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EUROPEAN SOCIAL CHARTER

Comments submitted by
Equality Council from the Republic of Moldova
concerning the 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

Comments registered by the Secretariat
on 27 June 2025

CYCLE 2024



consiliul pentru egalitate
совет по равенству
equality council

**Comments
submitted by Equality Council
from the Republic of Moldova
concerning the REPORT ON THE PROGRESS OF THE
REPUBLIC OF MOLDOVA ON THE IMPLEMENTATION OF
THE FIRST GROUP OF PROVISIONS submitted by THE
GOVERNMENT OF REPUBLIC OF MOLDOVA**

Chisinau 2025

Statement of Interest

The Equality is an autonomous public authority created in 2013 by the adoption of the Law No. 121/2012 on Ensuring Equality.

The Council's mission is to prevent and protect against discrimination, to ensure equality, to promote equal opportunities and diversity.

The Equality Council has the power to promote equality and non-discrimination through information campaigns, awareness raising campaigns, campaigns for training different categories of stakeholders involved in the social, economic, cultural and other spheres.

The Equality Council examines complaints regarding discrimination and adjudicates there on by adopting decisions that are enforceable. It issues consultative opinions on the compliance of normative acts to the equality and non-discrimination standards.

The present information was drafted based on the Council's case-law and on the analysis of the legal norms, undertaken by the Council.

ARTICLE 4§3 - THE RIGHT OF MEN AND WOMEN TO EQUAL PAY FOR WORK OF EQUAL VALUE

b) Information on job classifications and pay systems reflecting the principle of equal pay, including in the private sector.

c) Information on measures in place to achieve measurable progress in closing the gender pay gap within a reasonable timeframe. Please provide statistical trends regarding the gender pay gap.

➤ The state's report indicates on the fact that the Law on Pay Transparency no 107/2022 ensures equal pay and the transposition of Directive 2006/54/EC regarding the implementation of the principle of equal opportunities and equal treatment between men and women in matters of employment and occupation.

In this context, the amendments to the Labor Code operated by the Law no 107/2022 in terms of defining equal work and work of equal value are of a particular importance and serve as basic regulations in identifying gender pay gap. Also, the law obliges the employers to use a system of evaluation and classification of positions that will ensure that the salary levels are not discriminatory on grounds of sex but doesn't institute mechanisms or procedures in order to monitor if the employers have put in place such systems.

Also, according to the amendments operated by Law no 107/2022, the employers of medium and large enterprises have the obligation to periodically (at least once a year) inform the employees and/or their representatives regarding the gender pay gap by employee category and position. In this respect, given the lack of a reference system for evaluation and classification of positions for setting the salary levels to ensure the principle of equal pay for equal work and work of equal value, this obligation remains unfulfilled. Also, there is no mechanism to control or monitor the implementation of the given provisions by medium and large enterprises. Currently, the only available data on the gender pay gap are provided by the National Bureau of Statistics and refer only to types of economic activities. Those being said, the Council highlights that although the mentioned law entered into force in May 2022, no significant progress in closing the gender pay gap was achieved to date. The data presented in the state report show that the gender pay gap increased in 2023 (15.6%) comparing to 2021 (13.6%). Also, it has to be mentioned that gender pay gap is even higher in information and communication sector (38%), financial and insurance sector (34.6%), and health and social care sector (25.6%)¹. The lack of change in the increasing tendency of the

¹https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_03%20FM_SAL010_serii%20anuale_Disparitate/GEN012400sal.px/?rxid=5aad211e-2f63-43c6-9796-f49f4ccfe6cf

gender pay gap demonstrates that no specific actions were taken to ensure the implementation of the ambitious provisions of the Law no 107/2022.

➤ Further, the law empowers the Equality Council and the State Labor Inspectorate to request information from the employers on any gender wage disparity which is not objectively justified. In this context, it was established in the National Human Rights Programme (2024–2027) that due to the new attributions conferred to the Equality Council and the State Labor Inspectorate related to monitoring the application of the principle of equal pay for equal work and work of equal value, strengthening the capacities of these authorities is imperative. For this purpose, two actions were included in the action plan related to (1) developing a methodology within the two authorities to monitor the application of the principle of equal pay and (2) training the staff of the Equality Council and the State Labor Inspectorate on the application of monitoring instruments.

➤ Also, the Program for the Promotion and Ensuring of Equality between Women and Men in the Republic of Moldova for 2023-2027, approved by the Government Decision No 203/2023, includes a specific action on supporting the Equality Council and the State Labor Inspectorate in strengthening their internal procedures related to the attribution to monitor the application of the equal pay principle.

In this respect, it is to be noted that despite the specific commitments enshrined in the relevant policy documents, no concrete action was taken by the Government in order to strengthen the capacities of the Equality Council to monitor the application of the principle of equal pay for equal work and work of equal value. No support was offered in order to strengthen the capacities of the authority in fulfilling the monitoring of equal pay principle and no methodology was elaborated to date.

Moreover, the financial resources planned to be allocated to the Equality Council to support activities related to its mandate - specifically 500,000 lei annually (approximately €100,000 for a period of 4 years), provided in the National Human Rights Program (2024–2027) were not disbursed neither in 2024 nor in 2025. Due to these circumstances, the Equality Council lacks the necessary financial resources to develop independently a methodology or to conduct independent research/reports on the application of the principle of equal pay for equal work and work of equal value in specific areas of national economy.

ARTICLE 20 - RIGHT TO EQUAL OPPORTUNITIES FOR WOMEN AND MEN

a) Information on measures taken to promote greater participation of women in the labor market and to reduce gender segregation (horizontal and vertical).

Statistical information/data showing the impact of these measures and the progress made in combating gender segregation and enhancing women's participation in a broader range of jobs and occupations.

Although the state has reported positive dynamics in enhancing women's participation in a broader range of jobs and occupations, but also a series of measures put in place to promote better participation in the labor market for both women and men, statistical data and the Council's case-law demonstrate the persistence of the following systemic problems:

Discriminatory provisions that limit the access of women to certain leadership positions. At the recommendation of the Council, an action regarding the elaboration of an analysis of the legal framework with the aim of identifying discriminatory provisions on ground of sex on was included in the Program for the Promotion and Ensuring of Equality between Women and Men in the Republic of Moldova for 2023-2027, approved by the Decision of Government no. 203/2023. Still, even if the deadline for the realization of the action was 2024, no progress was reported in this respect.

As an example, point 9 subpoint 10 of the Regulation on the appointment of heads of public medical and sanitary institutions to a position based on a competition, approved by Government's Decision no 1016/2016, provides that any person who meets the following basic conditions may participate in the competition for the position of head: *"has not reached the retirement age, according to the law"*. In this regard, the Council emphasized that the retirement age for women and men will be equalized in 2028, until then, this condition is discriminatory against women because their retirement age is currently lower and they do not have equal opportunities to participate in the competition for leadership positions in public medical institutions.² Until now, no measures were taken by the Government in order to implement the recommendation of the Council concerning the review of the discriminatory requirement.

Temporary special measures. In 2023, the Law on Paid Internships in Public Service was adopted, granting individuals who have completed a full internship and received an evaluation of "excellent" the right to be appointed to entry-level public positions (not requiring professional experience) without a competitive selection process.

While this legislation mandates that 10% of such positions be allocated to persons with disabilities, it fails to incorporate affirmative action measures for women belonging to national minorities, including Roma women, and women from rural areas, despite explicit recommendations in this regard submitted by the Equality Council.

Sex-based discrimination and harassment in employment. The Republic of Moldova has ratified the Violence and Harassment Convention, 2019 (No. 190), of the

² https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_53_2021-1.pdf

International Labor Organization by the Law no. 440/2023. During 2024, a draft law was elaborated in order to ensure that any form of harassment and discrimination in the workplace, including sex-based, is disciplinary sanctioned. In this respect, the Council highlights that accelerate measures should be taken by the state in order to adopt the law and ensure that victims of any form of harassment or violence are encouraged to report these acts, receive an adequate compensation and are protected against acts of victimization.

Still, the harassment based on a protected ground is one of the most frequent forms of discrimination in employment in the Council's case-law. Since 2020, the Council found harassment of women at workplace based on sex/gender in 4 cases, and harassment of women based on other protected grounds (health status, disability, opinion, trade union membership status etc.) in 5 cases.

Discriminatory dismissal of the elder women. Despite the multiple decisions where the Council found that article 86 of the Labor Code is abusively used by employers against persons that reached the retirement age and leads to discriminatory dismissal of older women, no concrete measures were taken by the state in order to prevent these discriminatory practices. In this sense, since 2020 the Council found discrimination of older women by abusive dismissal on the grounds of article 86 par. (1) y¹) of the Labor Code in 7 cases. For comparison, abusive application of the same provision against men was found in 2 cases. This situation also affects women's pension, given that according to the official statistic data on January 1, 2025 the average pension of women was 16.3% lower than average pension of men³.

Gender segregation in the field of social care. Statistical data show that women, especially in rural areas, are most likely to assume the care-giving responsibilities of children, family members with disabilities or the elderly women. Family responsibilities are the main cause of economic inactivity for every second woman aged 25-54 (55.7% of total inactive women aged 25-54), while among men in the same age group this reason is cited by only 2.5% of men. Also, women involved in long-term care of family members with disabilities have very limited opportunities of participation in the labor market. According to data from the Agency for the Management of Highly Specialized Social Services, in 2023, the share of female personal assistants (who care for people with severe disabilities) was 80.0%⁴.

Gender segregation in a broader range of jobs and occupations. Although women's participation in public service has remained high, fluctuating slightly between 73.6% and 75.3% over the years, including 59.6% in senior management positions, men continue to hold the majority of positions of public dignity (67.7%), while the

³ https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61689.html

⁴ https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61689.html

proportion of women remains at around one-third (32.3%). The share of women in position of minister is even lower - 21,4%.

The distribution by economic sectors reveals the highest share of women in health and social care sectors (80.2%) and in education (80.5%), but a lower share in information and communication sector (38.7%) and real estate sector (38.6%)⁵. Still, there are no available statistics on the share of women holding leadership positions in the sectors where women are overrepresented.

⁵ https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61689.html