



European
Social
Charter

Charte
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EUROPEAN SOCIAL CHARTER

Answers to additional questions related to

19th National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA

Articles 2, 3, 4, 5, 6, and 20

CYCLE 2024

REPORT

ON ADDITIONAL INFORMATION REQUESTED BY THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR) IN THE CONTEXT OF THE EXAMINATION OF THE 19th NATIONAL REPORT OF THE REPUBLIC OF MOLDOVA

This report provides a detailed response concerning Articles 2§1, 3§1, 3§3, 5, 6§2, and 20 of the revised European Social Charter, in accordance with the letter of the European Committee of Social Rights (ECSR), requesting the Republic of Moldova to submit additional information by 31 August 2025, under the monitoring procedure applicable to States Parties that have not accepted the collective complaints procedure.

II. ARTICLE 2§1 – REASONABLE WORKING HOURS

Article 2§1 – On-call work and compensation for periods of inactivity

In accordance with the Labour Code of the Republic of Moldova No. 154/2003, the normal duration of working hours shall amount to 40 hours per week (Article 95 paragraph (2))¹. In certain specific sectors, such as national security, public order, and the medical field, special working time arrangements may be established, provided that they do not exceed the statutory limits. Article 104 paragraph (5) and (51)² of the Labour Code stipulate that overtime work shall not exceed 240 hours per annum, and the cumulative weekly working time, inclusive of overtime, shall not exceed 48 hours.

As provided in the National Collective Agreement No. 2/2004³, periods during which an employee is awaiting instructions regarding the commencement of work shall be deemed as working time.

¹ As provided in Article 95(2) of the Labour Code of the Republic of Moldova No. 154/2003 (https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro) :

- the normal duration of working hours for employees in enterprises shall not exceed 40 hours per week;
- the daily duration of working time shall amount to 8 hours;
- the daily duration of working time may be set at 10 hours, provided that the 40-hour weekly limit is observed;
- for certain types of activity, enterprises or professions, a collective agreement may establish a daily working time of up to 12 hours, followed by a rest period of not less than 24 hours (in such cases, the total weekly working time shall not exceed 40 hours)..

² 5) According to Article 104 of the Labour Code of the Republic of Moldova:

At the employer's request, employees may perform work beyond normal working hours, within a limit of 240 hours per calendar year;

The maximum duration of employees' working time shall not exceed 48 hours per week, including overtime hours. By way of exception, the duration of working time, including overtime hours, may exceed 48 hours per week, provided that the average number of working hours, calculated over a reference period of four calendar months, does not exceed 48 hours per week;

Where the employer requests the performance of overtime work, the employer is obliged to ensure normal working conditions for employees, including those related to occupational safety and health.

³ Pursuant to the National Collective Agreement No. 2/2004:

Starting from the normal duration of working time of 40 hours per week, enterprises (employers), regardless of the type of ownership or organisational and legal form, shall apply the five-day working week, with a daily working time of 8 hours and two days of rest, one of which shall be Sunday.

Taking into account the specific nature of work, other types of working weeks may be applied, with the distribution of working time as follows:

a) a six-day working week with one day of rest, the daily working time being 7 hours during the first five days and 5 hours on the sixth day;

b) a four-day working week with a daily working time of 10 hours and three days of rest;

c) a four-and-a-half-day working week with a daily working time of 9 hours on the first four days and 4 hours on the fifth day, followed by two and a half days of rest.

The normal duration of working time also includes periods such as: time required to prepare the workplace prior to activity commencement, the performance of work-related duties, the time spent waiting for instructions regarding the commencement of activity, or the time spent on the employer's premises in the case of organised transportation to the workplace, etc.

Pregnant women shall be granted time off to attend prenatal medical examinations, which shall be included in working time;

Provision and payment of compensation allowance shall be ensured for enterprises operating under multi-shift work systems;

Annual supplementary leave shall be granted under the conditions and for the periods set out in Article 121 of the Labour Code;

Granting of additional paid leave for family reasons, upon submission of relevant supporting documents;

Granting of paternity leave; duration of meal breaks, etc.

In the Republic of Moldova, work on an „on-call basis” is carried out in essential sectors, including public health, public order (police, gendarmerie) and emergency response services (fire brigades, rescue teams, and ambulance services).

Periods of inactivity while awaiting instructions outside the workplace may be compensated in accordance with collective agreements or the internal regulations of the respective institutions, depending on the sector of activity.

In practice, the remuneration for these periods is determined by the internal regulations of the institutions or by provisions included in collective agreements. For example:

- a) In the medical sector (pre-hospital emergency care), compensation is provided for periods of home-based duty;
- b) In the internal affairs sector (police), to ensure the proper execution of all assigned duties within the Ministry of Internal Affairs, various working-time arrangements are applied, depending on the specific nature of the subdivision’s activities:
 - A five-day working week (Monday to Friday), with attendance at the workplace for 8 hours per day, between 08:00 and 17:00, totalling 40 hours per week;
 - Shift work: 24 hours of work followed by 48 hours of rest. This working schedule provides for an alternating pattern of working and rest days in a balanced manner, thereby ensuring a fair distribution of working time and sufficient rest periods between active days. Shift work consists of 8–12 hours per day, according to an individualised work schedule established for each subdivision, with the possibility of adjustment depending on the needs of the employee or employer, provided that the total weekly working time does not exceed 40 hours.

With respect to the remuneration of work performed, employees shall be paid in accordance with the provisions of Law No. 270/2018 on the Unified Remuneration (Salary) System in the Public Sector, as well as internal administrative acts, drafted in compliance with superior normative acts governing the same scope of application.

In accordance with the provisions of the Labour Code (Articles 95 and 104), working time and overtime are explicitly regulated. However, there is no specific provision regarding work on a passive on-call basis, particularly outside the employer’s premises.

Although, pursuant to Law No. 193/2025 published in the Official Gazette of the Republic of Moldova on 21 August 2025, Article 602 (effective from 1 January 2026), Article 95(1): „(1) *Working time represents the period during which an employee is at the workplace, at the disposal of the employer, and performs their activities, functions, and work duties in accordance with the legislation, internal regulations of the enterprise, if these have been drafted and approved by the employer, and with the individual and collective employment contracts.*” This provision is aligned with the definition of “working time” set out in Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

Accordingly, legal grounds and frameworks exist for the compensation of periods during which employees are at the disposal of the employer, which are to be regarded as working time. Nevertheless, the implementation of this principle is inconsistent and remains subject to the discretion of the employer and the terms agreed with employees through negotiation.

III. ARTICLE 3§1 – POLICIES ON PSYCHOSOCIAL HAZARDS AND EMERGING RISKS

Article 3§1 – Policies on psychosocial hazards and the impact of climate change

The Republic of Moldova has recognised the importance of psychosocial hazards and new and emerging risks, including those arising from climate change. Law No. 186/2008⁴ on Occupational Safety and Health imposes an obligation on employers to identify and prevent occupational hazards. Although this legislative act does not explicitly define the term “psychosocial risk,” it provides for measures to protect the mental and psycho-emotional health of workers, including:

- a) assessment of risks in the workplace;
- b) provision of information and training to workers;
- c) reduction of working hours for certain categories of employees;
- d) protection of pregnant women and breastfeeding mothers;
- e) adaptation of the workplace according to individual needs, including the needs of persons with disabilities, in particular regarding the reasonable adaptation of the workplace, the selection of work equipment, and the choice of production and work methods, with the aim of mitigating monotonous and standardized work and reducing their impact on health.

Government Decision No. 95/2009 establishes general occupational safety and health requirements.

Other relevant normative acts include:

- Government Decision No. 353/2010 (occupational health and safety)⁵
- Government Decision No. 584/2016 (manual handling of loads)⁶,
- Government Decision No. 819/2016 (work at display screen equipment)⁷,
- Government Decision No. 589/2016 (vibration)⁸,
- Government Decision No. 362/2014 (noise)⁹,
- Government Decision No. 640/2024 (chemical agents, to enter into force in 2026)¹⁰.

The Republic of Moldova has ratified ILO Convention No. 190 on the Elimination of Violence and Harassment in the World of Work (in force since March 2025). To align national legislation with this Convention, Law No. 194/2025 was adopted. The new law introduces clear definitions of violence and harassment in the workplace, explicitly prohibiting such behaviours in all employment relationships, on an equal footing with discrimination. The Labour Code has been supplemented with provisions obliging employers to prevent, investigate, and sanction cases of violence and harassment, including those occurring in digital environments or during business travel. A mandatory internal procedure is established, and such acts are classified as serious disciplinary offences. Material and financial liability is introduced for both employers and

⁴ Law on Occupational Safety and Health https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro

⁵ Government Decision No. 353/2010 on the Approval of Minimum Occupational Health and Safety Requirements at the Workplace https://www.legis.md/cautare/getResults?doc_id=22129&lang=ro

⁶ Government Decision No. 584/2016 on the Minimum Occupational Health and Safety Requirements for the Manual Handling of Loads Posing Risks to Workers, in Particular for the Prevention of Dorsolumbar Disorders, link: https://www.legis.md/cautare/getResults?doc_id=92690&lang=ro

⁷ Government Decision No. 819/2016 on the Minimum Occupational Health and Safety Requirements for Work at a Computer Monitor: https://www.legis.md/cautare/getResults?doc_id=93686&lang=ro

⁸ Government Decision No. 589/2016 on the Minimum Occupational Health and Safety Requirements Regarding Workers' Exposure to Risks Caused by Mechanical Vibrations, link: https://www.legis.md/cautare/getResults?doc_id=92703&lang=ro

⁹ Government Decision No. 362/2014 on the Approval of Minimum Requirements for the Protection of Workers Against Health and Safety Risks Arising or Likely to Arise from Exposure to Noise, in Particular Against Hearing-Related Risks, link: https://www.legis.md/cautare/getResults?doc_id=4193&lang=ro

¹⁰ Government Decision No. 640/2024 on the Approval of the Regulation on the Protection of Workers' Health and Safety Against Risks Related to the Presence of Chemical Agents in the Workplace, link: https://www.legis.md/cautare/getResults?doc_id=145220&lang=ro

employees. Violence and harassment are considered serious disciplinary breaches, punishable, including by dismissal, and employers are held materially liable if they fail to prevent or address these acts. The law entered into force on 14 August 2025. Employers' obligations are differentiated according to the size of the organisation.

It is also worth noting that the Republic of Moldova addresses psychosocial occupational risks and emergencies associated with climate change through a coordinated national effort. A key policy instrument in this regard is the National Mental Health Programme for 2023–2027, approved by Government Decision No. 971/2023¹¹. A core component of the Programme is Specific Objective 2.3, which aims to strengthen a resilient mental health system and enhance psychosocial preparedness for emergencies and other disasters, including those caused by climate change. The associated Action Plan includes measures specifically targeted at workers affected by climate change.

In addition to the National Mental Health Programme, three other strategic documents contribute to strengthening an integrated approach to occupational risks, including psychosocial risks, in the context of climate change:

- a) The National Health Strategy “Health 2030”, approved by Government Decision No. 387/2023¹², recognises climate change as a determinant of public health and highlights the importance of enhancing the resilience of the health system in addressing these risks. The Strategy includes commitments to the development of mental health services, the enhancement of staff competences, and the promotion of occupational health across all public policies. It further foresees the development of intersectoral mechanisms to manage emerging risks, including psychosocial risks, and to protect vulnerable groups from disasters and economic changes;
- b) The National Climate Change Adaptation Programme through to 2030, approved by Government Decision No. 624/2023¹³, requires the relevant ministries (Health, Labour, Agriculture, Infrastructure) to adapt their mandates and human resource policies to the new climatic realities. The Programme supports the development of clinical protocols for climate-sensitive diseases and the establishment of information systems on health and the environment;

The National Disaster Risk Reduction Strategy 2024–2030, approved by Government Decision No. 804/2024¹⁴, aims to strengthen national capacities for the prevention of and response to natural disasters, such as floods, heat waves, and droughts. The strategy identifies categories of workers exposed to risks, including those in agriculture, construction, and emergency response. However, it does not make explicit reference to mental health protection or the prevention of occupational stress.

National legislation establishes specific regulations for professional activities involving a high level of stress, such as those in public order, national security, and emergency services, recognising the distinctive nature of the psychosocial risks inherent to these roles.

Accordingly:

¹¹ Government Decision No. 971/2023 – The Programme reflects the Republic of Moldova's EU accession priorities and complies with the requirements of the European Commission, as well as Council Resolution 2000/86/EC of 18 November 1999 on the promotion of mental health. Its approval is included in the National Action Plan on the Implementation of the Republic of Moldova's EU Accession Criteria and the EU Association Agreement for 2023–2027, under the Health sector. Furthermore,

the provisions of the Programme are aligned with the Sustainable Development Goals of Moldova 2030.

¹² Government Decision No 387/2023

¹³ Government Decision No 624/2023

¹⁴ Government Decision No 804/2024

- Law No. 170/2007 on the Status of the Intelligence and Security Officer ¹⁵ provides, in Article 51, that “an intelligence officer shall be entitled to free medical and psychological assistance and treatment (both outpatient and inpatient), including free medicines and prostheses, provided at the State’s expense within the medical-sanitary institution of the Service”.
- Law No. 288/2016 on the Public Servant with Special Status within the Ministry of Internal Affairs ¹⁶ provides, in Article 42, that: “a public servant with special status shall be entitled to a uniform, specialised and protective equipment, medical and psychological assistance, prostheses, as well as free medicines, under the conditions established by Government Decision. It further provides for the possibility of entitlement to treatment and rehabilitation under the conditions established by the Government.
- In the field of internal affairs (police), at the national level, in accordance with the general principles regulating employment relations as well as recognised international best practices, the Ministry of Internal Affairs in cooperation with the Federation of Trade Unions of Moldova “SINDLEX” have developed and ratified/signed a Sectoral Collective Agreement for the period 2020–2025. This Agreement sets out certain provisions regarding safety measures and provides recommendations for the protection of staff engaged in service during the summer season. Likewise, all public servants with special status are provided with equipment appropriate to the season.

These regulations reflect the effort to prevent and mitigate the effects of psychosocial risks in sectors with high professional exposure, through a differentiated regulatory framework tailored to the specific nature of the occupation.

¹⁵ Law No. 170/2007 on the Status of Intelligence and Security Officers: https://www.legis.md/cautare/getResults?doc_id=147921&lang=ro

¹⁶ Law No. 288/2016 on the Public Official with Special Status within the Ministry of Internal Affairs, https://www.legis.md/cautare/getResults?doc_id=147963&lang=ro

IV. ARTICLE 383 – MONITORING THE IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

The monitoring of the implementation of occupational safety and health regulations is carried out by the State Labour Inspectorate.

With regard to the targeted categories:

- **Domestic workers:** These workers are covered by the general occupational safety and health regulations. However, the effective access of labour inspectors to private households is restricted by the principle of the home inviolability, and the absence of formal employment contracts limits the scope for enforcement.
- **Workers on digital platforms:** Currently, there is no specific regulation applicable to this category, and therefore the general provisions of Law No. 186/2008¹⁷. Additionally, the National Programme for the Republic of Moldova's Accession to the European Union for 2025–2029, approved by Government Decision No. 306/2025, provides for the transposition of Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work, to be completed by the end of 2026.
- **Self-employed workers / Independent workers:** Pursuant to Law No. 193/2025 effective from 1 January 2026, amendments are introduced to Law No. 186/2008 on Occupational Health and Safety. These amendments transpose Council Recommendation 2003/134/EC of 18 February 2003 on improving health and safety protection at the workplace for workers engaged in self-employed activities. In this regard, Law No. 186/2008 provides that a self-employed worker is responsible for their own health and safety and is obliged to carry out their activities in accordance with their professional training, so as not to expose themselves or any other persons who may be affected by their actions, errors, or omissions during work to the risk of accident or occupational illness. The provisions of this law stipulate that self-employed workers may receive occupational health and safety support, either requested from external protection and prevention services for a fee or provided by the entity at which the self-employed worker performs the service. According to the amendments made to Law No. 186/2008, the client, contractor, or co-contractor who benefits from the work performed at their workplace by one or more self-employed workers is obliged to:
 - a) to ensure that each self-employed worker benefits from the same occupational health and safety conditions as the employees of the entity;
 - b) to provide each self-employed worker with access to occupational health and safety training and information offered by the entity, both to improve their own health and safety and that of other persons working at the same workplace;
 - c) To ensure that the self-employed worker has access to health monitoring appropriate to the risks to which they are exposed.

In turn, a self-employed worker performing activities at the workplace of a client, contractor, or co-contractor who benefits from their work is obliged to:

- a) to comply with the occupational health and safety instructions of the client, contractor, or subcontractor;

¹⁷ Law No. 186/2008 on Occupational Health and Safety, https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro

- b) To inform the client, contractor, or co-contractor about the specific nature of their activity, the methods used, and the equipment employed, if these could affect the health and safety of other persons present at the workplaces of the client, contractor, or co-contractor.” Therefore, Law No. 186/2008 on Occupational Health and Safety, as amended, provides protection for self-employed workers. The provisions referred to above will enter into force on 1 January 2026.
- **Workers exposed to environmental risks:** This category primarily includes workers in agriculture, construction, waste management, and sanitation, who are frequently subjected to extreme temperatures, air pollution, hazardous chemicals, UV radiation, noise, and vibrations. The State Labour Inspectorate conducts annual thematic inspections to ensure compliance with minimum occupational safety and health requirements under adverse climatic conditions, in accordance with its Annual Activity Plan. Additionally, authorities collaborate with the National Environmental Agency and the National Public Health Agency to monitor air quality and environmental factors in industrial and urban areas, as well as to develop sectoral guidelines for the prevention of occupational diseases associated with pollution and climate change. The development of a National Guideline for the Protection of Workers against Climate-Related Risks is planned in partnership with the ILO and the European Commission. Furthermore, within the framework of the project ‘Strengthening Disaster Risk Management and Climate Resilience in Moldova’, a Social and Environmental Management Framework has been developed, providing for systemic interventions in the areas of quality, financing, disaster risk management, and climate resilience in the Republic of Moldova¹⁸.

With regard to workers exposed to environmental risks, the legislation¹⁹ establishes general rules for the protection of workers under adverse weather conditions and hazardous work environments. Accordingly, in accordance with the technical regulations and occupational safety and health standards applicable in the Republic of Moldova, outdoor work—particularly tasks performed at height, on rooftops, or under severe climatic conditions—must comply with strict safety requirements to ensure worker safety and prevent accidents, as follows:

- a) Assessment of weather conditions – outdoor work (such as welding, assembly, roofing, etc.) is not permitted under the following atmospheric conditions:
 - Precipitation (rain, snow);
 - Ice or frost on working surfaces;
 - Dense fog or reduced visibility that affects work safety;
 - Strong winds exceeding 11 m/s (Beaufort scale 6); for elements with large surface areas, the maximum limit is 8 m/s (Beaufort scale 5);
 - Storms or sudden atmospheric changes.
- b) Access and support equipment control – scaffolding, work platforms, and other auxiliary structures must undergo additional inspections following weather events such as rain, thawing, or any mechanical actions that could affect the stability of the ground or equipment.

¹⁸ [https://mai.gov.md/sites/default/files/transparenta/consultari%20publice/IGSU/4_ESMF_Moldova_march_03_edited_%20clean_14.03.24_ro\(1\).pdf](https://mai.gov.md/sites/default/files/transparenta/consultari%20publice/IGSU/4_ESMF_Moldova_march_03_edited_%20clean_14.03.24_ro(1).pdf)

¹⁹ <https://ednc.gov.md/wp-content/uploads/2023/06/NCM-A.08.02-2014.pdf> , , Occupational Safety and Health in the Construction Sector (NCM A.08.02:2014, ICS 91.010.30)

- c) Roofing and assembly work – for activities involving roofing with rolled materials, metal roofs, or asbestos-cement sheets, specific protective measures must be taken to safeguard workers against the following risk factors:
 - Height differences exceeding 1.3 metres in proximity to the work area;
 - Extreme temperatures (high or low) of the air or working surfaces;
 - Sharp edges, rough surfaces, or dangerous burrs;
 - Exposure to hazardous substances and elevated air pollution;
 - Electrical hazards, including potential short circuits under variable temperature conditions.
- d) Site organisation and material safety – materials required for roofing works must be positioned exclusively in the locations specified in the execution plan. During work interruptions, tools and equipment must be securely anchored or lowered to the ground to prevent accidents resulting from wind or instability.
- e) Accident prevention through adaptation to climatic conditions – all work carried out at height or in open spaces must be organised so as to minimise direct exposure of workers to hazardous weather conditions. This includes the appropriate scheduling of breaks, rotation of personnel, and the provision of protective equipment suitable for extreme temperature.

In all cases, a reporting and inspection mechanism adapted to emerging forms of work is currently being developed.

V. ARTICLE 5 – FREEDOM OF ASSOCIATION

Article 5 – Freedom of association, including for minority trade unions and sectors with low union membership

The national legal framework of the Republic of Moldova guarantees, through a general and inclusive provision, the right of all categories of workers to join trade union organisations, including those employed in sectors with low union membership, such as the collaborative (gig) economy).

According to Article 7 of the Law No. 1129/2000 on Trade Unions²⁰, the right to establish and join trade unions is recognised for all citizens of the Republic of Moldova, foreign nationals, and stateless persons legally present in the country, without the need for prior authorisation. The legislation further explicitly provides that persons engaged in independent activities, as well as unemployed persons or those residing abroad, may join or maintain membership in trade unions in accordance with their statutes.

Thus, workers in the collaborative economy, including those operating on digital platforms, face no legal impediments to joining trade unions. Furthermore, Law No. 234/2023 introduced measures to promote the establishment of trade unions, including the exclusion of the state registration fee for trade union organisations, through the addition of paragraph (7) to Article 10 of the Trade Unions Law²¹.

Although significant measures have been adopted to protect employees' rights, deficiencies persist regarding inadequate protection against anti-union actions. In this context, the authorities are expected to adjust the legal framework to strengthen guarantees for the free exercise of trade union rights and to prevent any form of interference by employers or other actors.

Status and prerogatives of minority trade unions

With regard to trade unions that are not deemed representative, they enjoy legal recognition and may carry out trade union activities, subject to certain limitations concerning their participation in the collective bargaining process.

Pursuant to Article 27(4) of the Labour Code No. 154/2003²², where several trade union organisations exist at the same level (national, sectoral, territorial, or enterprise level), a single representative body shall be established to conduct collective bargaining and conclude collective

²⁰ Article 7. The Right to Join a Trade Union

(1) Citizens of the Republic of Moldova, as well as foreign citizens and stateless persons who are legally present on its territory, have the right, at their own choice, to establish and join trade unions, in accordance with their statutes, without prior authorisation from public authorities.

(2) Persons who are not employed or who have lost their jobs, as well as those who legally carry out work activities on an individual basis, may organise in a trade union or, at their own choice, join an existing trade union in accordance with its statute, or maintain their membership in the trade union of the enterprise, institution, or organisation where they previously worked.

(3) Citizens of the Republic of Moldova residing abroad have the right to join trade unions established in the Republic of Moldova.

²¹ Article 10(7), Trade Unions Law No. 1129/2000 (LP1129/2000)

Registration of a trade union as a legal entity

(7) Trade unions are exempt from paying the state registration fee..

²² Article 27 paragraph (4) of the Labour Code of the Republic of Moldova No. 154/2003 https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro

(4) The right to participate in collective bargaining and to sign collective agreements on behalf of employees at the national, sectoral, or territorial level belongs to the respective trade unions (trade union associations). Where multiple trade union bodies exist at the national, sectoral, territorial, or enterprise level, a single representative body shall be established to conduct collective bargaining, draft the collective agreement, and its conclusion. The representative body shall be constituted on the basis of proportional representation of the trade union bodies according to the number of union members. In the absence of an agreement on the creation of a single representative body for organising collective bargaining, the right to conduct such bargaining shall belong to the trade union (trade union association) with the largest number of members.

agreements. This body is constituted on the principle of proportional representation, based on the number of members of each trade union organisation.

In the absence of an agreement on the establishment of this single representative body, the right to conduct negotiations shall belong to the trade union with the largest number of members.

Minority trade unions, although not representative, may participate in consultations and benefit from legal protection against discrimination. According to the National Confederation of Trade Unions, the level of sanctions for anti-union behaviour requires strengthening.

To encourage freedom of association in sectors with low union membership (including the gig economy), the Government has promoted dialogue with social partners and supports the extension of association rights through the revision of labour legislation. Minority trade unions enjoy representation rights, including the possibility to participate in collective bargaining at enterprise or sectoral level, in accordance with the Labour Code. Their status is legally recognised, and their rights are not conditioned solely on the criterion of representativeness.

In conclusion, although the legislation provides an open and favourable framework for freedom of association, the effective exercise of this right depends on strengthening mechanisms of protection against pressure or obstruction of trade union activities, particularly for minority unions or those operating in emerging sectors.

Similarly, the Labour Code (Article 9)²³ and the Law No. 1129/2000 on Trade Unions²⁴ guarantee workers the right to establish and join trade union organisations without prior authorisation, as well as the right of unions to operate freely, autonomously, and without interference from public authorities or employers. These provisions also establish the independence and protection of trade unions.

For sectors with low trade union membership, the Government promotes enhanced social dialogue through revision of the Labour Code (currently in progress) to ensure access to collective rights and protection for employee's representatives in these sectors.

Minority trade unions, even where they do not reach the representation threshold set out in Art. 21 of Law No. 1129/2000, may participate in collective bargaining at the enterprise level and may represent their members before courts or public authorities. The law prohibits trade union discrimination (Article 6)²⁵, while the Contravention Code establishes sanctions for obstructing trade union activities (Article 61)²⁶.

²³ Labour Code of the Republic of Moldova. No. 154/2003, https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro

²⁴ Trade Unions Law No. 1129/2000 (LP1129/2000)

²⁵ Article 6 – Prohibition of Discrimination on the Basis of Trade Union Membership

(1) Membership of a trade union shall not entail any restrictions on the human rights and freedoms guaranteed by the Constitution, other laws, or international acts to which the Republic of Moldova is party.

²⁶ https://www.legis.md/cautare/getResults?doc_id=148850&lang=ro#

Contravention Code of the Republic of Moldova, Article 61 – Obstruction of the exercise of the right to establish and join trade unions

Obstructing employees from exercising the right to establish trade unions or to join them for the protection of their professional, economic, and social interests, as well as the right to register with them, shall be sanctioned with: a fine of 24 to 30 conventional units for individuals; a fine of 30 to 42 conventional units for persons holding a position of responsibility.

In the context of the internal affairs sector (police), public servants with special status shall enjoy the right to establish and to join trade unions for the protection of their legitimate interests, including the right to fair and adequate remuneration, the right to social protection, and the right to specific measures safeguarding their health and safety at work, taking into account the special nature of service within the Ministry of Internal Affairs²⁷.

VI. ARTICLE 6§2 – EXTENSION OF COLLECTIVE AGREEMENTS

Article 6§2 – Extension of collective agreements to non-signatory parties

The Republic of Moldova has not established a legal mechanism for the automatic (*erga omnes*) extension of collective agreements at the branch or sectoral level (i.e., the automatic application of collective agreements to non-signatory parties through the relevant clauses). Nevertheless, the Labour Code allows the parties to agree on extending the applicability of a collective agreement, subject to express consent of all parties concerned.

In accordance with the provisions of Article 33(7) and Article 38(6) of the Labour Code No. 154/2003, employees and employers who have authorised their representatives to participate in collective bargaining, and to draft and conclude the collective labour agreement/collective agreement on their behalf, fall within the scope of the collective agreement.

Simultaneously, Article 38(6) of the Labour Code No. 154/2003 provides that the termination of membership in an employers' organisation does not release the employer from the obligation to comply with the provisions of the agreement concluded during the period of their membership. An employer who joins an employers' organisation during the validity of a collective agreement is likewise obliged to fulfil the provisions of that agreement:

- Article 14(3) of the Remuneration Law No. 847/2002²⁸ confers upon the signatory parties to a sector-level collective agreement in the real sector the authority to determine the application of the tariff salary for Qualification Category I as set out in the agreement, either to all employees and employers in the sector who apply the tariff-based remuneration system, or only to those employees and employers in the sector who have expressly authorised the signatory parties to conclude the respective agreement;

- Article 390(5) of the Labour Code No. 154/2003²⁹, establishes that non-union members, upon request, may benefit from the guarantees provided by the collective labour agreement and/or collective agreements, provided that the employer withholds from their salary the amounts to be transferred to the trade union body, in the manner and under the conditions established by the collective labour agreement and/or collective agreements.

²⁷ Law No. 288/2016 on the Public Official with Special Status within the Ministry of Internal Affairs, LP288/2016: Article 44 – Political and Social Rights.

(1) Public officials with special status may form and join associations of a professional, humanitarian, technical-scientific, cultural, religious, or sports-recreational nature, without prejudice to the performance of their official duties.

(2) Public officials with special status have the right to establish and join trade unions to defend their legitimate interests, including the right to appropriate remuneration, social protection, and specific measures for health and safety, taking into account the special nature of their service within the Ministry of Internal Affairs.

(3) Public officials with special status, regardless of their rank or position, have the right to be elected to an elective office.

(4) Upon registration as a candidate, a public official with special status is suspended from their position for the duration of the electoral campaign.

(5) In the event of being elected to an elective office, the employment relationship of the public official with special status is suspended.

²⁸ Law on Remuneration No. 847/2002, LP847/2002 – Article 14: Tariff Wage for Qualification Category I, Paragraph (3) The signatory parties to the sector-level collective agreement in the real sector are vested with the right to determine the application of the tariff wage for Qualification Category I, as established in the agreement, either for all employees and employers in the sector applying the tariff wage system, or only for those employees and employers in the sector who have authorized these parties to conclude the respective agreement.

²⁹ Labour Code of the Republic of Moldova No. 154/2003, https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro

Article 390 – Ensuring Conditions for the Activities of the Trade Union Body in the Enterprise, paragraph (5):

In enterprises where a collective labour agreement is concluded and/or where collective agreements produce effects, the employer, at the request of employees who are not trade union members, shall withhold financial contributions from their salaries and transfer them monthly to the settlement account of the trade union body, under the conditions and in the manner established by the collective labour agreement and/or the collective agreements.

A notable example is the sector-level Collective Labour Agreement for 2022–2025 concluded between the Ministry of Health, the National Health Insurance Company, and the “Health” Trade Union Federation. This agreement has general applicability across the sector, covering all units within the healthcare system, regardless of whether they participated in the negotiations. Consequently, the Agreement becomes binding not only for the signatories but also for all other entities and their employees.

Within the framework of social dialogue, potential legislative amendments are being discussed to strengthen the broad applicability of collective agreements. Specifically, according to the National EU Accession Programme (PNA) of the Republic of Moldova for 2025–2029, and in the context of transposing Directive (EU) 2022/2041 on adequate minimum wages (planned for 2025), the development and adoption of a National Plan to promote collective bargaining is envisaged, aiming at the gradual increase of collective bargaining coverage to 80% at the national level.

VII. ARTICLE 20 – THE RIGHT TO EQUAL OPPORTUNITIES FOR WOMEN AND MEN

- a) Information on measures taken to enhance the participation of women in the labour market and to reduce both horizontal and vertical gender segregation).
Data/statistics showing the impact of such measures and the progress achieved in combating gender segregation and improving women's access to a broader range of jobs and occupations.
- b) Information on:
 - Measures aimed at promoting effective gender parity in decision-making positions in the public and private sectors;
 - The implementation of these measures;
 - Progress achieved in ensuring effective gender parity in decision-making positions in the public and private sectors
- c) Statistical data regarding the proportion of women serving on the boards of directors of the largest publicly listed companies and in leadership positions within public institution.

Women's participation in Moldova's labour market has strengthened markedly. For the 20–64 age group, the women's **activity rate** rose from **50.0% (2022)** to **57.5% (2024)**—now close to men's **60.9% (2024)**—while the **employment rate** increased from **48.7%** to **55.1%** over the same period. This steady convergence reflects a policy push to remove barriers and support women's continued engagement in paid work.

The Government of the Republic of Moldova through the main policy maker in this are, the Ministry of Labour and Social Protection has advanced a targeted package to enable women's labour market entry, retention and return:

- **Flexible work arrangements in the Labour Code** (reduced hours, staggered start/end, and other modalities) to help reconcile work and care responsibilities.
- **Law No. 367/2022 on Alternative Childcare Services** establishing three options for children under 3—employer-organised care at the workplace, individualised care, and family-type services—so mothers can return to work sooner and more sustainably.
- **Shared parental leave** that allows both parents to alternate leave until the child turns three, in blocks of at least four months each—encouraging fathers' uptake and enabling earlier maternal return.
- **Expanded access window for the 15-day paternity leave** (from 56 days to 12 months after birth, effective 1 September 2022), promoting fathers' early involvement and easing the transition back to work for mothers.
- **Automatic payment of family benefits**—a one-time birth allowance of **20,000 MDL** (from 2023) and the monthly childcare allowance to age two—reducing administrative burdens that disproportionately fall on women.
- **Income-secure maternity policies** allowing women who choose to work during maternity leave to keep both salary and maternity allowance; the allowance can be calculated automatically based on the higher-earning spouse's income—to protect household income and women's attachment to work.
- **Paid leave for adoptive parents** for the first time, supporting women who adopt to maintain labour market continuity.

To promote better participation in the labour market for both women and men, the National Employment Agency (NEA), through the implementation of Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance, implements the following services and measures:

- a) **Labour market information services**, including information on labour demand and supply, conditions for accessing employment services, and required qualifications and skills.
- b) **Career guidance services**, including information on professions and the characteristics of the labour market, self-assessment, and counselling to support career decision-making.³⁰
- c) **Professional training for unemployed persons**, provided through qualification, retraining, skills upgrading, and specialisation courses based on vouchers; certification of knowledge and competencies acquired through non-formal and informal learning; on-the-job training within enterprises for unemployed persons without a profession or trade; and professional internships organised for unemployed persons with no prior work experience in their chosen profession;
- d) **Subsidized employment**, is provided for certain categories of unemployed persons who require additional support in the labour market, with the aim of facilitating their integration into employment (including young orphans, persons with disabilities, victims of human trafficking, victims of domestic violence);
- e) **Promotion of labour mobility**, whereby an unemployed person who secures employment under an individual employment contract, in a locality other than their place of residence receives support to facilitate such relocation.

Results on the implementation of active services and measures contributing to improved participation of women in the labour market are reflected in the table below.

| No | Active Services and Measures | 2022 | | 2023 | | 2024 | |
|----|------------------------------------|-------|-------|-------|-------|-------|-------|
| | | total | women | total | women | total | women |
| 1. | Labour Market Information Services | 60765 | 29387 | 61253 | 29772 | 52953 | 26692 |
| 2. | Career Guidance Services | 7372 | 4099 | 16224 | 9085 | 14971 | 6587 |
| 3. | Vocational/Professional Training | 1229 | 924 | 1118 | 751 | 828 | 600 |
| 4. | Subsidies for job creation | 475 | 221 | 565 | 204 | 271 | 116 |
| 5. | Labor mobility incentives | 218 | 113 | 203 | 118 | 171 | 91 |

In conclusion, the increase in female activity and employment rates for the 20–64 age group during the period 2022–2024 reflects the positive impact of active measures implemented by NEA, which have contributed to more balanced and inclusive participation in the labour market.

The Action Plan for the implementation of the Strategy for Ensuring equality between women and men in the Republic of Moldova for 2017–2021 was adopted, with the aim of empowering women and achieving de facto equality between women and men in the Republic of Moldova and promoting gender equality in the security and defence sector³¹.

Similarly, the Program for the Promotion and Assurance of Equality between Women and Men in the Republic of Moldova for 2023–2027 (Government Decision No. 203/2023) was adopted. This

³⁰ Services are provided to all individuals seeking employment, whereas active measures are available only to persons with unemployed status.

³¹ https://www.legis.md/cautare/getResults?doc_id=99875&lang=ro

program aligns with the priorities set out in the Council of Europe Strategy for Equality between Women and Men for 2018–2023, the European Union Gender Equality Strategy for 2020–2025, the UN Women Strategic Plan 2022–2025, the Association Agenda between the Republic of Moldova and the European Union for 2021–2027, and other relevant international legal instruments. It also contributes to strengthening the national legislation in this area.

The programme strengthens national legislation and aims to significantly enhance gender equality in sectors such as health, education, the labour market, entrepreneurship, social protection, and local development, ensuring ambition and sustainability that are aligned with the needs, expectations, and challenges of the Republic of Moldova in the context of genuine equality and equity between women and men, girls and boys.

Recommendation No. 30 of the CEDAW Committee³² has been implemented through the elimination of all forms of discrimination against women, based on existing best practices. An analysis of the data presented in the table demonstrates a higher proportion of women among the total beneficiaries of most services and measures provided by the National Employment Agency.

Additionally, Law No. 74/2023 was adopted to align national legislation with international standards on prevention of sexual harassment. The new provisions include expanded responsibilities for the State Labour Inspectorate in preventing sexual harassment at work. New rights for labour inspectors to verify, at the enterprise level, the implementation of procedures to prevent sexual harassment. Obligations for employers to take measures to prevent sexual harassment. Inclusion of a commitment to prohibit sexual harassment in collective labour agreements and administrative fines for employers who fail to implement preventive measures or obstruct reporting of cases.

To ensure women's participation in public life and decision-making processes, a series of measures have been implemented:

- a) **Compliance with the minimum gender representation quota** – Article 68(3) of Electoral Code No. 325/2022 provides that candidate lists for parliamentary and local elections shall be drawn up in compliance with the minimum representation quota of 40% for each sex. The ranking of candidates shall be carried out according to the following formula: at least 4 candidates of the same sex per 10 positions. Failure to comply with this requirement may result in the electoral competitor being refused registration in the electoral process.
- b) **Annual financing from the state budget** – According to Law No. 294/2007 on Political Parties, political parties are entitled to receive annual funding from the state budget through the Central Electoral Commission, allocated as follows: 7.5% for political parties proportionate to the number of women actually elected in parliamentary elections, and 7.5% for political parties proportionate to the number of women actually elected to local council elections. Moreover, the Law establishes the obligation for political parties to allocate 20% of the value of their annual state budget subsidies to the promotion and encouragement of women's participation in political and electoral processes.
- c) **Participation of women in decision-making process** – particularly in the context of electoral participation, reference is made to the amendment of national legislation through

³² CEDAW – United Nations Convention on the Elimination of All Forms of Discrimination against Women.

the introduction of a mandatory quota for the registration of candidate lists for parliamentary and local council elections. Candidate lists for parliamentary and local elections shall be compiled in accordance with the minimum representation quota of 40% for each sex. The ranking of candidates on such lists shall follow the formula: a minimum of four candidates of each sex per ten positions. The ranking of candidates on the lists is carried out according to the formula: at least 4 candidates for every 10 positions. As a result of these measures, there has been a demonstrable increase in the number of women occupying decision-making positions: in Parliament, from 24.8% in 2020 to 40% in 2024; and among mayors in Local Public Administration (APL), from 22% in 2019 to 24.02% in 2023.

- d) **Financial Resources Proportionate to the Number of Women and Young People Elected** – Political parties may benefit from financial resources from the State Budget in proportion to the number of women and young people elected as a result of electoral contests. Such legislative measures are intended to encourage political formations to promote and support candidates from these categories to ensure better political representation. Nevertheless, despite these advances, the persistence of gender stereotypes continues to hinder the career progression of women in the political sphere.
- e) **Involvement of Women in Decision-Making Positions** – A significant number of women hold positions such as State Secretaries, Rectors and Vice-Rectors of universities, Vice-Presidents of the Academy of Sciences, Directors of research institutes, and Heads of innovation centres and technology parks, among others.
- f) **Capacity-Building and Skills Development** – Various programmes aimed at strengthening capacities and developing skills have been implemented, including mentoring, leadership training, public speaking, personal development, and awareness campaigns on the political empowerment of women candidates, among others. Additionally, systematic collection and analysis of data on women's participation in politics, including both appointed and elected positions, has been undertaken.
- g) Measures continue to be taken to **prevent, investigate, prosecute, and punish acts of violence against women**, including sexist discourse and hate speech, in political and public life, both online and offline).

In terms of progress within the sector, the following results are noteworthy:

- a) The increase in the number of women holding decision-making positions – for example, the share of women Members of Parliament increased from 24.8% (2020)³³ to 40% (2024)³⁴; while at the local public administration level, the share of women mayors increased from 22% (2019) to 24.02% (2023);³⁵
- b) Increasing public awareness and information of the population – leading to the deconstruction of stereotypes and greater openness among citizens to support women in politics and decision-making positions;
- c) Mainstreaming gender dimension into a greater number of sectoral policies – improvement of professional competencies among specialists in the field, and an increase in the number of men benefiting from paternity leave, among other measures.

³³<https://genderpulse.md/ro/participare-la-luarea-deciziilor/reprezentarea-femeilor-si-barbatilor-in-organele-de-luare-a-deciziilor/reprezentarea-femeilor-si-barbatilor-deputati-in-parlament>

³⁴ <https://www.parlament.md/StructuraParlamentului/Frac%C5%A3iuniparlamentare/tabid/83/language/ro-RO/Default.aspx>

³⁵ https://a.cec.md/ro/numarul-femeilor-alese-in-functia-de-primar-consilier-local-2781_95999.html;
<https://www.calm.md/fiecare-al-patrulea-primar-din-r-moldova-este-femeie-calm-ramane-punctul-dvs-de-sprijn/>

The dual-quota system has had a significant impact on increasing the number of women in Parliament and within district and local councils.

According to the results of the Labour Force Survey ³⁶, in 2023 the proportion of women in managerial positions at all levels constituted 43.6%.

By economic activity, higher proportions of women in managerial positions were recorded in:

- transport, information, and communications – 48.0%;
- trade, accommodation, and food services – 42.6%;
- construction – 32.8%.

Lower proportions were registered in:

- industry – 19.0%;
- agriculture – 7.7%.

In public-sector entities, the proportion of women in managerial positions in 2023 amounted to 59.3%. In the internal affairs sector (police), the proportion of women holding managerial positions within the Ministry of Internal Affairs is 17.21%. The Ministry actively encourages women's participation across all areas of the institution, including in leadership roles, and promotes a professional environment founded on the principles of non-discrimination, meritocracy, and mutual respect.

It can be concluded that the Republic of Moldova promotes gender balance through programmes aimed at advancing and ensuring equality between women and men, as well as through strategies and other normative acts, including measures to encourage women's participation in decision-making positions.

³⁶ According to the data of the National Bureau of Statistics