

**CONTROVERSIAL ASPECTS IN CASE LAW CONCERNING
THE INDIVIDUAL LABOR DISPUTES**

Roxana Maria ROBA*

ABSTRACT: *The individual labor dispute has as its object the exercise of certain rights or the fulfillment of obligations arising from individual and collective labor contracts or from collective agreements and employment relationships of civil servants, as well as from laws or other normative acts. The present study aims to analyze some controversial situations in judicial case law in the field of individual labor disputes, some of them generated by Constitutional Court Decisions or preliminary judgments on certain legal issues.*

KEYWORDS: *individual labor dispute; absolute nullity; suspension; unconstitutionality; indemnity*

JEL Classification: *K 31*

* Assistant Professor, Phd, „Petru Maior” University of Tg. Mureş, ROMANIA.

The research presented in this paper was supported by the European Social Fund under the responsibility of the Managing Authority for the Sectoral Operational Programme for Human Resources Development, as part of the grant POSDRU/159/1.5/S/133652.

¹ According to Article 58, para. 1 and 2 of the Labor Code, the dismissal of the employee represents the termination of the individual labor contract by the employer's initiative and may be ordered for reasons related to the employee or for reasons not related to the employee.

² Provided by Article 76 of the Labor Code, according to which, the dismissal decision shall be communicated to the employee in written form and must contain: a) the reasons for the dismissal, b) the period of notice on dismissal; c) the criteria for determining the order of priorities, according to Article 69 para. (2) letter d) only in the case of collective dismissal; d) the list of all the available jobs in the unit and the period in which the employees will opt to take up a vacant job, under the conditions of Article 64.