



Temporary Staffing in Romania

The Ultimate Guide for Users & Inquisitive Minds

CREATED BY


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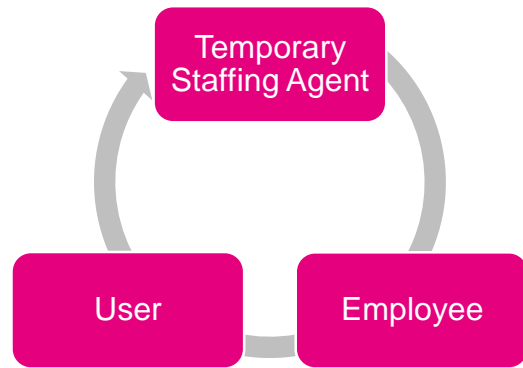
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The employee lease agreement closed between a temporary staffing agency and a user is a way of transferring the responsibility and all the human resources activity for managing your employees to Smartree as the agency. Your people become Smartree employees and are leased to your company where they do their current job.

THE PARTIES INVOLVED IN THE PROCESS

- ✓ **The temporary employee** is the person that signed a temporary labor contract with a temporary staffing agent, for being in lease to an user where he works, under the supervision and the management of the latter;
- ✓ **The temporary staffing agency** is the legal entity, authorized by the Ministry of Labor, Family and Social and Elderly Protection, who closes temporary labor contracts with employees to lease them to the user for the period of the mission as specified in the employee lease agreement;
- ✓ **The user** is the individual or the legal entity for whom a temporary employee works, being in leasing from the temporary staffing agency.



WHEN THE TEMPORARY STAFFING SERVICES ARE NECESSARY

- ✓ The user has no legal entity in Romania and doesn't want to be present here;
- ✓ The temporary replacement of employees (maternal leave, annual leave, sick leave or studies);
- ✓ In a busy period of company's activities;
- ✓ No clear prognosis of the evolution of the activity;
- ✓ For reporting reasons (headcount).

WHAT AN EMPLOYEE LEASE AGREEMENT MUST CONTAIN

- ✓ The mission duration – respecting the legal limits (24 months, and until 36 months);
- ✓ The specific of the job that should be filled by the temporary employee, especially the needed qualification, the place of the mission and the work schedule;
- ✓ The work conditions;
- ✓ The individual protection and work equipment that the temporary employee must use;
- ✓ Any other services and facilities in the favor of temporary employee;
- ✓ The value of the commission that the temporary staffing agency benefits, as well as the remuneration of the employee;
- ✓ The conditions in which the user can refuse a temporary employee leased by the temporary staffing agency.

MANDATORY CRITERIA WHEN HIRING TEMPORARY EMPLOYEES

- ✓ The temporary employees have access to **all services and facilities** given by the user, in the same conditions as the other employees.
- ✓ The lease agreement is **an individual labor contract** that is concluded in written between the temporary staffing agency and the temporary employee, during a mission.
- ✓ During all the mission the temporary employee benefits of the salary paid by the **temporary staffing agency**.
- ✓ The salary received by the temporary employee for every mission is established by **direct negotiation with the temporary staffing agency** and cannot be less than the national minimum gross salary guarantee in payment.
- ✓ The temporary staffing agency is the one that **withholds and transfers all the contributions and the taxes** of the temporary employee to the state budgets and pays all the contributions for him, as the law provides.
- ✓ The person may only be employed with the **medical opinion issued by the occupational physician**, who attests the fact that the person is suitable for doing that work; without this medical opinion the labor contract is null.
- ✓ **Before** starting the activity within a day, the individual labor contract is registered on **the general register of employees** by the temporary staffing agency.
- ✓ By the employee lease agreement it can be settled a **probation period** for complete the mission and its duration is between 2 and 30 working days, according to the lease contract duration.
- ✓ During the mission, the **user is responsible** for the working conditions of the temporary employee, according to the law.

Legal base

- The Labor Code (Law no. 53/2003), amended by the Law no. 40/2011.
- Government Decision no. 1256/2011 for the conditions, also for the authorization procedure of the staffing agent
- The Government Decision no. 557/2007 for completing the measures to encourage improvements in the safety and health at work for employees with a fixed-term individual labor contract and for temporary workers employed by temporary work agencies.
- The law no. 319/2006 on safety and health at work.
- The directive no. 2008/104/EC of the European Parliament and of the Council, on temporary staffing agent
- The directive no. 91/383 EEC supplementing the measures to encourage improvements in job security for workers with a fixed-term employment contract or a temporary employment contract.
- ILO Convention no. 181/1997 on private employment agencies.

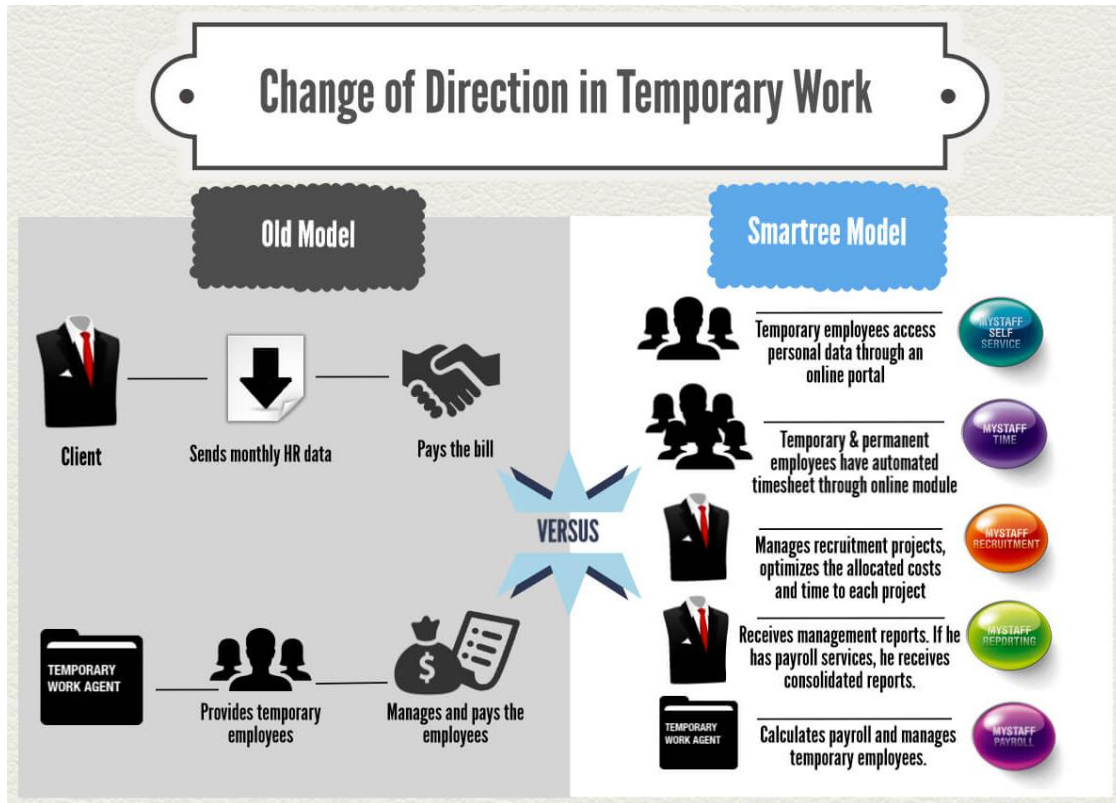
THE ADVANTAGES OF TEMPORARY STAFFING SERVICE FROM SMARTREE TEAM

- ✓ Consultants with experience in human resources;
- ✓ Increasing the confidentiality in the company;
- ✓ The core business activities become a priority to the detriment of the time spent with payroll and own employee administration;
- ✓ Reducing direct costs and improving work efficiency by minimizing overtime;
- ✓ Eliminating any gaps between the necessity of hiring a new employee in the shortest time and the waiting time until the agreement of a new post in the company organization chart;
- ✓ Reducing the administrative costs associated with the internal human resources department;
- ✓ The temporary employees access personal and employment data through an online portal (web-based), fact that determines the reduction of the necessary time for clarifications from the HR department. Also, with the time management application, used by the employees, the resources involved in the temporary staffing project are easily measured;
- ✓ Predictable costs, monthly projected.

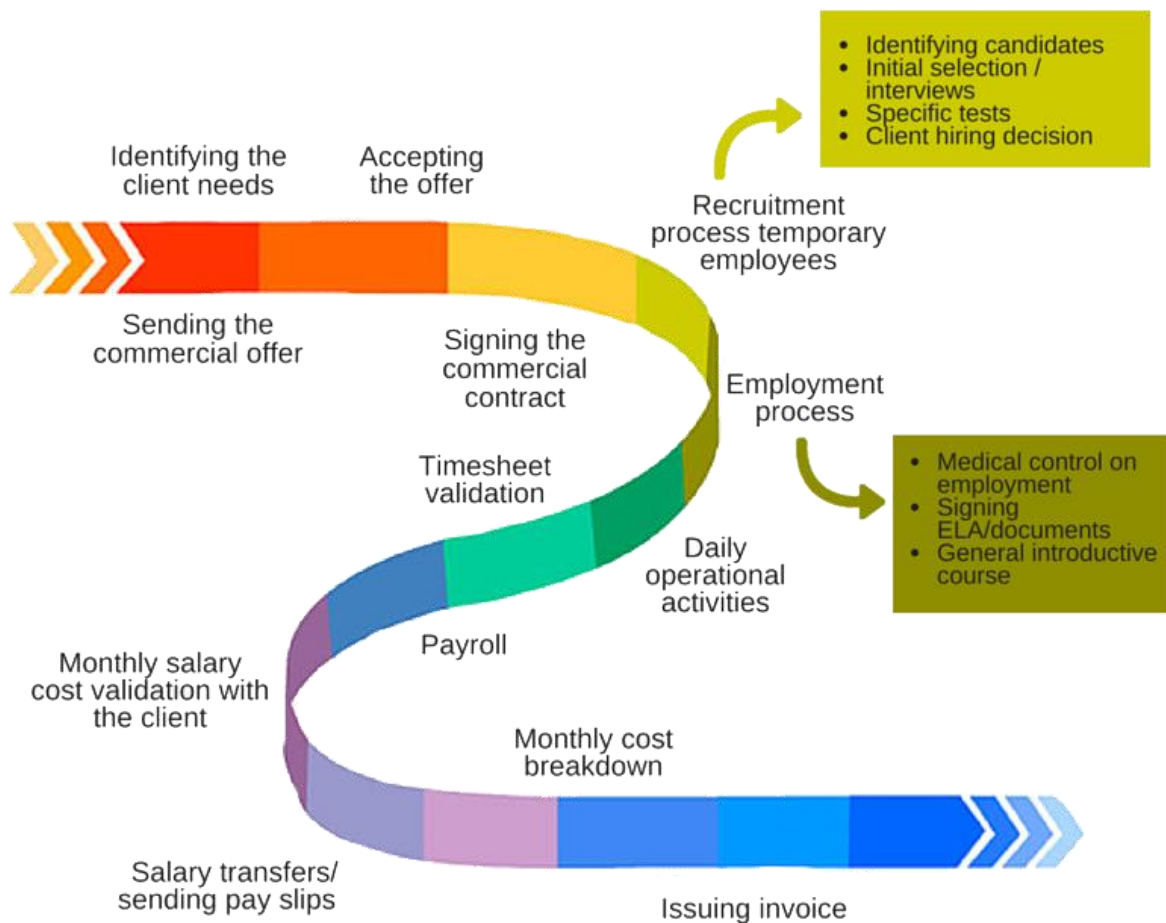
The Smartree Team Provides:

- ✓ Staff recruitment and selection, in accordance with the required profile;
- ✓ Taking into lease of the already recruited employees in the company;
- ✓ The schedule for the mandatory legal medical visit;
- ✓ Employee data processing under the labor law;
- ✓ Preparing and processing the employment documents (labor contract and additional documents), the execution ones (addendums, decisions etc.) and the closing documents (decisions, certificates, contract ending note);
- ✓ The issue, on request, of the employee certificates;
- ✓ Payroll (processing all salary elements);
- ✓ Calculation of the social insurance contributions (employee and employer), of the tax and transferring them to the state budget;
- ✓ The transfer of all the salaries and the distribution the pay slips;
- ✓ The order and the distribution of meal tickets;
- ✓ The issue of the monthly bill, including its annex with the all cost details;
- ✓ The Smartree consultant is a unique contact between the client and the temporary employees.

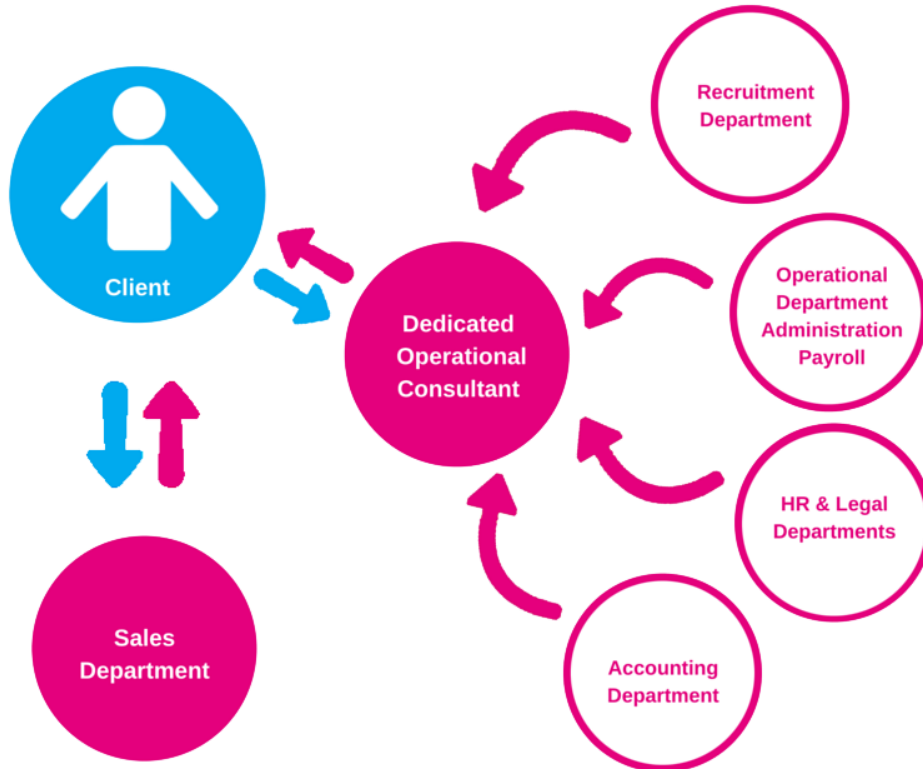
Using the Smartree technology as optimizing tool and for increasing the transparency between the companies that utilize temporary employees and temporary staffing agency represents a new way in the temporary staffing services.



The Workflow of the Temp Project



The Project Team for Temporary Staffing



The Control of the Project Costs

PAYROLL SIMULATOR

SALARY CALCULATOR							
Gross based salary	5132	Worked hours number	168	No. dependents	0	The gross salary	5132
CAS 10.5%	539	Unemployment	26	CASS 5.5%	282	Net income	4285
Personal deduction	250	Paid personal deduction	0	Taxable income	4285	Tax	686
Net based salary	3600						
Social debt in 2015 – employer				Social debt in 2015 – employee			
CAS 15.8%	811	CASS 5.2%	267	CAS 10.5%	539	CASS 5.5%	282
Unemployment fund 0.5%	26	AM & BP 0.15% insurance	8	Unemployment fund	26	Tax	686
Holidays and indemnities	44	Salaries guarantee fund	13				
Employer total contributions	1168			Employee total contributions	1532		
COMPANY TOTAL COST - 6300							

More on www.smartree.com/en/salary-calculator/

If the employee net salary is 3,600 lei (~800 euro), the employer total cost is 6,300 lei (~1.400 euro). At this cost can be added benefits in kind, meal tickets and the medical test value for the occupational health etc.

For the temporary employees, the company cost above is completed by the commission of the temporary staffing agency, as can be seen in the detailed annex of the temporary employee expenses.

Monthly Settlement Sheet for Temporary Employee

Gross income	
Employer taxes	
TOTAL SALARY EXPENSES	
Smartree coefficient applied for salary expenses	
Other costs	
Meal tickets	
Deductions	
Benefits in kind	
Other expenses (occupational health, work protection, car rental)	
Smartree coefficient applied for other costs	
TOTAL INVOICE (without TVA) Lei	
TVA (24%) Lei	
TOTAL INVOICE LEI	

Do you want to know all the information for a real cost calculation for your company? **Contact us!**

Phone: **+40 21 301 90 90**
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Claim a free calculation!

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