

Rights of undocumented migrant employees in Romania

You have the right to be treated with dignity and respect regardless of your duties.

You have the right to non-discriminatory, fair, and equal treatment at the workplace regardless of race, gender, age, national origin, sexual orientation, disabilities, or religion.


You are entitled to be paid not less than the minimum wage in Romania once a month.

If your employer refuses to pay your salary and owes you money you have the right to recover back pay, including taxes and social security contributions within 3 years after the incident has occurred.

To recover back pay you must initiate the procedure before leaving Romania and it may be pursued in your absence if you grant power of attorney to a lawyer.

To recover back pay take the following steps:

1) Lodge a complaint about your employer with the Labour Inspectorate before leaving Romania

 The complaint cannot be anonymous; it must contain your personal information, immigration status, the address of the worksite and details about the claim. Click on the link to download a complaint form:
http://www.inspectiamuncii.ro/ghid/continut/Formular_sesizare.pdf

2) Wait for the result of the inspection. Based on your complaint the Labour Inspectorate shall conduct a workplace inspection and inform you about the results within 30 days. If the result of the inspection supports your claim, you may sue your employer to recover unpaid wages.

3) Take action in court against your employer. A lawyer granted a power of attorney may pursue your case in court. If you have good evidence to support your claim the court may rule the employer to pay you:

- unpaid wages
- taxes and social security contributions that should have been paid if you were legally employed
- any costs arising from sending you back payments in your country of origin.

If you are a minor or an undocumented employee working in particularly exploitative conditions or victim of human trafficking possessing the wronged party status in penal proceedings against an employer, you will not have to return to your country of origin. You may be granted temporary residence permit (based on tolerated status) valid for six months (with the possibility to extend it).

You have the right to be informed about your rights and the procedure in place to recover unpaid wages.