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# Institutul Național de Cercetare Dezvoltare pentru Fizică și Inginerie Nucleară Horia Hulubei

Strada Reactorului nr.30, București-Măgurele, Ilfov, CP MG-6, cod poștal 077125

Telefon: 021 404 2301 | Fax: 021 457 4440

dirgen@nipne.ro

*Dear colleagues,*

Following the notice given by the IFIN-HH Trade Union on 28.04.2022 regarding the lack of representativeness, the procedure for electing the employees' representatives has been initiated in the institute, according to the provisions of art. 221 – 226 of Law No 53/2003 – Labor Code, republished, as further amended and supplemented, for their participation in the parity commission to negotiate the new collective bargaining agreement.

During the process of designating the employees' representatives, the IFIN-HH Trade Union has reverted to sending new letters informing that as a result of new joining members (95 individuals) it has allegedly acquired representatives again. The legal document invoked by the IFIN-HH Trade Union is the Resolution given on 11.03.2020 by the Cornetu District Court, file 2323/1748/2020. Unfortunately, this document was issued based on an erroneous reporting of the number of IFIN-HH employees by the management's institute: 712 employees instead of the actual 877. Considering that the IFIN-HH Trade Union reported in the same file 418 members, the legal condition for representativeness (50% +1 of the total number of employees) was not fulfilled.

The Board of Administration of IFIN-HH is aware of these data. **The members of the Board of Administration stated in the meeting of 9.06.2022 that they would give a mandate to negotiate with the IFIN-HH Trade Union if the latter submitted a legal document ascertaining representativeness provided by the District Court and substantiated by real date regarding the number of employees and members.**

To take part as partner in the Parity Commission for the negotiation of a new Collective Bargaining Agreement in IFIN-HH, the IFIN-HH Trade Union needs, according to its own Statutes, to go through the following organizational and legal stages:

- The correspondence sent to the IFIN-HH management indicates a different membership of the IFIN-HH Trade Union Board than that declared; in this case, by relating to the data recorded by the Cornetu District Court, **the validation of the Board membership in the General Meeting of the IFIN-HH Trade Union is mandatory**, in keeping with art. 11 and art. 30 of the IFIN-HH Trade Union Statutes, for which purpose **the General Meeting of the IFIN-HH Trade Union must be statutorily convened**;
- **After being validated in the General Meeting**, the membership of the Trade Union Board and/or any other changes in the managing bodies of the Trade Union **must be registered within 30 days, with the Cornetu District Court**, as per art. 20 corroborated with art. 17 of Law No 62/2011 of social dialog;

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*Information regarding the steps that the IFIN-HH Trade Union needs to take for CBA negotiation*

- **Individual applications** to join the IFIN-HH Trade Union, formulated by the individuals who have recently chosen to do so, according to art. 34 paragraph 1 of the IFIN-HH Trade Union Statutes, **must be approved by the organized statutory Trade Union Board.**
- **It is necessary to confirm the representativeness of the IFIN-HH Trade Union** in accordance with the real data, **by means of an application** lodged with the Cornetu District Court.

Until the abovementioned formalities are fulfilled, the process of designating the employees' representatives in IFIN-HH by casting votes will be continued. We are confident that we will all make the necessary efforts to overcome this unprecedented situation that we wish we had never faced in IFIN-HH.

On behalf of the members of the IFIN-HH Board of Directors,

Director General,

Dr. Nicolae Marius Mărginean

Date: 15.06.2022