



**FRAMEWORK FOR ENSURING STAFF MENTAL
WELL-BEING AT BABEŞ-BOLYAI UNIVERSITY**
Addendum to the Internal Regulations of Babeş-Bolyai University, Cluj-Napoca,
No. 18.354/23.10.2008 (rev. 11.11.2013)

- Approved by Senate Decision No. 105/14.09.2021 -

Art. 1. These measures apply to Babeş-Bolyai University staff experiencing mental health disorders. This framework has been established pursuant to *Law No. 487/2002 on Mental Health and the Protection of Persons with Mental Disorders*, and *Government Decision No. 355/2007 on the health surveillance of workers*.

Art. 2. The objective of this framework is to establish the necessary mechanism for identifying staff experiencing mental health conditions, and to ensure the environment required for their successful integration into the university community.

Art. 3. For the purposes of these measures, the terms below shall have the meanings assigned to them by Art. 5 of Law No. 487/2002:

a) *“person with mental disorders”* refers to a person experiencing psychological instability, insufficient psychological development, or dependence on psychoactive substances, whose manifestations align with current diagnostic criteria for psychiatric practice;

b) *“person with severe mental disorders”* refers to an individual with mental disorders who lacks the capacity to understand the nature and consequences of their behaviour, thereby requiring immediate psychiatric intervention;

Art. 4. Where it is established or suspected within any university department that a member of staff is displaying characteristics as outlined in Art. 3 subparagraphs (a) and (b), the relevant observation must be reported immediately to their direct line manager.

Furthermore, to safeguard the employee in question, the line manager will evaluate the situation and sensitively discuss the observed behaviour with them, highlighting that their mental well-being may be affected.

Art. 5.1. Where an employee already holds a documented diagnosis for a mental health condition and is under medical supervision at the time of notification, they are required to submit their evaluation results to their departmental office within a maximum of 15 days of receiving the notification issued under the conditions of Art. 4, in order to ensure their protection.

Art. 5.2. Where the employee does not have a pre-existing medical record, they shall be advised to request a mental health assessment via a medical examination by the occupational health physician, who may also request a direct examination by a psychiatrist at authorised and accredited mental health institutions, in accordance with the provisions of Arts. 10-12 of Law No. 487/2002, in order to ensure their protection.

Art. 5.3. The assessment results obtained in the scenario outlined in Art. 5.2 must be submitted by the employee to their departmental office within a maximum of 30 days from the date of notification under Art. 4.

Art. 5.4. By mutual agreement of the parties, within the time frames set forth in Art. 5.1 and Art. 5.3 respectively, the employee may benefit from a suspension of their individual employment contract or from their right to annual leave.

Art. 6. An unjustified failure by the employee to submit their assessment results within the time frames provided in Art. 5.1 and Art. 5.3, or a categorical refusal to undergo a mental health assessment by the occupational health physician, constitutes a breach of discipline and will result in disciplinary proceedings pursuant to Law No. 53/2003 and Law No. 1/2011.

Art. 7.1. Mental health assessments shall be conducted with the free, informed, and documented consent of the employee. Exceptions apply in specific circumstances prescribed by law where the assessed employee lacks the capacity to weigh the impact of a decision affecting them, thereby requiring the assistance of a legal or authorised representative.

Art. 7.2. An employee undergoing a mental health assessment is entitled to full confidentiality regarding their information, except where otherwise provided by law.

Art. 7.3. An employee who has undergone a mental health assessment may challenge the occupational health physician's assessment regarding their fitness for work, in accordance with the procedure set forth under the relevant statutory provisions.

Art. 8.1. Where the occupational health physician determines that medical recommendations are necessary for the assessed employee, the employee's fitness for work shall be conditional upon compliance with those recommendations. The final conclusions of the medical examination – namely Fit, Conditionally Fit, Temporarily Unfit, or Unfit – must be recorded in the fitness-for-work certificate.

Art. 8.2. At the same time, employees identified with a mental health condition will benefit from a prescribed therapeutic programme and shall receive equal treatment from all members of the academic community. Consequently, any form of discrimination against them on the grounds of their mental health condition is strictly prohibited. At the same time, the University ensures the implementation of all measures adopted by legally authorised statutory bodies to protect mental health – including actions designed to restrict the spread of misconceptions, attitudes, and behaviours detrimental to mental well-being.

Art. 8.3. Where an employee is found to be psychologically unfit to perform the duties of their position, the University, as the employer, has an obligation to propose alternative vacant roles compatible with the employee's professional training and their work capacity as determined by the occupational health physician. Alternatively, where feasible, the University shall attempt to adapt the post to the worker's anatomical, physiological, and psychological capabilities, as well as their state of health.

Art. 8.4. An employee's unjustified refusal to adhere to the medical recommendations of the occupational health physician, or to comply with the employer's directives issued in this regard, constitutes disciplinary misconduct and shall lead to the initiation of disciplinary proceedings pursuant to Law No. 53/2003 and Law No. 1/2011.

Art. 9. Where the medical examination concludes that an employee identified with a mental health condition is Permanently Unfit, this status implies a permanent medical incapacity to perform the activities of the workplace within the specific profession or position for which the assessment was required.

Art. 10. This Procedure shall take effect across the University upon its official approval by the University Senate.