in the number of inspections may refer to the increased awareness among the employers in terms of the importance of complying with the current regulations as identified by the inspectors during the previous inspections.

IV. SANCTIONS APPLIED FOR VERIFYING THE EMPLOYERS' COMPLIANCE WITH THE LEGAL PROVISIONS REGARDING THE PREPARATION AND THE FILLING IN THE GENERAL REGISTER OF EMPLOYEES DURING 2013–2024.

The Labour Inspection fulfills the role of a state authority by ensuring the exercise of control in the fields of labour relations, occupational safety and health as well as market surveillance. The control activity of the Labour Inspection aims to ensure the compliance with and the prevention of the violation of legal provisions regarding the labour relations, occupational safety and health, the protection of employees working under special conditions as well as market surveillance. The General Register of Employees (also known as REVISAL) is an essential tool for monitoring and managing labour relations in Romania by playing a key role in ensuring transparency and the employers' compliance with the labour legislation. Complying with the legal provisions regarding the preparation and submission of this register is a fundamental obligation for employers. Failure to comply with these provisions may result in significant penalties from the competent authorities.

By analyzing the data from Table no.1, we have come to the conclusion that the number of warnings issued to employers is significantly higher throughout the entire reference period (2013–2024) in comparison with the fines and they are as follows:

- the share of warnings in the total number of sanctions applied in 2013 was of 74.23% while the fines accounted for 25.77%;
- in 2015, the warnings represented a percentage of 76.34% and the fines were 23.66%;
- in 2016, the share of warnings out of the total sanctions applied was of 80.8% while the fines were 19.2%;
- in 2017, warnings accounted for 89.63% while the fines were 10.37%;
- in 2018, there were 86.88% warnings and the fines were 13.12%;
- in 2019, warnings represented 83% while the fines represented 17%;
- in 2020, 81% of the applied sanctions were warnings in comparison with the 19% fines.

The high number of issued warnings is explained by the fact that the labour inspectors' control actions are primarily advisory and preventive rather punitive in nature.

Table 1. Number of sanctioned employers and types of sanctions applied during 2013–2024

Year	Number of sanctioned employers	Number of fines		Number of warnings
2013	15545	4638		13362
2014	13094	4568		10737
2015	8679	2397		7734
2016	8581	1952		8212
2017	6922	828		7170
2018	4603	719		4761
2019	*	929		4436
2020	*	1217		5190
2021	*	1316		4440
2022	5289	1579		4731
2023	5299	1601		4774
2024	4693	1799		3833

* no available data

Source: own interpretation based on data available on the website:

<https://www.inspectiamuncii.ro/raport-de-activitate-in-domeniul-relatiilor-de-munca>

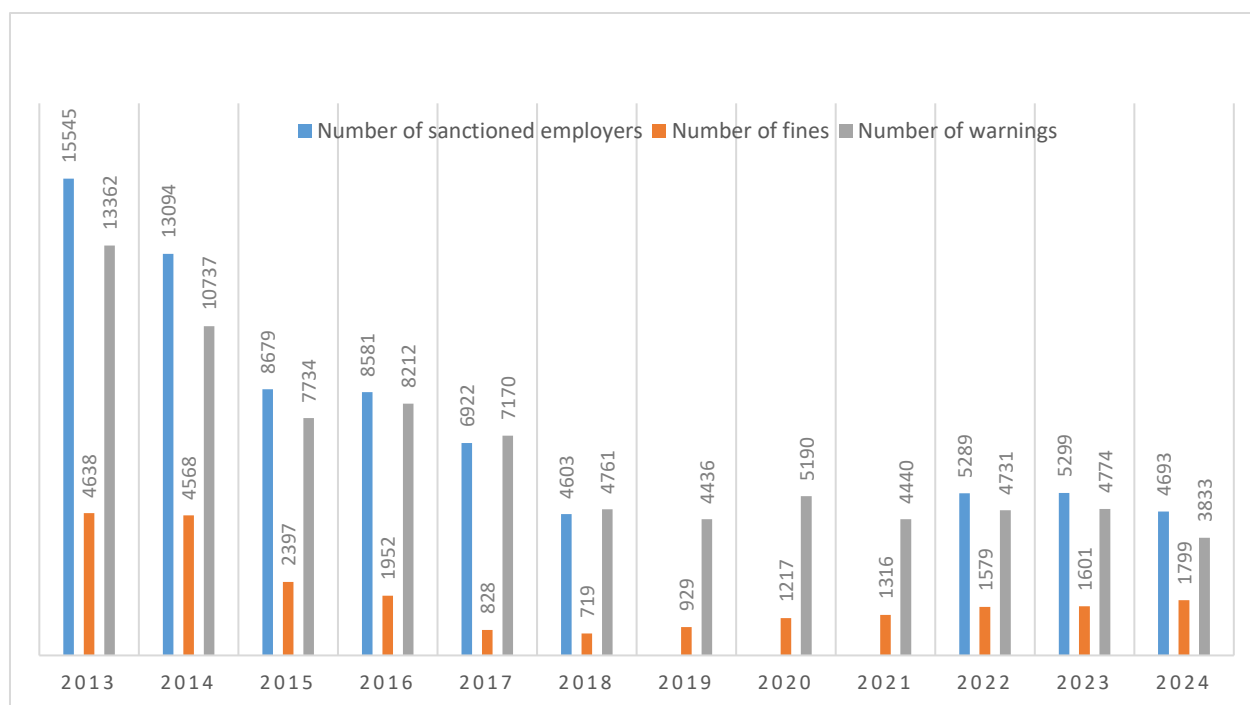


Figure 2. Number of sanctioned employers and types of sanctions applied (2013–2024)

Source: own interpretation based on data available on the website:

<https://www.inspectiamuncii.ro/raport-de-activitate-in-domeniul-relatiilor-de-munca>

As far as the annual amount of fines is concerned, the data in Table no. 2 highlights that it is correlated with the number of sanctioned employers. Thus, we have noticed that between 2013 and 2016 a high amount of fines was collected (i.e. 15,360,200 lei in 2013) which was followed by a gradual decrease up to and including 2018 when the total amount was of 2,774,204 lei. The amount of applied fines has been increasing since 2020 mainly due to the intensification of inspections during and after the pandemics.

Table 2. The annual value of fines imposed on the employers by the Labour Inspection (2013–2024)

Year	The total value of fines (lei)
2013	15.360.200
2014	14.750.700
2015	9.065.000
2016	7.037.600
2017	3.963.100
2018	2.387.000
2019	2.774.204
2020	3.366.800
2021	3.599.713
2022	4.490.200
2023	4.648.900
2024	5.513.000

Source: own interpretation based on the data available on the website <https://www.inspectiamuncii.ro/raport-de-activitate-in-domeniul-relatiilor-de-munca>

Following the inspections verifying how employers comply with the legal provisions regarding the preparation and completion of the General Register of Employees, certain corrective measures may also be imposed. Thus,

inspectors can require employers to fix the identified discrepancies within a specified deadline. The suspension of activity until the employer addresses the issues may be another measure in itself which may be used only in those situations where the health and safety of employees are at risk. All these legal measures are intended to protect the employees' rights and ensure a safe and compliant working environment according to the current legislation. Within the analyzed period of 2013–2024, the highest number of measures were imposed during 2013 (i.e. 38,400) and 2014 (i.e. 31,710). Starting from 2015, there has been a decrease in the actual use of these measures up to and including 2024 with slight fluctuations during specific years.

Table 3. Number of measures taken as result of the inspections (2013-2024)

Year	Number of measures taken
2013	38.400
2014	31.710
2015	22.073
2016	22.914
2017	19.390
2018	17.740
2019	18.425
2020	17.656
2021	16.160
2022	18.456
2023	17.804
2024	16.754

Source: own interpretation based on the data available on the website

<https://www.inspectiamuncii.ro/raport-de-activitate-in-domeniul-relatiilor-de-munca>

As a result of the analysis conducted on the inspections and sanctions applied during the period covered in the present study (i.e. 2013–2024), we have noticed that at the beginning of the implementation of this electronic register, the number of inspections and the sanctioned employers were higher. One of the reasons is the time employers needed to adjust, accommodate and become aware of the importance and the need of complying with the legal provisions regarding the proper completion of this register. Subsequently, after 2017, we have observed a continuous decrease in the number of sanctioned employers despite the fact that starting from that year the amount of fines related to the labour relations—especially for the failure to register contracts in this Register—have increased.

V. Conclusions

The General Register of Employees is the main and essential legal tool used by the Labour Inspection of Romania in order to maintain a clear record of employed persons, the number of concluded employment contracts as well as to combat the undeclared work. The employer's obligation to establish the General Register of Employees and to make the entries required by law has been explicitly stipulated in the Labour Code.

Thus, this Register represents a “mirror” in terms of employment on both the territorial and national levels by also serving as a proof of the work experience, especially for a specific profession through an extract that can be generated from the platform itself. We consider it essential that employers fully comply with their obligations to accurately and promptly update any changes to the contractual clauses due to the fact that, according to the new REGES-ONLINE platform, employees will have direct access both to the entered data and to their work and professional experience.

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