

## THE DISMISSAL DECISION CAN BE VALIDLY COMMUNICATED BY E-MAIL

The High Court of Justice of Romania established in Decision no.34/2016, published in the Official Monitor no.18 dated 9 January 2017, that a dismissal decision which an employer communicates by e-mail is validly communicated.

Communication by e-mail of the dismissal decision issued as per the Labour Code is conditioned by the following: the employee has communicated to the employer his/her e-mail address and among the same parties there is a stable practice concerning the use of e-mail as a means of communication.

Further, it was clarified by means of this decision that it is not necessary for the employee to confirm the receipt of the respective e-mail. As such, the communication of the dismissal decision will be considered to have been validly carried out in the absence of a confirmation of receipt on the part of the employee, if prior to and subsequent to the dismissal decision communicated by e-mail no irregularity was announced by the employee with respect to his/her ability to receive or read e-mail communications.

We expect the adequacy of the use of e-mail to be assessed by the court of law on a case-by-case basis.

Against this background, we would recommend that prior to the use of the e-mail by the employer, the aspects mentioned above be confirmed internally at the employer level. In addition, certain minimum measures to ensure the efficiency of this means of communication should be taken. We also recommend that the decision generally be provided in pdf format and that the respective e-mail bear a descriptive title as to its content. Indeed, the High Court of Justice's decision confirmed that, unlike classic communication means which do not always attest for the exact content of the communicated document, modern electronic communication means are capable of ensuring both content communication and confirmation of receipt thereof.

### CONCLUSION

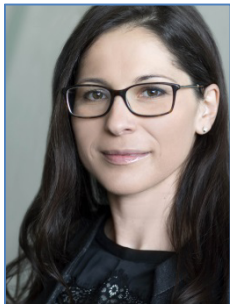
From now on, employers will benefit from the convenience of the communication apparatus surrounding dismissal decisions, provided however that the internal prior analysis in each respective case confirms that the use of e-mail verifies the conditions referred to above.

The Wolf Theiss team is happy to provide details on all consequences triggered by the emerging case law on the legal communication of dismissal decisions.

About WOLF THEISS

Wolf Theiss is one of the leading law firms in Central, Eastern and Southeastern Europe (CEE/SEE). We have built our reputation on a combination of unrivalled local knowledge and strong international capability. We opened our first office in Vienna over 55 years ago. Our team now brings together over 340 lawyers from a diverse range of backgrounds, working in offices in 13 countries throughout the CEE/SEE region.

For more information about our services, please contact:



**Ileana Glodeanu**  
Partner  
[ileana.glodeanu@wolftheiss.com](mailto:ileana.glodeanu@wolftheiss.com)  
T: +40 21 308 8100



**Luminița Gheorghe**  
Senior Associate  
[luminita.gheorghe@wolftheiss.com](mailto:luminita.gheorghe@wolftheiss.com)  
T: +40 21 308 8100

This memorandum has been prepared solely for the purpose of general information and is not a substitute for legal advice.

Therefore, WOLF THEISS accepts no responsibility if – in reliance on the information contained in this memorandum – you act, or fail to act, in any particular way.

If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

Wolf Theiss Rechtsanwälte GmbH & Co KG  
Gheorghe Polizu 58-60  
13<sup>th</sup> floor, sector 1, 011062  
Bucharest

T: +40 21 308 81 00  
F: +40 21 308 81 25  
[bucuresti@wolftheiss.com](mailto:bucuresti@wolftheiss.com)

[www.wolftheiss.com](http://www.wolftheiss.com)