

THEORETICAL AND PRACTICAL ASPECTS REGARDING SOME CONSEQUENCES OF THE ANNULMENT OF THE DISMISSAL DECISION ORDERED BY THE EMPLOYER

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ABSTRACT: *The authors carry out an assessment of the effects of cancelling or annulling of a dismissal decision issued by the employer. The Romanian legal doctrine reveals the fact that the provisions of art.78 par., 1 and 2 of Labor Code, as they are worded, pose much difficulty in the practice of reinstatement as they pave the way to differing interpretations and jurisprudence lacking unity. As reinstatement is of utmost importance following the annulment of an illegal or unfair dismissal, several opinions have popped up; thus, there were suggested solutions to certain practical cases which –to a large extent— are analysed in the material at hand. The final conclusion is that the lawmaker has necessarily to intervene with new statutes; some of the *lege ferenda* doctrinaire proposals are to be discerned in what will follow.*

According to the Employment Legislation, following the dismissal of an employee, there can come up two situations leading to the cancellation of the aftermath of the dismissal ordered by the employer. The first one may be the cancellation of the decision and, the second is represented by its annulment altogether.

KEYWORDS: *dismissal decision, Romanian Labor Code, employer,*

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