

New obligations for employers when employing people with disabilities

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Under Law No. 448/2006 on the Protection and Promotion of the Rights of Persons with Disabilities ("**Law 448**"), employers with at least 50 employees are required to employ persons with disabilities at a rate of at least 4% of their total workforce or make certain payments to the state budget. This legislation aims to guarantee fair access to the labor market for persons with disabilities and is of course to be welcomed.

On 01.01.2025, Emergency Ordinance 127/2024 on certain measures in the social field amended Law 448 and introduced new obligations for employers.

On 28.01.2025, Order No. 28/2025 implementing Article 78 of Law 448 ("**Order 28/2025**") also came into force, which provides the procedural framework for the implementation of these obligations.

Here are the most important current contents.

Significant changes:

➤ **Obligations**

Employers with at least 50 employees who do not meet the statutory quota for the employment of persons with disabilities are obliged to,

- within 10 days of reaching at least 50 employees (as required by law), submit a written request to at least three nongovernmental organizations that provide services to individuals with disabilities in the employer's jurisdiction for assistance in meeting the statutory employment quota, subject to the following conditions.
 - the document must comply with the standard form contained in Annex 1 of Order 28/2025;
 - the NGOs involved must (i) be registered in the national NGO register, (ii) not be deleted, in liquidation or dissolved, (iii) have a purpose, including a subsequently changed purpose, related to the provision of services to persons with disabilities;
 - NGOs are responsible for informing persons with disabilities about employment opportunities, required qualifications, working conditions, contact details of employers and relevant employment agencies.
- to send the above written application and proof of communication in paper form or by e-mail both to the National Authority and to the employment agencies in Bucharest/ in the district of the employer's headquarters in order to inform them about vacancies for persons with disabilities;
- after receiving the above response, to determine the recruitment procedure for persons with disabilities, provided that the applicants meet the required qualifications or abilities for the posts to be filled;

- to submit a central report to the national authority and the competent employment agency by 31 January each year for the previous year, listing the posts held by persons with disabilities and a list of the skills and qualifications required for these posts.

The documents must comply with the standard form in Annex 2 of Order 28/2025.

There are no specific sanctions for employers who do not comply with the obligations, apart from the payment already provided for in Law 448/2006 in the amount of:

- a statutory minimum basic salary for each position not filled accordingly; or
- at least 50% of the above amount, combined with the purchase of products or services from persons with disabilities through authorized entities, in the amount of the difference.

➤ **Additional changes**

Other changes to the legislation include:

- new benefits for people with severe visual impairments, severe disabilities and accentuated disabilities, including solidarity supplements and support for contribution-based pension schemes;
- updated rules for entitlement to a pension and adjustments for persons with severe visual impairments, severe disabilities and accentuated disabilities.

Conclusion

Although the legislator's intention to integrate persons with disabilities into the labor market is positive, the procedure remains a challenge for employers due to its bureaucratic complexity. It requires the provision of personnel for the formalities, such as submitting applications to the National Authority for the Protection of the Rights of Persons with Disabilities and to the employment agencies and NGOs in Bucharest and the surrounding area, as well as the processing of annual reporting.

In addition, employers must conduct research to find NGOs that meet the specific legal requirements.

Contact and further information:



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