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## **EUROPEAN SOCIAL CHARTER**

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the European Social Charter

submitted by

**THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA**

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

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# REPORT ON THE PROGRESS OF THE REPUBLIC OF MOLDOVA ON THE IMPLEMENTATION OF THE FIRST GROUP OF PROVISIONS

(ARTICLES  
2&1, 3&1, 3&2, 3&3, 4&3, 5, 6&1, 6&2,  
6&4 AND 20)  
FROM THE REVISED EUROPEAN  
SOCIAL CHARTER

STATES PARTIES NOT HAVING ACCEPTED THE COLLECTIVE COMPLAINTS  
PROCEDURE  
MINISTRY OF LABOUR AND SOCIAL PROTECTION OF THE REPUBLIC OF  
MOLDOVA

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## ARTICLE 281 - REASONABLE DAILY AND WEEKLY WORKING HOURS

**a) *Information on occupations, if any, where weekly hours of work may exceed 60 hours or more by law, collective agreements or other means, including the exact number of hours per week that persons in these occupations may work.***

In accordance with the national legislation<sup>1</sup> and the information provided by the authorities, there are no occupations in the Republic of Moldova where weekly working hours may exceed 60 hours (no normative acts or collective agreements allow this).

Considering the above, we note that, pursuant to the Labour Code of the Republic of Moldova No 154/2003<sup>2</sup>, the standard working hours of employees within the units may not exceed 40 hours per week. This provision similarly applies to state security bodies and internal affairs bodies (subject to the specific nature of their activities). While certain exceptions to daily working time<sup>3</sup> are permitted for shift work involving rest breaks, the weekly working hours does not exceed 60 hours, and within the limit of 240 hours per year of overtime work, combined cumulatively with the regular weekly hours established by the Labour Code does not exceed 48 hours per week.

The collective agreement (national level) No 2/2004<sup>4</sup>, stipulates the regular duration of working time, including activities such as preparing the workplace for the start of work, performing work duties, waiting time prior to start of work, time spent at the workplace in case of organised travel to the worksite, etc.

**b) *Information on the safeguards in place to protect the health and safety of the worker where employees work more than 60 hours per week.***

In accordance with the national legislation, there are no occupations in the Republic of Moldova where weekly working hours may exceed 60 hours. There are no legal provisions or collective agreements that allow such practices.

Pursuant to the provisions of national legislation<sup>5</sup>, employers are under the statutory duty to provide employees with adequate working conditions, ensuring health and safety at work, including cases that require overtime work.<sup>6</sup>

Furthermore, the employers are obliged to take all necessary measures to secure the occupational safety and health of workers, including the prevention of occupational risks and the provision of the

<sup>1</sup> Labour Code of the Republic of Moldova No 154/2003 ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro))

<sup>2</sup> Labour Code of the Republic of Moldova No 154/2003, Article 95 paragraph (2) ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)):

- the standard working hours of employees in units may not exceed 40 hours per week
- the normal daily working time shall be set at 8 hours;
- the daily working time may also be set at 10 hours, provided that the total working time does not exceed 40 hours per week;
- for certain types of activity, enterprises or professions, a daily working time of up to 12 hours may be established by collective agreements, provided that it is followed by a rest period of at least 24 hours. In such cases, the total weekly working time shall not exceed 40 hours.

<sup>3</sup> Labour Code of the Republic of Moldova No 154/2003, Article 101 paragraph (1') and paragraph (6)

[https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro):

- for state security bodies and internal affairs bodies, where the nature of the activity so requires, the daily duration of working time in shifts is established by an administrative act, with due observance of the minimum rest period between shifts.
- the daily duration of working time in shifts may not exceed 24 hours, and the rest period between shifts shall be at least twice the duration of the preceding shift, meaning a minimum rest period of 48 hours following a 24-hour shift.
- thus, the total weekly duration of working time shall not exceed 60 hours. Furthermore, the cumulative total of overtime hours within the annual limit of 240 hours, together with the standard weekly working hours established by the Labour Code, shall not exceed 48 hours per week.

<sup>4</sup> Collective agreement (national level) No 2/2004 ([https://www.legis.md/cautare/getResults?doc\\_id=84813&lang=ro](https://www.legis.md/cautare/getResults?doc_id=84813&lang=ro))

Starting from the standard working time of 40 hours per week, the units (employers), regardless of the form of ownership or legal organisational structure, shall apply a 5-day working week with a working time of 8 hours per day and 2 days of rest, one of which shall be Sunday.

Depending on the specific nature of the activity, other working week schedules may be applied, with working time distributed as follows:

- a) a 6-day working week with one day of rest, where the working time being 7 hours for the first 5 days and 5 hours on the sixth day;
- b) a 4-day working week with a daily working time of 10 hours and 3 days of rest;
- c) a 4 and a half-day working week, where the working time shall consist of 9 hours per day for the first 4 days and 4 hours on the fifth day, with 2 and a half days of rest.

The normal duration of working time shall also include periods such as: time allocated for preparing the workplace prior to the commencement of work, fulfilling professional duties, time spent waiting for work to begin, time spent on the premises of the unit in cases of organised transportation to the workplace, and similar situations etc.

Pregnant employees shall be entitled to time off during working hours for prenatal medical examinations, which shall be considered part of their working time. Employers practicing multi-shift work systems shall provide and remunerate compensation bonuses as prescribed by applicable regulations.

Additional annual rest leave shall be granted under the conditions and for the durations stipulated in Article 121 of the Labour Code. etc. Employees may also be entitled to additional paid leave for family related circumstances, upon submission of the necessary supporting documents.

Granting paternity leave, duration of meal breaks, etc.

<sup>5</sup> Labour Code of the Republic of Moldova No 154/2003 ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro))

<sup>6</sup> Labour Code of the Republic of Moldova No 154/2003 Article 104 (6) ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro))

appropriate means.<sup>7</sup>

***c) Information on the weekly working hours of maritime workers.***

Following the partial transposition of the Council Directive 1999/63/EC of 21 June 1999<sup>8</sup> and Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999<sup>9</sup>, the Government Decision No 342/2024<sup>10</sup> introduced measures to enhance maritime safety, regulating working conditions and safeguarding the health and safety of the ship crew members. These measures include:

- more favourable measures regarding the organisation of the working conditions for crew members aboard ships authorised to sail under the flag of the Republic of Moldova;
- mechanisms to monitor and enforce compliance for ships on-call docking at ports under the jurisdiction of the Republic of Moldova.

This normative act establishes the maximum permissible working hours and the minimum required rest periods within specified timeframes for the ship's crew. Thus, the standard working hours of the ship's crew members shall be as follows:

- a) aged between 16 and 18: 7 hours per day, with two rest days per week and adequate breaks during working hours;
- b) over the age of 18: 8 hours per day, with two rest days per week and adequate breaks during working hours.

The limits on working and rest time are as follows:

- a) maximum working hours: crew members aged between 16 and 18 shall not work more than 12 hours in any 24-hour period or 35 hours per week;

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<sup>7</sup> Occupational Safety and Health Law No 186/2008, Article 10 (1) ([https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)), the employer is obliged to:

- ensure the application of the provisions of occupational safety and health normative acts, considering the specifics of the activity, the characteristics of the work process, and the elements of the work system, including personnel, work equipment, workload, and the work environment;
- adopt and enforce internal occupational safety and health acts in the absence of applicable national or sectoral legislation relevant to the field of activity;
- take all necessary measures to ensure the safety and health of workers at work, including the prevention of occupational risks, the provision of information and training, and the provision of necessary means.

<sup>8</sup> Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST).

<sup>9</sup> Directive 1999/95/EC of the European Parliament and of the Council of December 13, 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

<sup>10</sup> Government Decision No 342/2024 on the approval of the Regulation on the work regime of the ship's crew, link: [https://www.legis.md/cautare/getResults?doc\\_id=143391&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143391&lang=ro):

Paragraph 4 prohibits:

- 1) employment on board ship of persons under 16 years of age;
- 2) the enlistment of crew members under 18 years of age for:
  - a) night work;
  - b) work involving high temperatures or open flames;
  - c) work performed outside the ship;
  - d) tasks requiring the lifting, moving, or transportation of heavy loads or objects exceeding the maximum permissible load for persons under 18 years of age, as defined by applicable regulations regarding manual handling of weights, etc.

Points 5 - 12, provides for:

- 1) a maximum number of working hours which may not be exceeded within a given time period;
- 2) a minimum number of rest hours to be provided within the specified time period.

The standard working hours of the ship's crew are as follows:

- 1) for crew members aged between 16 and 18 years: a maximum of seven hours per day, with two rest days per week and scheduled rest breaks during working hours;
- 2) for crew members over 18 years of age: a maximum of eight hours per day, with two rest days per week and scheduled rest breaks during working hours.

Working or rest time limits are as follows:

- 1) maximum working hours shall not exceed:
  - a) 12 hours within any 24-hour period;
  - b) 35 hours per week for crew members aged 16 to 18; or
- 2) minimum rest hours shall be no less than 12 hours within any 24-hour period.

Rest hours may be divided into a maximum of two periods, one of which shall be at least six hours in duration, and the interval between consecutive rest periods shall not exceed 12 hours.

Drills for verifying the ship's crew readiness, as well as fire-fighting and rescue training, shall be conducted in such a manner as to avoid reducing rest periods or causing fatigue.

If a crew member is called on duty during their normal rest period, an appropriate compensatory rest period shall be granted to ensure adequate recovery.

In the absence of a collective bargaining agreement, the provisions of this Decision shall establish the necessary conditions to guarantee sufficient rest for the crew.

The shipboard working hours schedule shall be displayed in easily accessible locations.

- b) minimum rest hours: crew members shall be entitled to a minimum of 12 hours of rest within any 24-hour period.

**d) Information on how on-call periods are assessed in terms of working or rest time.**

The Labour Code of the Republic of Moldova regulates the procedure for home work and remote work.

**Employees working at home**<sup>11</sup> - are persons who concluded an individual employment contract for the provision of work at home using materials, tools and mechanisms provided by the employer or procured from their own means.

In this respect, the individual employment contract expressly states:

- a) use of materials, tools, devices provided by the employer; or  
b) use by the employee of their own tools and mechanisms, with compensation for depreciation resulting from wear and tear; the procedures and deadlines for supplying employees with raw materials, materials and semi-finished products, for processing payments related to finished production, for reimbursing the value of materials belonging to employees, and for collecting finished production.

**Telework employees**<sup>12</sup> - are persons who have concluded an individual contract of employment or a supplementary agreement to an existing contract that contains telework provisions.

Telework is the form of work activity organisation, whereby the employee performs the specific duties of occupation, function, or trade in a place other than employer's premises, using information and communication technology to carryout their duties.

An employee engaged in remote work shall be entitled to all rights and guarantees provided by law, the collective bargaining agreement, the individual employment contract, or any other normative act applicable to employees within the unity organised by the employer.

Collective agreement (national level) No 2/2004<sup>13</sup> stipulates the standard duration of working time, which includes activities such as preparing the workplace for the start of work, performing of work duties, waiting time spent before the start of work, time spent at the unity in case of organised travel to work, etc.

The time during which an employee remains at home awaiting instructions regarding the commencement of an assignment shall be considered part of working time and shall be remunerated in accordance with the individual employment contract, but not less than the minimum wage established by law (Government Decision No 985/2003 ).<sup>14</sup>

<sup>11</sup> Labour Code of the Republic of Moldova No 154/2003, Art. 290-292 ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)).

<sup>12</sup> Labour Code of the Republic of Moldova No 154/2003, Art. 292 -292<sup>15</sup> ([https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro))

<sup>13</sup> Collective agreement (national level) No 2/2004 ([https://www.legis.md/cautare/getResults?doc\\_id=84813&lang=ro](https://www.legis.md/cautare/getResults?doc_id=84813&lang=ro))

Starting from the standard working time of 40 hours per week, the units (employers), regardless of the type of ownership and legal-organisational structure, shall apply a 5-day working week, with a working time of 8 hours per day and 2 days of rest, one of which is Sunday.

Considering the specific nature of the work, employers may implement alternative working week schedules with working time distributed as follows:

a) a 6-day working week with one rest day, consisting of 7-hour working day for the first 5 days and 5 hours on the sixth day;  
b) a 4-day working week, with daily working hours of 10 hours and 3 days of rest;  
c) a 4 and a half-day working week, with 9-hour working days for the first 4 days, 4 hours on the fifth day, and 2 and a half days of rest, along with starting and finishing times, shift durations, breaks, and the alternation of working and non-working days, shall be established in the internal regulations of the organisation. These arrangements may also be stipulated in collective or individual employment contracts.

Standard working hours include:

- time allocated for preparing the workplace prior to the commencement of work;
- time spent fulfilling work duties and responsibilities;
- time spent restoring working capacity during working hours due to specific climatic conditions, physical exertion, or other factors as prescribed in the normative acts of the unit, or as outlined in collective or individual employment contracts;
- time spent waiting for instructions or authorisation to begin work;
- time spent at the workplace in cases of organised transportation to the worksite;
- time allocated for personal hygiene in the case of unhealthy work conditions shall be determined by the internal rules of the unit or specified in the collective agreement;
- time allocated for putting on and removing personal protective equipment shall be determined by the internal rules of the unit or specified in the collective agreement.

The employer is required to grant pregnant employees time off for prenatal medical check-ups, which shall be considered part of their working time. Units operating on a multi-shift basis shall ensure the payment of compensatory allowances, which shall be 20 percent of the hourly rate for each hour worked on the second shift and 50 percent of the hourly rate for each hour worked on the third shift. Additional annual leave shall be granted in accordance with the conditions and durations set forth in Article 121 of the Labour Code.

Upon submission of the appropriate documents, employees shall be entitled to additional paid leave for family-related reasons, expressed in working days. This includes, but is not limited to cases such as: the employee's marriage, the marriage of the employee's child, bereavement of a child, death of close relatives, parents with children in grades I and II, and the enlistment of a family member into the National Army.

Granting paternity leave, duration of meal breaks, etc.

<sup>14</sup> Government Decision No 985/2003 on establishing the amount of the national minimum wage for 2024

([https://www.legis.md/cautare/getResults?doc\\_id=140420&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140420&lang=ro)):

As of January 1, 2024, the minimum wage in the country is set at 5000 lei per month (approximately 259 euro) for a full 169 hours of work per month (on average), which corresponds to 29.58 lei per hour.

***e) Information on weekly working hours of security officers.***

Compliance with the 60-hour workweek or more:

Occupations	Exact number of hours per week	Measures to protect workers' health and safety	Legislative act and/or collective agreements
State security activities	40	The social and legal protection of the intelligence and security officer is regulated by the Law No 170-XVI/ 2007 on the status of the intelligence and security officer	SIS Law No 136/2023 <sup>15</sup> ; Law No 170-XVI/2007 . <sup>16</sup>
Ensuring the internal security of the Service and safeguarding its units	According to the Labour Code of the Republic of Moldova, Article 104, paragraph 51	The social and legal protection of the intelligence and security officer is regulated by the Law No 170-XVI/ 2007 on the status of the intelligence and security officer	SIS Law No 136/2023; SIS Law No 170-XVI/2007.

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In cases where the working hours, according to the law, are less than 40 hours per week, the minimum hourly wage shall be calculated by dividing the minimum monthly wage specified in this provision by the average number of working hours per month, in accordance with the legally approved working hours.

<sup>15</sup> [https://www.legis.md/cautare/getResults?doc\\_id=137512&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137512&lang=ro)

<sup>16</sup> [https://www.legis.md/cautare/getResults?doc\\_id=137380&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137380&lang=ro)



## ARTICLE 3§1 - THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS. HEALTH, SAFETY AND WORKING ENVIRONMENT

*a) Information on the content and implementation of national policies on psychosocial risks or new and emerging risks, including in the following contexts:*

- *gig or platform economy;*
- *teleworking;*
- *occupations that require intense concentration or high performance;*
- *workplaces subject to stressful or traumatic situations;*
- *workplaces affected by risks associated with climate change.*

In accordance with the provisions of the Labour Code of the Republic of Moldova, the following risks and protective measures are identified in such cases (intense concentration, traumatising and stressful situations, etc):

- a) specific risks associated with the job must be clearly outlined and defined in the individual employment contract<sup>17</sup>;
- b) in instances of increased health risks, measures shall be provided to ensure remuneration for the work performed<sup>18</sup>;
- c) protection of employees against the risk of non-payment of amounts owed in connection with the performance of their individual employment contract or upon its termination<sup>19</sup>;
- d) risks to women's safety or health that may affect pregnancy or breastfeeding, arising from certain activities or work;<sup>20</sup>
- e) risks identified through the medical certificate and associated guarantees<sup>21</sup>;
- f) prohibiting the transfer of certain categories of women to another job as a result of occupational risk assessment, in accordance with Law No 186/2008<sup>22</sup>;

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<sup>17</sup> Labour Code of the Republic of Moldova No 154/2003,

link: [https://www.legis.md/cautare/getResults?doc\\_id=142356&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142356&lang=ro#) (Article 49 paragraph (1) (f))

### **Article 49. Content of the individual employment contract**

(1) The content of the individual employment contract shall be determined by agreement of the parties, taking into account the provisions of the applicable legislation, and shall include:

- a) name and surname of the employee;
- b) employer's identification data;
- c) duration of the contract;
- d<sup>1</sup>) specialty, profession, qualification, function; e) duties of the function;
- f) risks specific to the function;
- g)-h) the rights and obligations of the employee and the employer; i) the conditions of remuneration for work;
- j) compensation and allowances, including for work performed under arduous, harmful and/or dangerous conditions;
- l) work and rest arrangements, including the length of the employee's working day and working week etc.;

<sup>18</sup> Labour Code of the Republic of Moldova No 154/2003

### **Article 139<sup>1</sup>. Remuneration for work performed at increased risk to health**

(1) For work performed under conditions of increased risk to health during a state of emergency, siege or war, or during a state of public health emergency, employees may be entitled to a compensation supplement for work performed under conditions of increased risk to health.

(2) The compensation for work performed under conditions of increased risk to health shall be set at up to 100 percent of the basic salary per unit of time (hour or day), depending on the workload and level of training of the employee, for each hour or day of work performed under conditions of increased risk to health.

(3) The categories of employees working under conditions of increased health risk during a state of emergency, siege or war, or during a public health emergency shall be determined by the Commission for Exceptional Situations of the Republic of Moldova or, as applicable, by the Extraordinary National Commission for Public Health.

<sup>19</sup> Labour Code of the Republic of Moldova No 154/2003

### **Article 144. Priority payment of wages**

(1) - (2) The payment of wages shall take precedence over other financial obligations, including in the event of the insolvency of the unity. The funds for the remuneration of employees' labor shall be secured by the income and assets of the employer.

(3) Employers are required to take measures to protect employees from the risk of non-payment of amounts owed to them under the individual employment contract, or as a result of its termination.

(4) In the event of insolvency of the unit, compensation payments guaranteed to employees, and calculated (or recalculated) as of the payment date, shall be paid in an amount not less than the minimum wage established in accordance with the applicable legislation.

<sup>20</sup> Labour Code of the Republic of Moldova No 154/2003

### **Article 248. Work for which the use of the labour of certain categories of women is prohibited**

Pregnant women, women who have recently given birth, and women who are breastfeeding are prohibited from engaging in underground work in mines, as well as any other activities that may pose a risk to their safety or health, or that could have adverse effects on pregnancy or breastfeeding. This prohibition is in accordance with the minimum requirements established and approved by the Government.

<sup>21</sup> Labour Code of the Republic of Moldova No 154/2003

### **Article 249. Limitation of posting**

(1) Persons for whom travel on official business is contraindicated by a medical certificate shall not be authorised to travel.

(2) Severely disabled persons, pregnant women, single parents with children under 14 years of age, employees with children under 4 years of age or with disabled children, persons combining childcare leave under Articles 126 and 127(2) with work, as well as employees caring for a sick family member based on a medical certificate, may be assigned to official duties only with their written consent. The employer is also required to inform the employees in writing of their right to refuse such assignments..

<sup>22</sup> Labour Code of the Republic of Moldova No 154/2003



- g) within the limits of normal production risk, provisions are made to exclude the employee's material liability<sup>23</sup>;

The legislation of the Republic of Moldova does not explicitly define the concept of psychosocial or psycho-emotional risk, but it does make express provisions for it<sup>24</sup>:

- a) ensuring a comfortable psycho-emotional environment in workplace relationships;
- b) dismissal following any instance of physical or psychological violence by a teacher towards students;
- c) reduced working hours for certain categories of employees.

In addition to the Labour Code, there are normative acts approved at the Government level, which, depending on the identified risk, establish the minimum requirements for the protection of workers, as follows:

N/A	Risk type	The normative act
1	Risks to workers, particularly regarding back and lumbar disorders, arising from manual handling of loads presenting risks to workers, particularly back and lumbar back disorders	Government Decision No 584/2016 <sup>25</sup>
2	Risks associated with asbestos exposure in the workplace	Government Decision No 244/2013 <sup>26</sup>
3	Risks related to chemical agents in the workplace	Government Decision No 324/2013 <sup>27</sup> Government Decision No 640/2024 <sup>28</sup> (in force from 01.01.2026)
4	Risks that can be caused by exposure to noise, particularly those affecting hearing	Government Decision No 362/2014 <sup>29</sup>
5	Nomenclature of work involving arduous, harmful and/or dangerous working conditions to which persons under 18 years of age are prohibited from being assigned. Maximum permitted stress levels for persons under 18 years of age for manual lifting and carrying of weights	Government Decision 541/2014 <sup>30</sup>
6	Mechanical vibration hazards	Government Decision No 589/2016 <sup>31</sup>
7	Monitor-related work	Government Decision No 819/2016 <sup>32</sup>

#### Transfer to other work of certain categories of women

(1) If, following an assessment of occupational risks in accordance with the Occupational Safety and Health at Work Act, it is determined that the work performed by a pregnant woman, a woman who has recently given birth, or a breastfeeding woman poses a risk to her safety or health, or may have adverse effects on her pregnancy or breastfeeding, the employer shall take appropriate measures to eliminate the risk factors by temporarily altering the working conditions.

(2) If it is not possible to modify the working conditions as specified in paragraph (1) for objective reasons, the employer shall assign the pregnant woman, woman who has recently given birth, or breastfeeding woman to alternative work, ensuring that she is not exposed to the identified risk factors. During the period of employment in the alternative position, the employee shall receive the average wage of her previous job.

<sup>23</sup> Labour Code of the Republic of Moldova No 154/2003

#### Article 334. Circumstances precluding the employee's material liability

(1) The employee shall be exempt from material liability if the damage was caused by force majeure, as confirmed in the prescribed manner, extreme necessity, self-defense, the performance of a legal or contractual obligation, or within the limits of normal production risk.

(2) Employees shall not be held liable for losses inherent in the production process, which fall within the limits established by technological rules or applicable legislation, for material damage caused by unforeseen circumstances that could not be avoided, or in other similar cases.

#### <sup>24</sup> Article 1

Dignity at work refers to a positive psycho-emotional environment in employment relations, which ensures the exclusion of any verbal or non-verbal behavior by the employer or other employees that may harm the moral and psychological integrity of the employee;

#### Article 86. Dismissal

Dismissal is permitted in the event of any instance of physical or psychological violence committed by a teacher towards students.

#### Article 96. Reduced working time

(3) For certain categories of employees whose work requires greater intellectual and psycho-emotional effort, the duration of working time shall be determined by the Government and shall not exceed 35 hours per week.

<sup>25</sup> Government Decision No 584/2016 on Minimum occupational health and safety requirements for the manual handling of loads presenting risks for workers, in particular the risk of back and lumbar disorders, link: [https://www.legis.md/cautare/getResults?doc\\_id=92690&lang=ro](https://www.legis.md/cautare/getResults?doc_id=92690&lang=ro)

<sup>26</sup> Government Decision No 244/2013 on the approval of the Minimum requirements for the protection of workers from the risks related to asbestos exposure at work, link: [https://www.legis.md/cautare/getResults?doc\\_id=137646&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137646&lang=ro)

<sup>27</sup> 324/2013 on the approval of the Sanitary Regulation on health and safety requirements to ensure the protection of workers against risks related to the presence of chemical agents in the workplace, link: [https://www.legis.md/cautare/getResults?doc\\_id=145221&lang=ro](https://www.legis.md/cautare/getResults?doc_id=145221&lang=ro)

<sup>28</sup> Government Decision No 640/2024 for the approval of the Regulation on the protection of workers' health and safety against the risks related to the presence of chemical agents at work, link: [https://www.legis.md/cautare/getResults?doc\\_id=145220&lang=ro](https://www.legis.md/cautare/getResults?doc_id=145220&lang=ro)

<sup>29</sup> 362/2014 on the approval of the Minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to noise, in particular risks to hearing, link: [https://www.legis.md/cautare/getResults?doc\\_id=4193&lang=ro](https://www.legis.md/cautare/getResults?doc_id=4193&lang=ro)

<sup>30</sup> 541/2014 on the approval of the Nomenclature of jobs with heavy, harmful and/or dangerous working conditions to which it is forbidden to apply work for persons under 18 years of age and the maximum permitted load capacity for persons under 18 years of age for manual lifting and carrying of weights, link: [https://www.legis.md/cautare/getResults?doc\\_id=22016&lang=ro](https://www.legis.md/cautare/getResults?doc_id=22016&lang=ro)

<sup>31</sup> 589/2016 on Minimum occupational health and safety requirements regarding the exposure of workers to risks arising from mechanical vibration, link: [https://www.legis.md/cautare/getResults?doc\\_id=92703&lang=ro](https://www.legis.md/cautare/getResults?doc_id=92703&lang=ro)

<sup>32</sup> Government Decision No 819/2016 on Minimum occupational health and safety requirements for monitor work, link: [https://www.legis.md/cautare/getResults?doc\\_id=93686&lang=ro](https://www.legis.md/cautare/getResults?doc_id=93686&lang=ro)

8	Occupational risks	Government Decision No 95/2009 <sup>33</sup>
9	Fire risks	Government Decision No 847/2022 <sup>34</sup>
10	Risks in military service	Law No 1245/2002 <sup>35</sup> Decree of the President of the Republic of Moldova No 2327/2009 <sup>36</sup> : - Internal Service Regulation of the Armed Forces of the Republic of Moldova; - Regulation for the Garrison and Guard Service of the Armed Forces of the Republic of Moldova

### For positions with special status

Activity name	Risks	The normative act	Policy document
<b>Specialised activities to combat terrorism, extremism and other actions threatening the security of the State (Specialised Subdivision)</b> <b>Activities to ensure the internal security of the Service and safeguard its entities (Guard Service)</b>	Risk of trauma in the workplace, including traumatising, injury, etc.	<ul style="list-style-type: none"> <li>- Law No 136/2023;</li> <li>- Law No 170-XVI/2007;</li> <li>- Regulation on the compulsory state insurance of intelligence and security officers, approved by order of SIS Director</li> </ul>	National Security Strategy (NSS) for 2024-2025 (Government Decision No 391/2023) <sup>37</sup> ; Programme for Preventing and Combating Crime for 2022-2025 (Government Decision No 948/2022) ; <sup>38</sup> Integrated State Border Management Programme for 2022-2025 (Government Decision No 792/2022) ; <sup>39</sup> Programme for Preventing and Combating Trafficking in Human Beings for 2024-2028 (Government Decision No 715/2023) ; <sup>40</sup> National Programme for the Consolidation and Implementation of Anti-Terrorist Protection Measures for Critical Infrastructure Targets for 2022-2026 (Government Decision No 737/2022) . <sup>41</sup>
	Psychosocial risk: (poor work design, organisation, and work deficits that may lead to negative psychological, physical and social outcomes) including the following: - Excessive workload; - Conflicting demands and lack of role clarity ;	<ul style="list-style-type: none"> <li>- Law No 136/2023;</li> <li>- Law No 170-XVI/2007.</li> </ul>	UN SCR 1325 Programme "Women, Peace and Security" for 2023-2027 (regarding psychological and sexual harassment) (Government Decision No 152/2023).

<sup>33</sup> Government Decision No 95/2009 for the approval of some normative acts on the implementation of the Law on Security and Health at Work No 186-XVI of July 10, 2008, [https://www.legis.md/cautare/getResults?doc\\_id=145415&lang=ro](https://www.legis.md/cautare/getResults?doc_id=145415&lang=ro)

<sup>34</sup> No 847/2022 for the approval of the General Rules of Fire Defense in the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=137695&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137695&lang=ro)

<sup>35</sup> Law No 1245/2002 on training citizens for the defense of the homeland, Article 16 [https://www.legis.md/cautare/getResults?doc\\_id=137299&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137299&lang=ro)

<sup>36</sup> 2327/2009, [https://www.legis.md/cautare/getResults?doc\\_id=48549&lang=ro](https://www.legis.md/cautare/getResults?doc_id=48549&lang=ro)

<sup>37</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141253&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141253&lang=ro)

<sup>38</sup> [https://www.legis.md/cautare/getResults?doc\\_id=135455&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135455&lang=ro)

<sup>39</sup> [https://www.legis.md/cautare/getResults?doc\\_id=134537&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134537&lang=ro)

<sup>40</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139888&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139888&lang=ro)

<sup>41</sup> [https://www.legis.md/cautare/getResults?doc\\_id=134123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134123&lang=ro)

	<ul style="list-style-type: none"> <li>-Lack of involvement in decision-making processes that affect the worker;</li> <li>- Lack of influence over how the work is carried out;</li> <li>- Poorly managed organisational changes;</li> <li>- Job insecurity;</li> <li>- Psychological and sexual harassment.</li> </ul>		
	<p>New (Unpredictable) risks:</p> <p>Such risks may specifically arise in situations involving participation in measures aimed at ensuring territorial integrity, maintaining or restoring the constitutional order, or during exceptional situations and the declaration of a state of emergency, siege or war.</p>	<p>Law No 345/2003 on National Defense<sup>42</sup> ;</p> <p>Law No 212/2004 on the State of Emergency, Siege and War;</p> <p>Law No 618-XIII/1995 on State Security<sup>43</sup> ;</p> <p>Law No 218/2012 on the manner of application of physical force, special means and firearms<sup>44</sup> ;</p> <p>Law No 120/2017 on preventing and combating terrorism .<sup>45</sup></p>	<p>National Security Strategy (NSS) for 2024-2025 (Parliament Decision No 391/2023);</p> <p>National Defense Strategy (NDS)</p>
<p><b>The police ensures, in accordance with the law, the implementation of state policies in the areas of maintaining, ensuring and restoring public order and security, protection of the rights and legitimate interests of people and the community, preventing, investigating, and detecting crimes and offenses, administering justice and providing assistance to the population and local public administration authorities</b></p>	<p>Death, dismemberment (injury, trauma, concussion)</p>	<p>1) Law No 288/2016 on the civil servants with special status within the Ministry of Internal Affairs<sup>46</sup></p> <p>2) Law No 320/2012 on Police activity and police officer status<sup>47</sup></p>	
<p><b>Activities to ensure the guarding and escorting of detained or arrested persons, the protection of officers and the management of the Center when necessary, as well as participation in counter-terrorism and hostage-taking operations in coordination with similar subdivisions. (Special Purpose Branch)</b></p> <p><b>Activities to ensure the guarding and security of the premises, the secrecy of work within the Center by directly managing the access control regime to the</b></p>	<p>Risk of trauma in the workplace (traumatisation, mutilation, etc.)</p>	<p>Law No 1104/2002 on the National Anti-Corruption Center<sup>48</sup></p> <p>Activity Regulations of the NAC subdivisions, approved by order of the Center Director .</p>	

<sup>42</sup> [https://www.legis.md/cautare/getResults?doc\\_id=110393&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110393&lang=ro)

<sup>43</sup> [https://www.legis.md/cautare/getResults?doc\\_id=142091&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142091&lang=ro)

<sup>44</sup> [https://www.legis.md/cautare/getResults?doc\\_id=132062&lang=ro](https://www.legis.md/cautare/getResults?doc_id=132062&lang=ro)

<sup>45</sup> [https://www.legis.md/cautare/getResults?doc\\_id=142802&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142802&lang=ro)

<sup>46</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143260&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143260&lang=ro)

<sup>47</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141605&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141605&lang=ro)

<sup>48</sup> LP1104/2002

Center's entities (Guard Sub-Division)			
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The regulatory framework of the civil service provides that risks, including excessive workload, ineffective communication, and psychological and sexual harassment, are mitigated through application of Government Decision No 201/2009.

At the same time, according to the provisions of the Law No 186/2008 on Safety and Health at Work<sup>49</sup>, the employer is obliged to:

- a) ensure the application of the occupational safety and health regulations relevant to the field of activity, the particularities of the work process and the components of the work system: worker, work equipment, work load, and work environment;
- b) adopt and apply internal occupational safety and health regulations in the absence of relevant national or sectorial legislation;
- c) take necessary measures to ensure the safety and health of workers at work, including the prevention of occupational risks, provision of information, training and required means;
- d) assess occupational risks, particularly when selecting work equipment, chemical substances or preparations used, and designing of workplaces;
- e) implement appropriate measures to ensure that only employees who have received adequate safety and health at work training have access to areas with serious and specific risk;
- f) maintain an occupational risk assessment, including for risk-sensitive groups;
- g) decide on necessary protective measures to be taken and, if necessary, determine the protective equipment to be used;
- h) take measures to provide the entity, including remote workers, with the necessary materials for informing and training workers, such as posters, guides, videos on occupational safety and health, etc.;
- i) define and establish, in the individual employment contract and in agreement with the teleworker, the responsibilities of the employer and employee regarding safety and health at work. etc.
- j)

To ensure that workers are informed about working conditions, the specifics of the workplace and the risks to which they are or may be exposed at work, they are provided with information regarding occupational safety and health.

Regarding policies on the risks of teleworking, the employer must take appropriate measures to ensure that workers receive all necessary information on occupational risks, as well as on protective and preventive activities and measures both at the level of entity as a whole and for each specific job and/or

<sup>49</sup> Law No 186/2008 on safety and health at work, [https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

**Article 9. General provisions**

(1) The employer shall be obliged to ensure the safety and health of workers in all aspects related to the work performed.

**Article 10. General obligations**

(1) The employer is obliged to:

- a) ensure the application of occupational safety and health regulations relevant to the field of activity, considering the specific characteristics of the work process and the components of the work system: the worker, work equipment, workload, and work environment;
- b) adopt and implement internal occupational safety and health regulations in the absence of applicable national or sector-specific legislation;
- c) take the necessary measures to safeguard the health and safety of workers, including the prevention of occupational risks, the provision of relevant information and training, and ensuring access to necessary resources.

(2) The employer must ensure that the measures outlined in paragraph (1) are updated in response to changing circumstances, with the goal of improving the existing situation.

(3) The employer is obliged to implement the measures referred to in paragraphs (1) and (2) based on the following general principles of prevention

- a) avoiding occupational risks;
  - b) assessing occupational risks that cannot be avoided;
  - c) combating occupational risks at their source;
  - d) adapting the workplace to meet the needs of the worker, including people with disabilities, etc.
- (4) Without prejudice to other provisions of this Law and considering the nature of the activities in the unit, the employer is obliged to:
- (a) assess occupational risks, particularly in selecting work equipment, chemical substances or preparations, and the design of workplaces;
  - (b) following the assessment in point (a), implement necessary preventive measures and production methods that improve safety and health protection for workers, ensuring these measures are integrated into all activities and at all hierarchical levels of the unit;
  - (c) consider the health and safety capabilities of workers when assigning tasks;
  - (e) take appropriate measures to ensure that only employees who have received adequate safety and health training are allowed access to areas with serious and specific risks.
- (5) Without prejudice to other provisions of this Law, when workers from multiple units share the same workplace, their employers are required to:
- (a) cooperate in implementing safety, health, and hygiene measures at work, considering the nature of their activities;
  - (b) coordinate their efforts for the protection and prevention of occupational risks, taking into account the nature of their respective activities;
  - (c) share information regarding occupational risks;
  - (d) inform workers and/or their representatives about occupational risks.
  - (7) measures concerning safety, hygiene, and health at work shall, under no circumstances, impose financial obligations on workers.

function, including for workers performing telework .<sup>50</sup>

In general, the state policy on occupational safety and health in the Republic of Moldova is regulated by the Law No186/2008 on occupational safety and health.

It shall be developed and reviewed in consultation with employers and trade unions, taking into account the evolution of international regulations in this field and of technological progress. It shall include the following areas of action, insofar as they affect workers' safety and health, as well as the working environment:

- designing, testing, selecting, choosing, replacing, installing, arranging, using and maintaining the material components of work (workplaces, work environment, tools, machines and materials, chemical, physical and biological substances and agents, work processes);
- the relations that exist between the material components of work and the persons performing or supervising the work, and the adjustment of machines, materials, working time, work organisation, and work processes to the physical and mental capabilities of workers;
- the training, including ongoing training, qualification and motivation of workers involved, in any capacity, aimed at achieving adequate levels of safety and health at work;
- communication and cooperation in the field of occupational safety and health at all levels, from the working group level and unit level to national level.

In this regard, to achieve a segment of safety policies, the Ministry of Labour and Social Protection, by Order No 72/2 of 11 April, 2024, approved the Programme for the Improvement of Occupational Safety and Health for 2024-2028 in areas with high risk of injury and illness (construction, agriculture, manufacturing, transport and storage)<sup>51</sup>. The programme aims to implement a series of measures and actions aimed to enhance the culture of occupational safety and health and to achieve objectives leading to a decrease in the number of work-related injuries, including:

- drafting the legal act transposing Commission Regulation (EU) No 349/2011 of 11 April 2011, which implements Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work with regard the work accidents;
- issuing a Document of Acceptance of the Declaration of Alignment with the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategic Framework on Health and Safety at Work 2021-2027 - Occupational safety and health in a changing world of work ;

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<sup>50</sup> Law No 186/2008 on safety and health at work, [https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

**Article 14.**

(1) The employer shall take appropriate measures to ensure that workers and/or their representatives receive all necessary information regarding:

(a) Occupational risks, as well as protective and preventive activities and measures, both at the level of the unit in general and for each specific type of workstation and/or function, including for workers performing remote work;

(2) The employer shall ensure that the employers of workers from external units employed at their unit receive adequate information regarding the matters specified in paragraph (1) for the workers concerned.

(3) The employer shall take appropriate measures so that the designated workers or workers' representatives, in order to perform their duties in accordance with the provisions of this Law, have access to:

a) the assessment of occupational risks and protective measures;

b) relevant evidence and reports;

c) information on protective and preventive measures, as well as information provided by labour inspectors.

**Article 15.**

(1) Employers shall consult with workers, including those engaged in telework, and/or their representatives, and allow them to participate in discussions concerning matters related to safety and health at work.

(3) Workers, including those performing remote work, and/or their representatives shall be involved, in a balanced manner, or consulted in advance and in a timely manner by the employer on:

a) any measure that would affect safety and health at work;

(d) the use, where appropriate, of external protection and prevention services;

(4) Workers' representatives have the right to request that the employer take appropriate actions and submit proposals to eliminate occupational risks and/or hazards to which workers, including those engaged in remote work, are exposed.

(5) Workers, including those working remotely, and/or workers' representatives shall not be disadvantaged due to their participation in the activities outlined in paragraphs (1) to (3).

(7) Workers, including those performing remote work, and/or their representatives have the right to appeal to the labor inspectorate if they believe that the measures and resources provided by the employer do not adequately ensure safety and health at work.

<sup>51</sup> Programme for improving safety and health at work in areas with high risk of injury and illness (construction, agriculture, manufacturing, transport and storage) for the years 2024-2028 (Annex to Order No. 72/2/2024) <https://social.gov.md/wp-content/uploads/2024/05/Program-ameliorare-SSM-2024-2028-semnat.pdf>

- simplifying the procedure for conducting occupational safety and health inspections and the application of sanctions by labour inspectors for safety and health violations;
- analysing the risks that have caused work-related accidents by identifying the causes and circumstances under which these risks occurred;
- enhancing the capacities of the State Labour Inspectorate, etc.

As regards the application of national policies on psychosocial risks or new and emerging risks in the gig or platform economy, no information is currently available.



## ARTICLE 382 - HEALTH AND SAFETY REGULATIONS

- *Information on the measures taken to ensure that employers establish mechanisms to limit or discourage work outside standard working hours, including the right to disconnect;*
- *Information on how the right not to be penalised or discriminated against for refusing to work outside standard working hours is safeguarded.*

The legislation of the Republic of Moldova defines *overtime work* as work performed outside the standard working time provided for in Articles 95 (2), 96 (2)-(4), 98 (3) and 99 (1) of the Labour Code .<sup>52</sup>

Article 95 of the Labour Code stipulates that the standard working hours for employees in entities cannot exceed 40 hours per week.

Moldovan law does not explicitly provide for a right to disconnect.

The Labour Code provides conditions and measures that can be considered as mechanisms to limit or discourage work outside standard working hours, namely:

- a) the employer shall engage the employee for additional work with the written consent of the employee<sup>53</sup> ;
- b) setting a limit on the number of hours employees can work beyond standard working hours;
- c) requiring the employer to provide employees with normal working conditions, including health and safety at work;
- d) issuance by the employer of a reasoned order, which must be communicated to the employee concerned, either under signature or by other means that allow confirmation of receipt/notification.
- e) granting time off within 30 days of overtime work, with the written agreement of the parties, if the collective or individual employment contract provides for this possibility.
- f) limiting the amount of overtime work<sup>54</sup>
- g) prohibiting work on rest days and explicitly defining the categories of persons exempt from this provision (e.g., pregnant women, persons with severe disabilities, parents (guardians, curators) with children under 4 years of age, etc.), along with certain derogations<sup>55</sup>

<sup>52</sup> Labour Code of the Republic of Moldova No 154/2003, Art. 104, [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>53</sup> Labour Code of the Republic of Moldova No 154/2003, Art. 104, [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

The employer may engage the employee for additional work only with the written consent of the employee, under the following circumstances:

- a) for the completion of work that, due to unforeseen delays related to technical conditions in the production process, could not be completed within normal working hours, and where interruption could result in damage or destruction of the employer's, owner's, or state or municipal property;
- b) for carrying out temporary repair and restoration work on fixtures and fittings, if their deficiencies could lead to the cessation of work for an indefinite period and affect multiple employees;
- c) for carrying out work required due to circumstances that could result in damage or destruction of the unit's property, including raw materials, materials, or products;
- d) for continuing work in the absence of a replacement worker, if the work cannot be interrupted. In such cases, the employer is obliged to take immediate action to replace the employee in question.

Engagement in additional work, other than those situations referred to in paragraphs (2) and (3), shall be permissible only with the written consent of the employee and the employees' representatives.

At the employer's request, employees may work beyond regular working hours, with a maximum limit of 240 hours per calendar year.

The total working time for employees shall not exceed 48 hours per week, including overtime. However, by exception, working time, including overtime, may be extended beyond 48 hours per week, provided that the average working time, calculated over a reference period of 4 calendar months, does not exceed 48 hours per week.

If overtime work is required, the employer must ensure that employees are provided with normal working conditions, including those related to health and safety at work.

Additional work shall be carried out based on the employer's reasoned order (provision, decision), which must be communicated to the employees concerned, either by signature or through other means that confirm receipt/notification.

The collective agreement or individual employment contract may include provisions allowing for compensation of overtime with paid time off, subject to the written agreement of both parties. In such cases, the time off shall be granted within 30 days following the completion of the overtime work.

<sup>54</sup> Labour Code of the Republic of Moldova No 154/2003, Article 105, [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

### **Article 105. Limitation of overtime work**

(1) Employees who are under 18 years of age, pregnant women, and individuals for whom overtime work is contraindicated by a medical certificate shall not be engaged in overtime work.

(2) Persons with severe or pronounced disabilities, parents (or guardians, curators) with children up to 4 years of age or children with disabilities, individuals combining childcare leave as provided in Article 126 and 127, paragraph (2), with work activity, and employees caring for a sick family member based on a medical certificate, may perform additional work only with their written consent. The employer is also obligated to inform the aforementioned employees in writing about their right to refuse additional work.

(3) Overtime work shall not result in the extension of daily working time beyond 12 hour.

### <sup>55</sup> **Article 110. Work on rest days**

(1) Work on rest days is prohibited.

(2) Notwithstanding the provisions of paragraph (1), employees may be required to work on rest days under the conditions specified in Article 104, paragraphs (2) and (3).

(3) Employees under 18 years of age shall not be permitted to work on rest days.



- h) prohibiting forced labour in any form (any work or service imposed to a person under threat or without his or her consent).<sup>56</sup>
- i) banning undeclared work<sup>57</sup>
- j) prohibiting discrimination in employment.<sup>58</sup>

In addition to these deterrence/limitation mechanisms, employees can address the State Labour Inspectorate, judicial bodies or trade unions.

Similarly, the legislation expressly provides that the employee's refusal to perform work in case of threat to life or health arising from non-compliance with occupational safety and health requirements or from working in difficult, harmful and/or dangerous conditions not specified in the individual employment contract shall not entail disciplinary liability.<sup>59</sup>

The Labour Code expressly provides for ensuring the **right not to be penalized or discriminated against** for refusing to perform an activity outside normal working hours (Art. 8). Thus:

- a) the principle of equal rights for all employees applies in employment relationships;
- b) the prohibition of any direct or indirect discrimination of employees on grounds of:

- Sex
- Age
- Race
- Skin color
- Ethnicity
- Religion
- Political option
- Social origin
- Residence
- Disability
- HIV/AIDS infection
- Trade union membership or activity
- Other criteria unrelated to professional qualities.

### Special status employees:

According to the national regulatory framework<sup>60</sup>, the position of intelligence officer is incompatible with:

- a) performance of duties other than those for which the person is appointed or seconded, pursuit of other gainful activities, except for scientific, teaching, creative and medical activities (surgical

(31) Pregnant women may work on rest days only at their own initiative, based on a written request, accompanied by a medical certificate from the health institution where they are registered, confirming their health status. This right to work on rest days is subject to strict adherence to the provisions of Law No 186/2008 Coll. on Safety and Health at Work.

(4) Persons with severe and pronounced disabilities, parents (or guardians, curators) of children up to 4 years of age or children with disabilities, individuals combining childcare leave as per Articles 126 and 127, paragraph (2), with work, and employees caring for a sick family member based on a medical certificate, may work on rest days only with their written consent. The employer is obliged to inform these employees in writing of their right to refuse work on rest days.

<sup>56</sup> **Article 7. Prohibition of forced (compulsory) labour**

(1) Forced (compulsory) labour is prohibited.

(2) Forced (compulsory) labour refers to any work or service imposed on a person under threat or without their consent.

(3) The use of forced (compulsory) labour in any form is strictly prohibited. This includes, but is not limited to, the following situations:

(a) as a means of political or educational influence, or as punishment for holding or expressing political opinions or beliefs that contradict the existing political, social, or economic system;

b) as a method for mobilising and utilizing labour for economic purposes;

c) as a means of maintaining work discipline;

d) as a means of punishment for participation in a strike;

e) as a means of discrimination on grounds of social, national, religious or racial origin.

<sup>57</sup> **Article 7<sup>1</sup>. Prohibition of undeclared work**

(1) Undeclared work is prohibited.

(2) Undeclared work refers to any work carried out by a natural person for and under the authority of an employer, without the compliance of the provisions outlined in this Code regarding the conclusion of an individual employment contract.

<sup>58</sup> **Article 8. Prohibition of discrimination in employment**

(1) The principle of equal rights shall apply to all employees in employment relationships. Any form of discrimination, whether direct or indirect, based on sex, age, race, skin color, ethnicity, religion, political opinion, social origin, place of residence, disability, HIV/AIDS infection, membership or activity in a trade union, or any other grounds unrelated to professional qualifications, is prohibited.

(2) it shall not be considered discrimination when differentiations, exceptions, preferences, or rights are established for employees due to the specific requirements of a particular job, as determined by applicable legislation, or as part of the State's special care for persons requiring increased social and legal protection.

<sup>59</sup> Labour Code No 154/2003, Article 225

<sup>60</sup> [https://www.legis.md/cautare/getResults?doc\\_id=137380&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137380&lang=ro)

- and resuscitation profile that do not interfere with the performance of your official duties.
- b) engaging in or assisting in any entrepreneurial activity;
- c) acting as a founder of a commercial company, cooperative or non-commercial organisation, or participating in any activity involving their management.

Within the Service, the standard working hours established by labour legislation shall be observed. Service time shall not be limited during a state of emergency, siege or war. SIS officers receive a supplement to their basic salary, in accordance with the law, in addition to their basic salary, for being on duty at all times of the day and night, with the obligation to intervene whenever necessary.<sup>61</sup>

Within the National Anti-Corruption Center, the following activities are deemed incompatible with the role:<sup>62</sup>

- a) any other gainful activity, except for scientific, teaching or creative work;
- b) entrepreneurial activity, whether carried out in personally or through a third party, including being a founder, shareholder, member of an economic operator or non-commercial organisation;
- c) membership of a political party or participation in any political activity.

Standard working hours, as prescribed by labour law, shall apply with the following exceptions:

- a) performing the day duty (24/24) within the Center as part of the operational group, in accordance with the approved schedule;
- b) participating in special operations within the institution's premises or in their immediate vicinity (anti-terrorist operations, exceptional situations, etc.).

For being on permanent duty, with the obligation to intervene whenever necessary, at all hours of the day and night, NAC officers receive an additional allowance on top of their basic salary, in accordance with the applicable regulatory framework.<sup>63</sup>

***c) Information on the measures taken to ensure that self-employed workers, teleworkers and home workers are protected by health and safety at work regulations.***

Legislation of the Republic of Moldova<sup>64</sup> :

- shall not admit less favourable treatment of employees employed for a fixed period in comparison to permanent employees performing equivalent work in the same entity, if such treatment is based solely on the duration of the employment relationship and lacks objective justification.
- shall ensure equal and non-discriminatory regulation for all employees/workers in the field of occupational safety and health in the Republic of Moldova .

To confirm the above, it should be noted that, according to the provisions of Article 13 of the Law No 186/2028 on Safety and Health at Work, the employer is also subject to the following obligations:

- to possess an occupational risk assessment, including those relating to specific risk-sensitive groups;
- to decide on the protective measures to be implemented and, if necessary, the protective equipment to be used;
- to prepare, where the nature and degree of occupational risk require it, an annual protection and prevention plan, which includes technical, health, organisational and other measures, based on the assessment of occupational risks, to be applied as appropriate to the specific working conditions of the entity;
- to take measures to provide the entity, **including remote workers**, with the necessary materials for informing and training workers such as posters, guides, videos on occupational safety and

<sup>61</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141855&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141855&lang=ro)

<sup>62</sup> LP1104/2002

<sup>63</sup> Law No 270/2018 on the Unified Salary System in the Budgetary Sector, [https://www.legis.md//cautare/getResults?doc\\_id=144409&lang=ro](https://www.legis.md//cautare/getResults?doc_id=144409&lang=ro)

<sup>64</sup> Labour Code No154/2003

Law No 162/2005 on the status of military personnel

Law No 288/2016 on the civil servant with special status within the Ministry of Internal Affairs

Order of the IGP No 414/2021 on the work regime within the Police

IGM Order No 55/2024 on the Regulation on the organization of working time and rest time of IGM staff

Law No 186/2008 on health and safety at work

- health, etc.;
- to ensure that each person, **including those who are to be employed as teleworkers**, is informed prior to taking up work about the occupational risks they may be exposed to and the necessary protection and prevention measures;
- to employ only persons, **including those to be employed remotely**, who, following a medical examination and, where appropriate, a psychological aptitude test, are deemed suitable for the work to be performed;
- to monitor areas with serious and specific occupational risk;
- to provide workers, **including those working remotely**, with non-hazardous work equipment;
- to provide workers, **including remote workers**, with personal protective equipment free of charge;
- to provide new personal protective equipment to workers free of charge, **including those performing remote work**, in the event of its deterioration or loss of protective qualities;
- define and specify in the individual employment contract, agreement with the **teleworker, the occupational safety and health responsibilities of both employer and the worker**.

To ensure workers are informed about working conditions, the specific characteristics of the workplace and the risks to which they are or may be exposed at work, they are provided with information on occupational safety and health. In accordance with Article 14 of the Law No 186/2008, the employer must take appropriate measures to ensure that workers and/or their representatives within the entity receive all necessary information regarding occupational risks, as well as protection and prevention activities and measures both at the level of the entity as a whole and at the level of each specific workstation and/or role, **including for workers performing remote work**.

The legislation does not define the concepts of temporary workers or domestic workers, and currently the national regulatory framework does not provide special rules for them.

Similarly, while there is no explicit definition of teleworker, regulations addressing teleworkers do exist.

Additionally, for temporary workers and workers on fixed-term contracts, there is no distinction in the application of the existing national rules.

***d) Information on whether temporary workers, agency workers and workers on fixed-term contracts benefit from the same level of protection under health and safety regulations as workers on permanent contracts.***

The legislation of the Republic of Moldova<sup>65</sup>:

- does not permit less favourable treatment of employees employed for a fixed period in relation to permanent employees performing equivalent work within the same entity, if such treatment is based solely on the duration of the employment relationship and lacks objective justification.
- ensures equal and non-discriminatory regulation for all employees/workers in the field of occupational safety and health in the Republic of Moldova.

In confirmation of this, the following is to be noted.

According to the provisions of Law No 186/2008 on Safety and Health at Work<sup>66</sup>, the employer is

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<sup>65</sup> Labour Code No 154/2003

Law No 162/2005 on the status of military personnel

Law No 288/2016 on the civil servant with special status within the Ministry of Internal Affairs

Order of the IGP No 414/2021 on the work regime within the Police

IGM Order No 55/2024 on the Regulation on the organisation of working time and rest time of IGM staff

Law No 186/2008 on health and safety at work

<sup>66</sup> Law No 186/2008 on safety and health at work, [https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

**Article 9. General provisions**

(1) The employer shall be obliged to ensure the safety and health of workers in all aspects related to the work performed.

**Article 10. General obligations**

(1) The employer is obliged to :

a) ensure the application of occupational safety and health normative acts, specifically tailored to the field of activity, the characteristics of the work process, and the components of the work system, including workers, work equipment, workload, and the work environment;

b) adopt and apply internal occupational safety and health acts in the absence of relevant national or sectoral legislation relevant to the field of activity;

obliged to:

- k) ensure the application of the provisions of occupational safety and health normative acts, tailored to the field of activity, the characteristics of the work process, and the components of the work system, including workers, work equipment, workload, and the work environment;
- l) adopt and apply internal occupational safety and health regulations in the absence of national or sector specific legislation relevant to the field of activity;
- m) take the necessary measures to ensure the safety and health of workers at work, including the prevention of occupational risks, the provision of information and training, and the allocation of necessary resources;
- n) assess occupational risks, particularly when selecting work equipment, chemical substances or preparations and designing workplaces;
- o) take appropriate measures to ensure that access to areas of serious and specific risk is granted only to employees who have received adequate instructions on safety and health at work.;
- p) possess an occupational risk assessment, including risks specific to sensitive groups;
- q) determine the necessary protective measures and, where applicable, the protective equipment to be used;
- r) implement measures to ensure that the entity, including remote workers, is provided with the necessary materials for worker information and training on occupational safety and health, such as posters, guides, videos, etc.;
- s) define and establish in the individual employment contract, in agreement with the teleworker, the responsibilities of the employer and the worker regarding safety and health at work etc.

To ensure that workers are adequately informed about working conditions, the workplace specifics, the risks to which they are or may be exposed at work, workers are provided with information on occupational safety and health.

Regarding policies on the risks associated with teleworking, employers must take appropriate measures to ensure that workers receive all necessary information about occupational risks and protective and preventive activities and measures applicable both at the unit level and job and/or function specific level, including in the case of workers performing telework.<sup>67</sup>

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c) take the necessary measures to ensure the safety and health of workers at work, including the prevention of occupational risks, providing information and training, and the necessary means to safeguard health and safety at work.

(2) The employer is obliged to ensure that the measures outlined in paragraph (1) are revised and implemented in response to changing circumstances, with the aim of improving the current situation.

(3) The employer is required to implement the measures specified in paragraphs (1) and (2) in accordance with the following general principles of prevention:

a) elimination of occupational risks;

b) assessment of occupational risks that cannot be avoided;

c) combating occupational risks at their source;

d) adapting the workplace to meet the needs of persons, including people with disabilities, etc.

(4) Without prejudice to other provisions of this Law and considering the nature of the activities within the unit, the employer is obliged to:

(a) assess occupational risks, particularly regarding the selection of work equipment, the chemicals or substances used, and the design of workplaces;

(b) ensure, following the assessment described in point (a) and as necessary, the implementation of preventive measures and working methods that enhance the level of safety and health protection for workers, integrating these measures into all activities and at all unit and hierarchical levels;

(c) consider the health and safety capabilities of workers when assigning tasks to them;

(e) take appropriate measures to ensure that only employees who have received adequate training on safety and health at work may have access to areas with serious and specific risk.

(5) Without prejudice to other provisions of this Law, when workers from multiple units are present at the same workplace, their respective employers are required to:

(a) cooperate in the implementation of provisions related to safety, health, and hygiene at work, taking into account the nature of the activities involved;

b) coordinate their efforts to protect against and prevent occupational risks, considering the nature of their respective activities;

c) inform one another about occupational risks;

d) inform workers and/or their representatives about occupational risks.

(7) Measures relating to safety, hygiene and health at work shall under no circumstances entail financial obligations on the part of workers.

<sup>67</sup> Law No 186/2008 on safety and health at work,

[https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

#### **Article 14.**

(1) The employer shall take appropriate measures to ensure that workers and/or their representatives within the unit receive all necessary information regarding:

(a) occupational risks, as well as protective and preventive measures and activities, both at the level of the establishment in general and at the level of each specific workstation and/or function, including for workers engaged in remote work;

(2) The employer shall also ensure that the employers of workers from any external establishment working at his establishment receive sufficient information on the matters specified in paragraph (1) regarding the workers concerned.

(3) The employer shall take appropriate measures to ensure that designated workers or workers' representatives, in order to fulfill their duties under the provisions of this Law, have access to:

a) the assessment of occupational risks and protective measures;

b) evidence and reports;

In this context, to achieve a segment of occupational safety policies, the Ministry of Labour and Social Protection, through Order No 72/2 of 11 April 2024, approved the Programme for the Improvement of Occupational Safety and Health in high risk of injury and illness areas (construction, agriculture, manufacturing, transport and storage) for 2024-2028<sup>68</sup>. The programme aims to implement a range of measures and actions to enhance the culture of occupational safety and health and achieve objectives leading to a decrease in the number of workplace injuries, including:

- development of legal instrument transposing Commission Regulation (EU) No 349/2011 of 11 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, specifically concerning accidents at work;
- issuing a Document of Acceptance of the Declaration of Alignment with the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategic Framework on Health and Safety at Work 2021-2027 - Occupational safety and health in a changing world of work; simplifying the procedure for conducting occupational safety and health inspections and labour inspectors to apply sanctions for violations of safety and health regulations;
- analysing the risks that have caused workplace accidents, including identifying the underlying causes and circumstances in which these risks have occurred;
- enhancing the capacities of the State Labour Inspectorate, etc.

A draft law is currently under preparation which will introduce amendments to the Occupational Safety and Health Act No 186/2008. These amendments aim to ensure that workers with fixed-term employment contracts, temporary workers and self-employed workers receive the same level of occupational safety and health protection as those employed under permanent contracts.

Currently, there are no specific provisions in the national legal framework for temporary workers.

Furthermore, there is no distinction in the application of the existing national normative framework between temporary workers and workers on fixed-term contracts (in the National Army, military personnel are classified as "workers on fixed-term contracts", who benefit from the same protection under the health and safety at work regulations as workers on permanent contracts).<sup>69</sup>

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c) information on protective and preventive measures, as well as information from labour inspectors.

**Article 15.**

(1) Employers shall consult workers, including those performing telework, and/or their representatives, and allow them to participate in discussions regarding matters related to safety and health at work.

3) Workers, including those performing remote work, and/or their representatives shall participate, on an equal basis, or be consulted in advance and in a timely manner by the employer on:

a) any measure which would affect safety and health at work;

(d) the use, when appropriate, of external protection and prevention services;

(4) Workers' representatives shall have the right to request the employer to take appropriate measures and submit proposals to eliminate the occupational risks and/or hazards to which workers, including those performing remote work, are exposed.

(5) Workers, including those engaged in remote work, or their representatives, shall not be disadvantaged for participating in the activities mentioned in paragraphs (1) to (3).

(7) Workers, including those performing remote work, and/or their representatives, shall have the right to appeal to the labor inspectorate if they believe that the measures taken by the employer and the resources provided by the employer do not align with the objectives of ensuring safety and health at work.

<sup>68</sup>Program for improving safety and health at work in areas with high risk of injury and illness (construction, agriculture, manufacturing, transport and storage) for the years 2024-2028 (Annex to Order No 72/2/2024) <https://social.gov.md/wp-content/uploads/2024/05/Program-ameliorare-SSM-2024-2028-semnat.pdf>

<sup>69</sup> Law No 162/2005 on the status of military personnel, Article 28.

## ARTICLE 383 - APPLICATION OF HEALTH AND SAFETY REGULATIONS AT WORK

**Information on the measures taken to ensure supervision of the implementation of health and safety regulations for vulnerable categories of workers, including:**

- *domestic workers;*
- *workers on digital platforms;*
- *teleworkers;*
- *posted workers;*
- *subcontracted workers;*
- *self-employed workers;*
- *workers exposed to environmental risks such as climate change and pollution.*

<b>Domestic workers</b>	The provisions of Law No 186/2008 on health and safety at work apply. This concept is not defined by national legislation.
<b>Digital platform workers</b>	The provisions of Law No 186/2008 on health and safety at work apply. This concept is not defined by national legislation.
<b>Posted workers</b>	The concept is regulated by Article 71 of the Labour Code of the Republic of Moldova <sup>70</sup> The provisions of Law No 186/2008 on health and safety at work apply. For employees with special status, the provisions of the special law apply. Regulation on the activity of seconded officers, approved by Order of the Director of SIS. Law No 170 on the status of intelligence and security officers. <sup>71</sup>
<b>Teleworkers</b>	National regulation: Article 292 <sup>4</sup> Labour Code: Organisation of occupational safety and health for teleworkers. <i>The employer organises the occupational safety and health of employees working remotely in accordance with the provisions of the Law on Occupational Safety and Health No 186/2008, as well as other normative acts in the field of occupational safety and health.</i> <sup>72</sup>
<b>Subcontracted workers</b>	The provisions of Law No 186/2008 on health and safety at work apply.
<b>Self-employed worker</b>	The provisions of Law No 186/2008 on health and safety at work apply.
<b>Workers exposed to environmental risks such as climate change and pollution</b>	The provisions of Law No 186/2008 on health and safety at work apply. Law No 170/2007 - Article 51: Right to health protection and medical care

The legislation of the Republic of Moldova establishes provisions on safety and health at work for all categories of employees, regulated by Law No 186/2008 on Safety and Health at Work.

At the same time, according to the provisions of the Law No 186/2008 on Safety and Health at Work<sup>73</sup>, the employers are obliged to:

<sup>70</sup> **Article 71. Secondment**

[https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro#)

<sup>71</sup> [https://www.legis.md/cautare/getResults?doc\\_id=137380&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137380&lang=ro)

<sup>72</sup> Law No 186/2008 on occupational safety and health, [https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

<sup>73</sup> Law No 186/2008 on occupational safety and health, [https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

### **Article 9. General provisions**

(1) The employer shall be obliged to ensure the safety and health of workers in all aspects related to the work performed.

### **Article 10. General obligations**

(1) The employer is obliged to:

a) ensure the application of occupational safety and health provisions relevant to the field of activity, considering the specifics of the work process and the elements of the work system, including the worker, work equipment, workload, and work environment;

b) adopt and apply internal occupational safety and health regulations in the absence of national or sector-specific legislation applicable to the field of activity;

c) take the necessary measures to ensure the safety and health of workers, including the prevention of occupational risks, the provision of information and training, and the necessary resources.

(2) The employer is obliged to ensure that the measures outlined in paragraph (1) are revised and adapted, considering any changes in circumstances, to improve the existing situation.

(3) The employer is obligated to implement the measures outlined in paragraphs (1) and (2) based on the following general principles of prevention:

a) avoiding occupational risks;

b) assessment of occupational risks that cannot be avoided;

c) combating occupational risks at source;

d) adapting the workplace to the needs of the person, including people with disabilities, etc.

(4) Without prejudice to other provisions of this Law and considering the nature of the activities within the unit, the employer is obliged to:

(a) assess occupational risks, particularly regarding the selection of work equipment, the chemicals or substances used, and the design of workplaces;

(b) ensure, following the assessment described in point (a) and as necessary, the implementation of preventive measures and working methods that enhance the level of safety and health protection for workers, integrating these measures into all activities and at all unit and hierarchical levels ;

(c) consider the health and safety capabilities of workers when assigning tasks to them;

(e) take appropriate measures to ensure that only employees who have received adequate training on safety and health at work may have access to areas with serious and specific risk.



- t) ensure the application of the provisions set forth in occupational safety and health legislation, relevant to the specific area of activity, particularities of the work process and the components of the work system, including workers, work equipment, workload, work environment;
- u) adopt and apply internal occupational safety and health regulations in the absence of national or sector-specific legislation;
- v) take the necessary measures to ensure the safety and health of workers at work, including the prevention of occupational risks, the provision of information and training, and the necessary resources;
- w) assess occupational risks, particularly when selecting work equipment, chemical substances or preparations used and the design of workplaces;
- x) take appropriate measures to ensure that only employees who have received adequate safety and health training are granted access to areas of serious and specific risks;
- y) maintain an occupational risk assessment, including those pertaining to specific risk-sensitive groups;
- z) determine the necessary protective measures and, where required, specify the protective equipment to be used;
- aa) take measures to provide the establishment, including remote workers, with the necessary materials for informing and training workers: posters, guides, videos on occupational safety and health, etc.;
- bb) define and establish in the individual employment contract, in the agreement with the teleworker, the responsibilities of both the employer and the worker regarding safety and health at work. etc.

To ensure that workers are adequately informed about working conditions, the workplace specifics, the risks to which they are or may be exposed at work, workers are provided with information on occupational safety and health.

Regarding policies on the risks associated with teleworking, employers must take appropriate measures to ensure that workers receive all necessary information about occupational risks and protective and preventive activities and measures applicable both at the unit level and job and/or function specific level, including in the case of workers performing telework.<sup>74</sup>

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(5) Without prejudice to other provisions of this Law, when workers from multiple units are present at the same workplace, their respective employers are required to:

- (a) cooperate in the implementation of provisions related to safety, health, and hygiene at work, taking into account the nature of the activities involved;
- b) coordinate their efforts to protect against and prevent occupational risks, considering the nature of their respective activities;
- c) inform one another about occupational risks;
- d) inform workers and/or their representatives about occupational risks;
- e) inform each other about occupational risks;
- d) inform workers and/or their representatives about occupational risks.

(7) Measures relating to safety, hygiene and health at work shall under no circumstances entail financial obligations on the part of workers.

<sup>74</sup> Law No 186/2008 on safety and health at work,

[https://www.legis.md/cautare/getResults?doc\\_id=142433&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142433&lang=ro)

#### **Article 14.**

(1) The employer shall take appropriate measures to ensure that workers and/or their representatives within the unit receive all necessary information regarding:

(a) occupational risks, as well as protective and preventive measures and activities, both at the level of the establishment in general and at the level of each specific workstation and/or function, including for workers engaged in remote work;

(2) The employer shall also ensure that the employers of workers from any external establishment working at his establishment receive sufficient information on the matters specified in paragraph (1) regarding the workers concerned.

(3) The employer shall take appropriate measures to ensure that designated workers or workers' representatives, in order to fulfill their duties under the provisions of this Law, have access to:

- a) the assessment of occupational risks and protective measures;
- b) evidence and reports;
- c) information on protective and preventive measures, as well as information from labour inspectors.

#### **Article 15.**

(1) Employers shall consult workers, including those performing telework, and/or their representatives, and allow them to participate in discussions regarding matters related to safety and health at work.

(3) Workers, including those performing remote work, and/or their representatives shall participate, on an equal basis, or be consulted in advance and in a timely manner by the employer on:

- a) any measure which would affect safety and health at work;
- (d) the use, when appropriate, of external protection and prevention services;

(4) Workers' representatives shall have the right to request the employer to take appropriate measures and submit proposals to eliminate the occupational risks and/or hazards to which workers, including those performing remote work, are exposed

(5) Workers, including those engaged in remote work, or their representatives, shall not be disadvantaged for participating in the activities mentioned in paragraphs (1) to (3).

(7) Workers, including those performing remote work, and/or their representatives, shall have the right to appeal to the labor inspectorate if they believe that the measures taken by the employer and the resources provided by the employer do not align with the objectives of ensuring safety and health at work.



In general, the state policy regarding occupational safety and health in the Republic of Moldova is governed by Law No 186/2008 on Occupational Safety and Health.

It shall be developed and reviewed in consultation with employers and trade unions, taking into account the development of international regulations in this area and technological progress, and shall include the following areas of action, insofar as they impact workers' safety and health and the working environment:

- designing, testing, selecting, choosing, replacing, installing, arranging, using and maintaining the material components of work (workplaces, work environment, tools, machinery, materials, chemical, physical and biological substances and agents, work processes);
- relations that exist between the material components of work and the persons performing or supervising the work, including the adjustment of machinery, materials, working time, work organisation and work processes to the physical and mental capabilities of workers;
- training, including regular training, qualification and motivation of workers involved, in any capacity, in ensuring sufficient levels of safety and health at work;
- communication and cooperation in the field of occupational safety and health at all levels, from working group and unit level to the national level.

In this context, to achieve a segment of occupational safety policies, the Ministry of Labour and Social Protection, through Order No 72/2 of 11 April 2024, approved the Programme for the Improvement of Occupational Safety and Health in high risk of injury and illness areas (construction, agriculture, manufacturing, transport and storage) for 2024-2028<sup>75</sup>. The programme aims to implement a range of measures and actions to enhance the culture of occupational safety and health and achieve objectives leading to a decrease in the number of workplace injuries, including:

- development of legal instrument transposing Commission Regulation (EU) No 349/2011 of 11 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, specifically concerning accidents at work;
- issuing a Document of Acceptance of the Declaration of Alignment with the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategic Framework on Health and Safety at Work 2021-2027 - Occupational safety and health in a changing world of work;
- simplifying the procedure for conducting occupational safety and health inspections and labour inspectors to apply sanctions for violations of safety and health regulations;
- analysing the risks that have caused workplace accidents, including identifying the underlying causes and circumstances in which these risks have occurred;
- enhancing the capacities of the State Labour Inspectorate, etc

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<sup>75</sup>Programme for improving safety and health at work in areas with high risk of injury and illness (construction, agriculture, manufacturing, transport and storage) for the years 2024-2028 (Annex to Order No 72/2/2024) <https://social.gov.md/wp-content/uploads/2024/05/Program-ameliorare-SSM-2024-2028-semnat.pdf>

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

### *a) Specify whether the concept of equal work and work of equal value is defined in national law or case law.*

The concepts of equal work and work of equal value are defined in Article 1 of the Labour Code No 154 of 28 March 2003.<sup>76</sup>

<b>Equal work</b>	Work performed in the same job roles, based on the same educational, professional and training requirements, competencies (skills), effort, responsibility, work performed, nature of tasks involved and working conditions;
<b>Work of equal value</b>	Work performed in different roles or positions, but deemed of equal value based on the same educational, vocational and training requirements, competencies (skills), effort, responsibility, work performed, nature of tasks and working conditions.

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

Approved normative acts	
<b>Law on Pay Transparency No 107/2022</b> <sup>77</sup>	Ensuring equal pay 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.
<b>Government Decision No 259/2017 on the approval of the Strategy for ensuring equality between women and men in the Republic of Moldova for 2017-2021</b>	Purpose : to empower women and achieve de facto gender equality in the Republic of Moldova, while promoting gender equality within the security and defense sector.
<b>UN Security Council Resolution 1325 Programme "Women, Peace and Security" for 2023-2027</b> (in accordance with Government Decision No 152/2023). <sup>78</sup>	
<b>Law No 270/2018 on the unitary system of salaries in the budgetary sector</b> <sup>79</sup>	Equal pay for women and men
Projects in the pipeline	
Type of legal act	Purpose of the normative act
<b>Draft Government Decision</b>	<ul style="list-style-type: none"> <li>- developing transparent criteria and methodologies for the assessment and grading the roles in line with the principle of pay equity.</li> <li>- transposition and implementation of EU legislation concerning equal pay for equal work and work of equal value.</li> </ul>
<b>Draft Order of the Ministry of Labour and Social Protection on the approval of the 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</b>	Description of the procedure for employers to evaluate and classify positions within the entities they manage, including specific actions required at each stage of the evaluation and classification process.

### *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.*

Approved programs	Objectives
<b>The Government Decision No 203/2023 approved the</b>	<ul style="list-style-type: none"> <li>- reducing the gender pay gap for ensuring equal pay for equal work or work of equal value;</li> <li>- informing and empowering private sector workers (private for-profit and non-profit organisations, including associations, foundations, private institutions) about their rights</li> </ul>

<sup>76</sup> [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro#)

<sup>77</sup> [https://www.legis.md/cautare/getResults?doc\\_id=131234&lang=ro](https://www.legis.md/cautare/getResults?doc_id=131234&lang=ro)

<sup>78</sup> [https://www.legis.md/cautare/getResults?doc\\_id=136728&lang=ro](https://www.legis.md/cautare/getResults?doc_id=136728&lang=ro)

<sup>79</sup> [https://www.legis.md/cautare/getResults?doc\\_id=144409&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144409&lang=ro)

<b>Programme for the Promotion and Ensuring of Equality between Women and Men in the Republic of Moldova for 2023-2027</b>	<p>concerning equal work and work of equal value, particularly the right to request information and clarification from employers about any gender pay gap;</p> <ul style="list-style-type: none"> <li>- additional methodological tools and support will be developed for private sector employers (private for-profit and non-profit organisations: associations, foundations, private institutions) to encourage the implementation of inclusive and fair remuneration systems and processes;</li> <li>- both the Equality Council and the State Labour Inspectorate will benefit from organisational support to strengthen their capacity to effectively carry out their institutional mandate on equal pay for equal work or work of equal value.</li> </ul>
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The employment rate for the population aged 20-64 reached 55.7% compared to 52.1% in 2022) Men display higher labour market activity in Moldova. The employment rate for men reached 58.8% compared to 53% for women, resulting in a gender employment gap of 5.8%.

In urban areas, the employment rate reached 59.3%, while in rural areas it stood at 52.9%.

Employment among the population aged 15 and over increased by 2.9%, from 862.3 thousand in 2022 to 886.9 thousand in 2023.

Employment increased more significantly among women (+5.5%) than among men (+0.3%). Women employment rose from 418 600 in 2022 to 441 700 in 2023, with the highest growth of employment rate among women observed in urban areas, increasing by 8.8%, from 193 600 in 2022 to 210 700 in 2023. Men employment increased by 1 400 from 443 700 in 2022 to 445 100 in 2023. The employment rate of women is influenced by various factors, including the presence of children under the age of 16 in their households. In the services sector, a higher proportion of employees were women, accounting for 58.4% compared to 41.6% men in 2022. Women are more likely than men to opt for salaried and formal jobs. The gender pay gap/wage disparity was 15.5% in 2022 and 15.6% in 2023.

**Statistical data on the unadjusted gender pay gap, expressed as a percentage**  
(estimated based on average gross monthly earnings)

2020	2021	2022	2023
13,7	13,6	15,5	15,6

\*Data source: Annual Statistical Survey on "Earnings and labour costs"

As part of future initiatives, the Republic of Moldova aims to develop and pilot an equal pay portal, incorporating modules to inform both employers and employees about their rights and responsibilities regarding equal pay. This portal will serve as a key resource for providing clarifications and promoting transparency in labour relations.

## ARTICLE 5 - RIGHT TO ORGANISE (TRADE UNION)

### *a) Measures taken to encourage/strengthen the positive freedom of association of workers, particularly in sectors with traditionally low trade union density or in emerging sectors.*

One of the fundamental principles governing labour relations, as established by the Labour Code of the Republic of Moldova<sup>80</sup>, is the protection of employees' right to join trade unions and to become union members.

To promote and strengthen the positive freedom of association of workers across all areas of unions, the legislation:

- prohibits both direct and indirect discrimination against employees on the grounds of trade union membership or activity;
- as of 2023, unions are exempt from paying state registration fees when establishing new entities at any level ;<sup>81</sup>
- establishes the independence of trade unions in their activities , ensuring they are free from the control or subordination<sup>82</sup> of public authorities at all levels, political parties, public associations, employers and their associations;
- prohibit any interference that would restrict or hinder the exercise of trade union rights;
- prohibits making employment, promotion or dismissal contingent upon trade union membership, joining or leaving a trade union;
- prohibits influencing people through threats, bribery, or promises (such as improving working conditions, working conditions, educational conditions, etc.) to force them to give up their membership, leave a trade union and join another trade union, dissolve a trade union voluntarily, or engage in any other illegal actions;
- ensure that trade unions benefit from constitutional protection, including judicial protection, against discriminatory actions intended to restrict the freedom of association in trade unions and their activities carried out in accordance with the trade union constitution ;<sup>83</sup>
- holds public authorities, employers and trade unions accountable for violations of the law ;<sup>84</sup>
- establishes the right of employees to freedom of association in trade unions, including the right to form and join trade union organisations for the protection of their employment rights, freedoms and legitimate interests ;<sup>85</sup>
- requires the employer to create conditions for the activity of employee representatives in compliance with the provision of the present Code, the Trade Unions Act, other normative acts, collective agreements, and the collective labour agreement ;<sup>86</sup>
- establishes sanctions for obstructing employees' exercise of their right to form and join trade unions to defend their professional, economic and social interests<sup>87</sup>.

According to the Confederation of Trade Unions of the Republic of Moldova:

- As regards adequate protection against acts of discrimination and anti-union interference, the national legal framework provides sanctions in two specific cases: preventing the

<sup>80</sup> Labour Code of the Republic of Moldova No 154/2003 (Article 5 (h)), link: [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>81</sup> Law No 234/2023 on amending some normative acts (exemption of trade unions and employers from state registration fee), link: [https://www.legis.md/cautare/getResults?doc\\_id=138499&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138499&lang=ro)

<sup>82</sup> Trade Unions Law No 1129/2000, Art. 5, LP1129/2000

<sup>83</sup> Trade Unions Law No 1129/2000, Article 6, LP1129/2000

<sup>84</sup> Trade Unions Law No 1129/2000, Article 37, LP1129/2000

**Article 37. Liability of persons holding positions of responsibility in public authorities, employers and trade unions**

(1) The persons in positions of responsibility of public authorities, employers and trade unions shall be liable in accordance with the law for violation of this Law, other normative acts on trade unions, trade union statutes or the application of legislation that may prevent the realization of the guarantees established in the activity of trade unions.

(2) Persons guilty of hindering the lawful activity of trade unions shall bear disciplinary, material, administrative, criminal and administrative liability in accordance with the law.

<sup>85</sup> Labour Code of the Republic of Moldova No 154/2003 (Article 9 paragraph (1)(i)), link:

[https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>86</sup> Labour Code of the Republic of Moldova No 154/2003 (Article 22), link: [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>87</sup> Contravention Code of the Republic of Moldova No 218/2008, [https://www.legis.md/cautare/getResults?doc\\_id=146032&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=146032&lang=ro#)

**Article 61 Preventing the exercise of the right to form and join trade unions**

Establishes the sanctions for obstructing employees from exercising their right to establish and join trade unions to protect their professional, economic and social interests. The sanctions include a fine ranging from 24 to 30 conventional units (up to 1500 MDL or 85 USD) for natural persons and from 30 to 42 conventional units (up to 2100 MDL or 119 USD) for persons in positions of responsibility.

- establishment of trade unions and onstructing employees from joining them. However, these fines are not substantial enough to effectively discourage such actions;
- in cases of coercion (such as through threats or bribery, or promises to improve working conditions, etc.) or interference by the employer or any person in a position of responsibility aimed at dissolving or undermining the trade union, national legislation lacks an effective mechanism, including appropriate sanctions, to ensure not only the respect of trade union rights but also to successfully deter such actions.

**b) Legal criteria used to determine the recognition of employers' organisations for the purpose of engaging in social dialogue and collective bargaining**

Labour Code of the Republic of Moldova<sup>88</sup> expressly establishes that:

- a) the employer has the right to establish and join employers' organisations for the representation and defense of their interests;
- b) social partnership is a system of relations established between employees, employers and the relevant public authorities in the process of determining and realising the social and economic rights and interests of the parties;
- c) parts of the social partnership are as follows:
  - at the unity level: employees and employers, represented by their authorised representatives;
  - at the national, sectoral and territorial levels: trade unions, employers' organisations, and the relevant public authorities, represented by their authorised representatives.
- d) employer representatives in the social partnership:
  - the head of the unity or authorised persons - in collective bargaining, the conclusion, amendment or supplementing of the collective bargaining agreement;
  - employers - in collective bargaining, the conclusion or amendment of collective agreements, or the resolution of collective labour disputes in the interests of employers.

For the purpose of engaging in social dialogue and collective bargaining, the Law on Employers' Organisations No 976/2000<sup>89</sup> establishes 8 legal criteria to determine the recognition of employers' organisations:

N/A	Recognition criterion	Legal provision	How to recognisee
1	Establishing the legal status of employers' organisations	Article 1	<ul style="list-style-type: none"> <li>- are non-profit, non-governmental organisations</li> <li>- are independent and apolitical;</li> <li>- are set up on the principles of free association and equal rights for employers engaged in various fields of activity;</li> <li>- hold the right to set up territorial subdivisions that lack legal personality.</li> </ul>
2	Establishing the legal status of the employer	Article 2	An employer is a legal or a registered natural person who manages and invests capital in any form and engages paid employment for the purpose of earning profit under competitive conditions
3	Establishing the purpose of the employers' associations	Article 3	<ul style="list-style-type: none"> <li>- to assist employers' members in their capacity as employers;</li> <li>- to provide services and consultations;</li> <li>- to protect the rights and represent the interests of their members in relations with public authorities;</li> <li>- to protecti the rights and represent the interests of their members in relations with trade unions;</li> <li>- to protection the rights and represent the interests of their members in relations with non-governmental organisations at national and international level.</li> </ul>
4	Establishing principles for the formation and activity of employers' organisations	Article 4	<ul style="list-style-type: none"> <li>- enjoy equal rights;</li> <li>- operate in accordance with its own statutes and the provisions of this law;</li> <li>- operates based on the principles of free consent and equal rights for all members.</li> </ul>

<sup>88</sup> Labour Code of the Republic of Moldova No. 154/2003 (as 10, 15, 16, 23), link [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>89</sup> Employers' Law No 976/2000, link [https://www.legis.md/cautare/getResults?doc\\_id=138550&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138550&lang=ro)

5	<b>Establishing the legal forms of employers' organisation</b>	Article 5	<ul style="list-style-type: none"> <li>- employers' association;</li> <li>- employers' federation;</li> <li>- employers' confederation.</li> </ul>
6	<b>Setting the responsibilities of employers' associations</b>	Article 13	<ul style="list-style-type: none"> <li>- represent, promote, support and defend the common economic, technical and legal interests of their members, and their cooperative actions;</li> <li>- collaborate with public authorities in the initiation, development and promotion of strategies, programmes and projects related to the development, restructuring, privatisation and liquidation of enterprises, as well as their economic cooperation;</li> <li>- participate, in partnership with social dialog stakeholders, in drafting of legislation;</li> <li>- contribute to the development and implementation of strategies for the development of the national economy and economic activities, as well as strategies in the areas of wages, labour protection, vocational education and healthcare;</li> <li>- provide members with useful information and facilitate intra and inter-organisational relations;</li> <li>- promote managerial interests and offer consulting and specialised assistance services, including in the field of workforce training and use, aimed at increasing labour productivity</li> </ul>
7	<b>Establishing employer participation</b>	Article 14	<ul style="list-style-type: none"> <li>- social dialog;</li> <li>- collective bargaining;</li> <li>- conciliation, mediation and resolution of employment disputes and conflicts.</li> </ul>
8	<b>Establishing employers' rights</b>	Article 20	<ul style="list-style-type: none"> <li>- represent, promote and defend the rights and interests of their members in relations with public authorities, trade unions and other legal entities and individuals, both at the national and international;</li> <li>- appoint representatives and participate in the negotiation and conclusion of collective bargaining agreements, as well as other negotiations and agreements with public authorities and trade unions, and engaging in social dialogue within tripartite structures.</li> </ul>

**c) Legal criteria used to determine the recognition and representativeness of trade unions for the purpose of engaging in social dialogue and collective bargaining.**

**Provide information on:**

- **the status and prerogatives of minority trade unions;**
- **the existence of alternative representation structures at company level, such as elected workers representatives.**

For the purpose of engaging in social dialogue and collective bargaining, the Law on Trade Unions No 1129/2000<sup>90</sup> and the Labour Code of the Republic of Moldova No 154/2003 explicitly regulate legal criteria (approximately 15 criteria) to determine the recognition and representativeness of trade unions (including provision regarding the status and alternative structures at the entity level, such as elected workers representatives):

N/A	Recognition criterion	Legal provision	How to recognise
1	<b>Establishing the right to associate in a trade union</b>	Trade Union Law No 1129/2000 Article 7	<ul style="list-style-type: none"> <li>- Citizens of the Republic of Moldova and foreign citizens and stateless persons legally residing on its territory are entitled to create and join trade unions without prior authorisation of public authorities.</li> <li>- persons who are not employed or who have lost their job, as well as those who are legally engaged in an individual activity may voluntarily associate or join trade union in accordance with their statutes.</li> <li>- people who are not employed or who have lost their job, as well as those who are legally engaged in an individual activity, can remain members of the organisation's union from their previous workplace.</li> </ul>

<sup>90</sup> Trade Union Law No 1129/2000, link [https://www.legis.md/cautare/getResults?doc\\_id=138548&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138548&lang=ro)

			<ul style="list-style-type: none"> <li>- citizens of the Republic of Moldova who are abroad are entitled to be become members of existing trade unions in the Republic of Moldova.</li> </ul>
2	<b>Creation and structure of trade unions</b>	Trade Union Law No 1129/2000 Article 8	<ul style="list-style-type: none"> <li>- the basis of trade unions is their primary trade union organisation.</li> <li>- the primary trade union organisation is constituted of at least three people, considered the founders.</li> <li>- the decision to establish the primary trade union organisation is adopted by the constituent assembly.</li> <li>- the union is set up voluntarily, based on common interests (profession, branch, etc.),</li> <li>- trade unions operate usually within units (enterprises, institutions and organisations) irrespective of their legal form of organisation and type of ownership, departmental or branch membership.</li> <li>- the employer (administration) has no right to prevent individuals from joining a trade union.</li> <li>- Trade unions may join with trade unions or intersectoral in territorial branch centers national trade union centers as federations, confederations.</li> <li>- the national branch and national intersectoral trade unions centers may join international federations and confederations.</li> <li>- the constitution of the trade union, its organizational structure and functioning is regulated by trade union's status.</li> </ul>
3	<b>Trade union status</b>	Trade Union Law No 1129/2000 Article 9	<ul style="list-style-type: none"> <li>- the trade union has the right to independently develop and approve its statute and administrative regulations</li> <li>- the trade union has the right to determine its structure</li> <li>- the trade union has the right to independently elect its representatives, to form its own apparatus, operate its activities and develop its action plan.</li> <li>- public authorities are prohibited from any interference that would restrict or suspend the exercise of trade union rights.</li> <li>- trade union status may not contain provisions contrary to the Constitution and the Trade Union Law No 1129/2000.</li> <li>- the union's status will include provisions on: <ul style="list-style-type: none"> <li>• the name and premises of the trade union;</li> <li>• the goals of the trade union;</li> <li>• methods and forms of achieving the goals;</li> <li>• how to acquire and cease trade union membership;</li> <li>• the trade union members' rights and obligations;</li> <li>• the amount of contributions and their collection;</li> <li>• the name of the governing bodies, their election and dismissal, the duration of their mandates and tasks;</li> <li>• the deliberation conditions at meetings;</li> <li>• conditions for adopting decisions;</li> <li>• the organisational structure, merging, accession, division or dissolution of the trade union, as well as the distribution, transfer or liquidation of its assets;</li> <li>• how to join in trade union centers such as federations, confederations.</li> </ul> </li> </ul>
4	<b>Defending the rights and interests of trade union members</b>	Trade Union Law No 1129/2000 Article 12	The trade union represents and defends professional, economic, social, labor collective and individual members' rights and interests within public authorities of all levels, courts, public associations, employers and their associations.
5	<b>Right to participate in of public affairs management</b>	Trade Union Law No 1129/2000 Article 13	<p>The trade unions are entitled to participate in the administration of public affairs, development of the socioeconomic and labour policy of the state.</p> <p>Trade unions can promote representatives in public authorities at all levels.</p>
6	<b>Right to participate in drafting social and economic programmes and legal acts</b>	Trade Union Law No 1129/2000 Article 14	<ul style="list-style-type: none"> <li>- The trade unions have the right to participate in development of programmes on social and economic development, drafting of normative acts in labour remuneration, social security, price formation, health protection, equal opportunities and equal treatment between men and women and other areas related to employment and social and economic development.</li> <li>- the trade union exercises its rights within public authorities, through its respective body.</li> </ul>



			<ul style="list-style-type: none"> <li>- the public authorities shall submit draft normative and legal acts to the respective trade union bodies, requesting their opinion.</li> <li>- trade unions have the right to express their opinion on draft laws and regulations in mass-media.</li> </ul>
7	<b>Right to collective bargaining</b>	Trade Union Law No 1129/2000 Article 15	<ul style="list-style-type: none"> <li>- Trade unions have the right to collective negotiations with employers and their associations, public administration authorities and to conclude collective agreements.</li> <li>- Managers of units where there are no trade unions and employers, who prevent their creation and activity, cannot be members of collective bargaining committees.</li> <li>- Employers and their associations, public authorities are obliged to conduct collective negotiations with trade unions on social and labour issues, as well as on the conclusion of collective labour bargaining agreements, where trade unions submit such a proposal.</li> <li>- trade unions monitor the implementation of collective bargaining agreements and are entitled to request the dismissal of civil servants guilty of violating the law.</li> </ul>
8	<b>Right to conclude collective agreements</b>		
9	<b>Right to monitor the implementation of collective agreements</b>		
10	<b>Establishing rules governing relations between trade unions, Government and employers</b>	Trade Union Law No 1129/2000 Article 24	<p>The relations between trade unions, the Government and employers in the field of social partnership are based on the principle of equal rights and are regulated by:</p> <ul style="list-style-type: none"> <li>a) Constitution of the Republic of Moldova <sup>91</sup></li> <li>b) International Labour Organisation Conventions to which the Republic of Moldova is party</li> <li>c) Law on the Government No 136/2017<sup>92</sup></li> <li>d) Employers' Law No 976/2000</li> <li>e) Trade Union Law 1129/2000</li> <li>f) other legislation in this area.</li> </ul>
11	<b>Establishing employee representatives in the social partnership</b>	Labour Code No 154/2003 Article 20 <sup>93</sup>	<p>Under the social partnership, the trade union bodies at the national, territorial, branch and unit levels are composed of employees representatives.</p> <p>Within the framework of social partnership, these trade union bodies are empowered to defend the interests of employees during collective bargaining, the implementation and monitoring of collective bargaining agreements and conflict resolution.</p>
12	<b>Establishing elected employee representatives</b>	Labour Code No 154/2003 Article 21 <sup>94</sup>	<ul style="list-style-type: none"> <li>- employee representatives are elected during the general assembly of employees, with the vote of at least half of the total number of employees (delegates) in the unit.</li> <li>- employees who are not trade union members have the right to empower the trade union body to represent their interests in employment relations with the employer.</li> <li>- in units where there are no trade unions, employees' interests may be represented by elected representatives.</li> </ul>

<sup>91</sup> Constitution of the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=145723&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro#)

<sup>92</sup> Law on the Government No 136/2017, [https://www.legis.md/cautare/getResults?doc\\_id=143456&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=143456&lang=ro#)

<sup>93</sup> Labour Code of the Republic of Moldova No 154/2003, [https://www.legis.md/cautare/getResults?doc\\_id=142356&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142356&lang=ro#)

#### **Article 20. Employee representatives in the social partnership**

(1) The employees' representatives within the social partnership shall be the trade union bodies at the national, territorial, branch and unit levels, empowered in accordance with the trade union statutes and applicable legislation.

(2) The interests of the employees within the unit, in the framework of social partnership regarding collective bargaining, the conclusion, amendment and supplementing of the collective bargaining agreement, monitoring its fulfillment, and the exercise of the right to participate in the management of the unit - shall be represented by the trade union body of the unit, and in the absence of such a body, these interests shall be represented by other representatives elected by the employees of the unit.

(3) The interests of employees in the framework of social partnership at the territorial, regional and national levels regarding collective bargaining, including conclusion, amendment and supplementing of collective agreements, resolution of collective labour disputes, including the conclusion, amendment or supplementing of collective agreements, and the monitoring of their fulfillment - shall be represented by the respective trade union bodies.

<sup>94</sup> Labour Code of the Republic of Moldova No 154/2003, [https://www.legis.md/cautare/getResults?doc\\_id=142356&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142356&lang=ro#)

#### **Article 21. Elected employee representatives**

(1) Employees who are not members of a trade union shall have the right to authorise the trade union body to represent their interests in employment relations with the employer.

(2) In units where trade unions are not established, the interests of employees may be represented by their elected representatives.

(3) The employees' representatives shall be elected at the general meeting (conference) of the employees by a vote of at least half of the total number of employees (delegates) in the unit.

(4) The number of elected representatives of the employees shall be determined by the general meeting (conference) of the employees, taking into account the number of staff in the unit.

(5) The powers of elected employee representatives, the manner in which those powers are exercised, as well as the duration and limits of their term of office, shall be established by the general assembly (conference) of employees through a normative act at the unit level.

13	<b>Functioning of the National Commission for and Collective Bargaining</b>	Law No 245/2006 <sup>95</sup>	Establishment of the legal status and organisation and functioning of: a) the National Commission for Consultation and Collective Bargaining; b) the Sectoral Committees for consultation and collective bargaining; c) the Territorial Commissions for consultation and collective bargaining; The National Commission is an autonomous tripartite public body of the social partnership interest . Composition of the National Commission: a) appointed by the social partners: Government, employers and Trade Unions; b) composed of 18 members and 12 alternate members; c) the position of vice-president is held by coordinators from employers and trade unions.
14	<b>Functioning of the Sectorial Committees for consultation and collective bargaining</b>		
15	<b>Functioning of the Territorial Committees for collective bargaining and consultation</b>		Sectoral and Territorial Committees: a) are autonomous tripartite public interest bodies of the social partnership; b) are set up to address labour and social-economic issues; c) are created to develop social partnership at national, branch,

<sup>95</sup> Law No 245/2006 on the organisation and functioning of the National Commission for Consultation and Collective Bargaining, the Committees for consultation and collective bargaining at branch and territorial level, [https://www.legis.md/cautare/getResults?doc\\_id=138025&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138025&lang=ro)  
Article 6. Composition of the National Commission

(1) The National Commission is composed of 18 members and 12 alternate members, appointed by the social partners (Government, employers and trade unions) as follows:

- a) 6 members and 4 alternate members, appointed by the Government;
- b) 6 members and 4 alternate members, appointed jointly by the employers' confederations at the national level;
- c) 6 members and 4 alternate members, appointed jointly by the national trade union confederations.

(2) The activity of each social partner within the National Commission shall be managed by a coordinator of that party.

(3) The National Commission shall be deemed to be legally constituted on the date on which all its members and alternate members are appointed by the social partners.

#### **Article 9. Working bodies of the National Commission**

The National Commission has the following working bodies:

- a) the executive office;
- b) the President;
- c) 2 Vice-Presidents;
- d) the secretariat;
- e) specialised councils (permanent or temporary).

#### **Article 10. Responsibilities of the National Commission**

The National Commission has the following responsibilities:

- a) to harmonise the interests of the Government, employers and trade unions in the process of developing the regulatory framework for labour and social-economic relations;
- b) to conduct collective bargaining, draft and promote collective agreements at national level, contribute to their conclusion and monitor and propose measures to ensure their implementation;
- c) to identify, at national level, the causes of conflict situations and social tensions in labour relations, organise the preparation and review of proposals aimed at preventing such situations and tensions;
- d) to participate in the examination and endorsement of draft normative acts related to labour and social-economic matters;
- e) to examine and submit proposals to the Government regarding reports to be submitted to the International Labour Organisation and the ratification or denunciation of its Conventions;
- f) to supervise the fulfillment of commitments undertaken by the Republic of Moldova through the ratification of International Labour Organisation conventions, etc.

#### **Article 27. Organisation of the work of the sectorial and territorial committees**

(1) The sectorial and territorial committees shall conduct their work through public meetings.

(2) The sectorial and territorial committees shall convene as often as necessary, in accordance with their work plan, but not less frequently than once every two months.

(3) The decision to convene a meeting of the sectorial and territorial committees shall be made by the chairperson of each respective committee.

(4) For deliberations of the sectorial and territorial committees to be valid, at least 2/3 of the members must be present. and at least 3 members must represent each party.

#### **Article 27<sup>1</sup>. Bipartite sectoral committees**

(1) In branches where there are no representatives of a social partner, sectorial committees shall be established as bipartite bodies to achieve the objectives set out in Article 4, including establishing the foundations for regulating labour and social-economic relations in the respective branch of the economy and maintaining a climate of social stability and peace.

(2) The bipartite sectorial committees serve a consultative role in the development of social and economic strategies and policies, as well as in the resolution of conflicts between the social partners at the branch level.

#### **Article 27<sup>2</sup>. Constitution and composition of bipartite sectorial committees**

(1) The bipartite sectorial committees shall be constituted on the principle of parity, based on joint decisions made by the two social partners present in a given branch of the economy.

(2) The bipartite sectorial committees shall comprise 4 members and 2 alternate members, appointed by the two social partners.

(3) The bipartite sectorial committees shall include representatives of the following two social partners:

- a) ministries or other central administrative authorities, appointed by the heads of those authorities;
- b) trade union representatives, appointed by the respective branch trade union bodies;
- c) employers' representatives, appointed by the employers' organisations within the sector.

(4) The bipartite sectorial committees shall be deemed to be legally constituted on the date when all members and alternate members are appointed by the respective social partners.

			and territorial level7s.  Bipartite Sectoral Committees: a) are formed in branches where there are no representatives of a social partner b) are bipartite bodies c) establish and implement the bases for the regulating relations in the labour, social-economic fields, with the aim of maintaining a climate of stability and social peace; d) are formed on the principle of parity, through joint decisions made by the two social partners in a given branch of the economy; e) are composed of representatives of two of the following social partners: central government authorities, trade unions and employers.
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***d) The extent to which the right to organise is guaranteed to members of the police and armed forces.***

The right to organise, establish, and affiliate is guaranteed to members of the police and armed forces.

However, the military personnel in active service (reservists conscripted or mobilised within military units) are prohibited from engaging in any trade union activities within military units<sup>96</sup>.

Similarly, the right to associate with social-political parties or organisations, the right to establish or affiliate with trade unions, as well as the right to strike is restricted for intelligence officers<sup>97</sup>.

In confirmation of this, the following must be noted:

Right	Normative act	Normative provision
<b>Right to establish trade unions</b>	Constitution of the Republic of Moldova <sup>98</sup> Article 42	All employees are entitled to the right to form and join trade unions for the protection of their interests.
<b>Right to join trade unions</b>	Labour Code of the Republic of Moldova No 154/2003 Article 5(h)	Trade unions are established and carry out their activities in accordance with their statutes and within the framework prescribed by applicable legislation. They shall contribute to safeguarding the professional, economic and social interests of employees. One of the fundamental principles regulating employment relations is to ensure the employees right to associate in order to defend their rights and interests, including the right to establish and join trade unions.
<b>Right to address trade unions</b>	Labour Code of the Republic of Moldova No 154/2003 Article 9 paragraph (1) (c), (g) (i)	Every employee is entitled to: - a workplace that complies with the conditions provided by state standards concerning organisation, safety and health at work as well as those set forth in the collective bargaining and collective agreements; - petition trade unions; - freedom of association in trade unions, including the right to establish and join trade unions for the protection of their employment rights,

<sup>96</sup> Law No 162/2005 on the status of military personnel, [https://www.legis.md/cautare/getResults?doc\\_id=135602&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135602&lang=ro)

**Article 36. Prohibitions and restrictions**

(1) During the performance of military service, military personnel are prohibited from:

a) being members of political parties or other socio-political organisations, or engaging in political activities in their favour;

(2) For active duty military personnel, the exercise of certain rights and freedoms is subject to specific restrictions, including:

(b) reservists concentrated or mobilised in military units may remain members of political parties, or other socio-political organisations and trade unions to which they belong; however they are prohibited from engaging in any political or trade union activities within military units.

<sup>97</sup> Law No 170/2007 on the status of intelligence and security officers, [https://www.legis.md/cautare/getResults?doc\\_id=137380&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137380&lang=ro)

**Article 40. Restrictions, incompatibilities and prohibitions**

(1) The exercise of the following rights and freedoms by an intelligence officer shall be subject to the following restrictions:

a) the right to freedom of movement. The movement of the intelligence officer on the territory of the Republic of Moldova and abroad shall be authorised in accordance with the procedure established by the relevant Service regulations;

c) freedom of opinion and expression;

e) freedom of assembly. Intelligence officers are prohibited from participating in rallies, demonstrations, processions, or other gatherings of a political or trade union nature, except when performing their official duties;

f) the right to affiliate with political parties or other socio-political organisations;

g) the right to establish and join trade unions and the right to strike.

<sup>98</sup> Constitution of the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=145723&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro#)

		freedoms and legitimate interests.
<b>Right of civil servants with special status in the Ministry of Internal Affairs to form and join trade unions</b>	<p>Law on Trade Union 1129/2000<sup>99</sup> Article 4</p> <p>Law No 288/2016<sup>100</sup> Article 44</p>	<p>Law No 1129/2000 on Trade Unions applies to military units and internal affairs bodies, taking into account the particularities established by the legislative acts that define their legal status.</p> <p>Law No 288/2016 provides that civil servants with special status within the Ministry of Internal Affairs have the right to establish and join trade unions to defend their legitimate interests, the right to appropriate remuneration for their work, and the implementation of specific measures for their health and safety protection, considering the special nature of their service.</p>
<b>The right of civil servants with special status within the National Anti-Corruption Center to establish and join trade unions, with the aim of ensuring the social-economic protection of the National Anti-Corruption Center's employees, while respecting their legal rights and interests.</b>	<p>Law No 1104/2002<sup>101</sup> Article 10 Article 33</p> <p>Collective Bargaining Agreement for 2020-2025, No 71/20 of 21.10.2020<sup>102</sup>,</p>	<p>Defending the professional, economic and social interests of National Anti-Corruption Center employees</p>

<sup>99</sup> Trade Unions Law No 1129/2000, [https://www.legis.md/cautare/getResults?doc\\_id=138548&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138548&lang=ro)

<sup>100</sup> Law No 288/2016 on the civil servant with special status within the Ministry of Internal Affairs, [https://www.legis.md/cautare/getResults?doc\\_id=143260&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143260&lang=ro)

**Article 44. Political and social rights**

(1) Civil servants with special status may associate and form professional associations, without affecting the performance of their duties.

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

<sup>101</sup> Law No 1104/2002 on the National Anti-Corruption Center, [https://www.legis.md/cautare/getResults?doc\\_id=143092&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143092&lang=ro)

**Art.10 The Board of the Center and Article 33 Disciplinary Liability** - ensure the membership of the Trade Union representative in the Board of the Center and the Disciplinary Board, in order to protect the interests and defend the rights of the employees of the Center.

<sup>102</sup> Collective Bargaining Agreement for 2020-2025, No 71/20 of 21.10.2020, concluded between the National Anti-Corruption Center and the "Dignity" Union of the Federation of Trade Unions of Moldova "SINDLEX"

## ARTICLE 6§1 - RIGHT TO BARGAIN COLLECTIVELY. JOINT (EQUAL) CONSULTATION.

### a) Government measures to promote joint consultation.

The Government of the Republic of Moldova has implemented several measures to promote joint consultation between social partners (trade unions and employers), particularly in the context of tripartite social dialogue and collective bargaining. These measures include:

No	Recognition criteria	Measures adopted by the Government	Expected results
1.	<b>Amend the legislative framework to improve the consultation mechanisms between social partners</b>	Approval of the composition of the government delegation in the National Commission for Consultation and Collective Bargaining <sup>103</sup>  Adoption of Law No 182/2023 amending Article 15 of Law No 245/2006 on the organisation and functioning of the National Commission for Consultation and Collective Bargaining <sup>104</sup>	<ul style="list-style-type: none"> <li>- The government delegation in the National Commission for Consultation and Collective Bargaining is represented by the Ministries, which, as members of the Government, implement policies and undertake measures for social dialogue at the sectoral level.</li> <li>- The secretariat of the National Commission for Consultation and Collective Bargaining was transferred from the State Chancellery to the Ministry of Labour and Social Protection, the relevant branch ministry, with the aim of strengthening the legislation in the field of social dialogue.</li> </ul>
2.	<b>Encouraging dialogue at the sectoral level</b>	National Commission for Consultation and Collective Bargaining meeting of May 05, 2023  National Commission for Consultation and Collective Bargaining meeting of January 26, 2024	<ul style="list-style-type: none"> <li>- debating the issue of reactivating the committees for collective bargaining and consultation at branch level;</li> <li>- strengthening social dialogue at the sectoral level - achievements 2023/perspectives for 2024;</li> <li>- reporting on the actions undertaken by the social partners, following the National Commission's call to resume social dialogue and revive the activity of the Sectoral Committees for consultations and collective bargaining;</li> <li>- setting up regional collective bargaining committees to revitalise social dialogue in various authorities.</li> </ul>
3.	<b>Enhancing transparency and accessibility of information</b>	Government actions	Publishing the reports and outcomes of negotiations on official platforms and ensuring stakeholders' access to the relevant information.

<sup>103</sup>[https://www.legis.md/cautare/getResults?doc\\_id=136572&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=136572&lang=ro#)

[https://www.legis.md/cautare/getResults?doc\\_id=128755&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128755&lang=ro)

<sup>104</sup>[https://www.legis.md/cautare/getResults?doc\\_id=138025&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138025&lang=ro)

**b) Topics of common interest which have been the subject of joint consultations over the last five years: Agreements adopted as result of these discussions and how these agreements were implemented.**

The National Commission for Consultations and Collective Bargaining (NCCCB) regularly holds meetings that play a crucial role in shaping and implementing public policies in the Republic of Moldova:

- public policy are being made to address new economic, social, and political realities;
- normative acts are being developed to support the effective implementation of public policies.

Among the aspects of mutual interest that have been the subject of joint consultations over the past five years are:

- **Strengthening social dialogue at the regional level** - in order to revitalise social dialogue in various authorities, 6 sectoral collective bargaining committees have been established;
- **Conclusion of collective agreements:**
  - a) 4 collective agreements at the national level;
  - b) 18 collective agreements at the sectoral level;
  - c) 2592 collective contracts at the unit level;
  - d) Ratification of Convention No 190 on violence and harassment in the world of work.

4 collective agreements at the national level		
1.	Collective Agreement No 17 of 28.02.2020 <sup>105</sup> "On the model of the Working Time Recording Table";	
2.	Collective Agreement No 18 of 28.02.2020 (national level) <sup>106</sup> "For the approval of the amendments to the collective agreement (national level) No 4 of July 25, 2005 "Regarding the model of the individual employment contract";	
3.	Collective Agreement No 19 of 28.02.2020 <sup>107</sup> " Regarding the model of the annual leave scheduling";	
4.	Collective Agreement No 20 of 29.07.2022 (national level) <sup>108</sup> " Regarding the development and promotion of social partnership. "	
6 regional collective bargaining committees:		
1.	Ministry of Culture Order No 227/2023	Committee for Consultation and Collective Bargaining at the sectoral level
2.	Ministry of Health Order No 61/2022	Sectoral Committee for consultation and collective bargaining in the field of health care
3.	Order of the Ministry of Infrastructure and Regional Development No 472023	Road Transport Advisory Council
4.	Order of the Ministry of Infrastructure and Regional Development No 103/2023	Sectoral Committee for consultation and collective bargaining in the field of water supply and sanitation
5.	Order of the Ministry of Infrastructure and Regional Development No 148/2023	Sectoral Committee for consultations and collective bargaining in the field of air transport
6.	Order of the Ministry of Infrastructure and Regional Development No 150/2023	Sectoral Committee for consultation and collective bargaining in the construction sector
7.	Order of the Minister of Education and Research No1083/2023	Commission for consultation and collective bargaining at the sectoral level
Collective agreements at the sectoral level		
No	Authority	Collective agreement at the sectoral level
1	Federation of Education and Science Trade Unions of the Republic of Moldova	Collective agreement in the field of education, 2021-2025 Collective agreement in the field of science, 2021-2025
2	Federation of Health Trade Unions of Moldova	Collective agreement, 2022-2025
3	Federation of Public Service Unions of the Republic of Moldova (SINDASP)	Collective agreement, Ministry of Finace Collective agreement, Ministry of Labour and Social Protection

<sup>105</sup> [https://www.legis.md/cautare/getResults?doc\\_id=120655&lang=ro](https://www.legis.md/cautare/getResults?doc_id=120655&lang=ro)

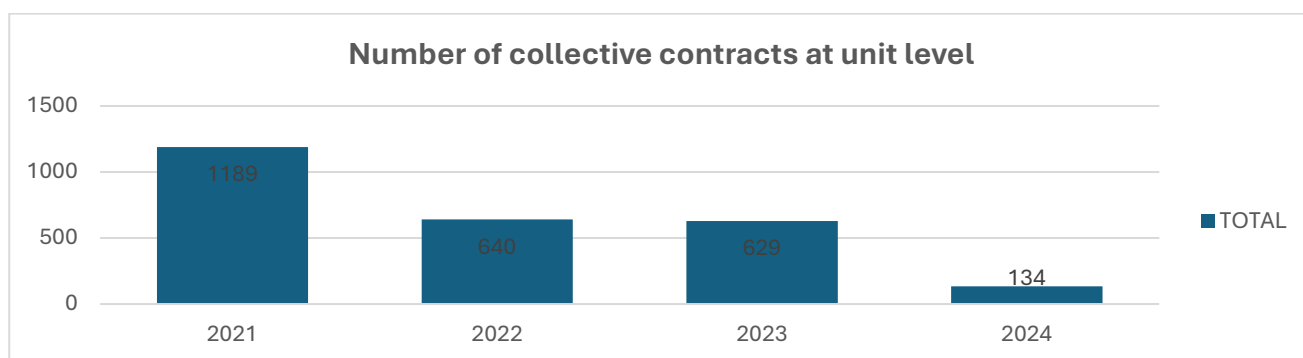
<sup>106</sup> [https://www.legis.md/cautare/getResults?doc\\_id=120656&lang=ro](https://www.legis.md/cautare/getResults?doc_id=120656&lang=ro)

<sup>107</sup> [https://www.legis.md/cautare/getResults?doc\\_id=120657&lang=ro](https://www.legis.md/cautare/getResults?doc_id=120657&lang=ro)

<sup>108</sup> [https://www.legis.md/cautare/getResults?doc\\_id=132609&lang=ro](https://www.legis.md/cautare/getResults?doc_id=132609&lang=ro)



		Collective agreement, Ministry of Justice
4	Federation of Trade Unions of Moldova "SINDLEX"	Collective agreements: "SINDLEX, 2020-2025" "THE FUTURE, 2021-2026"
5	National Federation of Agriculture and Food Trade Unions "AGROINDSIND"	Collective agreement, 2021-2023, extended for the years 2023-2026
6	Federation of Culture Workers' Unions of the Republic of Moldova	Collective agreement, 2021-2025
7	Federation of Trade Unions of Workers in the Social Service and Goods Production Sector "Sindindcomservice"	Collective agreement, 2022-2026
8	Federation of Trade Unions of Workers in the Chemical Industry and Energy Resources of the Republic of Moldova	Collective agreement, 2022-2026
9	Federation Trade Unions in Communications of the Republic of Moldova	Collective agreement, 2016-2019 (under negotiation)
10	Trade Union Federation "Sindenergo" of Workers in the Energy Sector of the Republic of Moldova	Collective agreement, 2016-2020, valid until the conclusion of a new agreement
11	Federation of Trade Unions in Construction and Building Materials Industry "SINDICONS"	Collective agreement, 2023-2027
12	Federation of Road Hauliers and Drivers Trade Unions of the Republic of Moldova	Collective Agreement, 2021-2025
13	Federation of Trade Unions in Forestry "SINDSILVA" of the Republic of <i>Moldova</i>	Collective agreement, 2024-2027
14	Federation of Trade Unions of Workers in the Automobile and Agricultural Machinery Manufacturing Industry of the Republic of Moldova	Collective agreement, 2021-2025
	<b>COLLECTIVE AGREEMENT</b> No 8 of 12-07-2007	regarding the elimination of the most severe forms of child labour <sup>109</sup>



<sup>109</sup> [https://www.legis.md/cautare/getResults?doc\\_id=86453&lang=ro](https://www.legis.md/cautare/getResults?doc_id=86453&lang=ro)



International Conventions		
1	Ratification of Convention No 190 on violence and harassment in the world of work (in force in the Republic of Moldova since 19.03.2025)	Adoption of Law No 490/2023
2	Order of the Ministry of Labour and Social Protection No 76 of May 31, 2023	Establishment of the Working Group for carrying out the procedures related to the ratification and implementation of Convention 190 (alignment of national legislation with the provisions of ILO Convention 190), which is currently under its second review

No	Recognition criterion	NCCCCB consultations	Expected results
1.	Setting the minimum wage	Consultations with social partners on the NCCCCB platform  NCCCCB meeting of 13.08.2024	- Approval of a minimum wage of 5000 lei from January 1, 2024, representing a 25% increase compared to 2023 and approximately a 70% increase compared to 2021  - Addressing the subject of setting the minimum wage at 6000 lei from January 1, 2025
2.	Roadmap for 2024-2027	Tripartite meetings on the NCCCCB platform  tripartite meetings on the NCCCCB platform	Addressing the related issue of revising compensation allowances for work performed under unfavorable conditions, with the issue of increasing the compensation allowances being emphasised;  Outcome: Convening tripartite working meetings of the Permanent Council on the issues of drafting, negotiating, and concluding collective agreements, as well as monitoring their implementation, to examine and substantiate proposals for decisions on the revision of compensation allowances for work performed under unfavorable conditions, taking into account the dynamics of the labour market.  The opportunity to ratify ILO Convention No 156/1981 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities".  Development during 2024 of a feasibility study on the opportunity of ratifying ILO Convention No 156, , with the support of the International Labour Organisation followed by a discussion of its results on the NCCCCBplatform

**Specify whether a joint consultation on aspects related to the digital transition and the green transition took place.**

There were no joint consultations related to digital or green transition aspects.

## ARTICLE 6§2 - COLLECTIVE BARGAINING

- a) Information on how collective bargaining is coordinated between and across different levels of bargaining, including information on the operation of factors such as erga omnes clauses and other mechanisms for extending collective agreements;*

According to the Labour Code of the Republic of Moldova<sup>110</sup>, the system of relations established between employees (representatives of employees), employers (representatives of employers), and relevant public authorities in the process of determining and observing the social and economic rights and interests of the parties represents social partnership.

The parties to the social partnership are:

- trade unions, employers and public authorities - at national, sectoral and territorial levels;
- employees and employers, represented by authorised representatives - at the unit level.

The manner in which collective bargaining (social partnership) is coordinated within and between different bargaining levels, through:

Approach	Description
<b>Participation in the review of draft legislation</b>	<ul style="list-style-type: none"> <li>participation in the review of draft legislation;</li> <li>participation in the review of proposals for socio-economic reforms;</li> <li>participation in improving labour legislation;</li> <li>participation in ensuring civic conciliation.</li> <li>the draft normative acts in the labour and social-economic fields must be compulsorily coordinated with the National Commission for Consultations and Collective Bargaining. The Commission's opinion on a draft normative act accompanies the draft throughout the adoption process.</li> </ul>
<b>Mutual consultations Mutual negotiations</b>	Participation in mutual consultations and negotiations regarding the regulation of employment relationships and matters directly related to them.
<b>Employee (representative) participation in the management of the unit</b>	The interests of the employees within the unit, in the context of the social partnership and in exercising their right to participate in the management of the unit, shall be represented by the trade union body of the unit. In the absence of the trade union body, these interests may be represented by other representatives elected by the employees of the unit.
<b>Collective bargaining</b>	<ul style="list-style-type: none"> <li>drafting of collective agreements;</li> <li>drafting of collective agreements;</li> <li>concluding collective agreements and collective employment contracts on a bipartite or tripartite basis, through the representatives of the social partnership parties.</li> </ul>
<b>Conciliation procedures</b>	Participation of the representatives of the social partnership parties in the process of extrajudicial resolution of collective bargaining disputes.
<b>Establishing committees for consultation and collective bargaining<sup>111</sup></b>	<ul style="list-style-type: none"> <li>National Commission for Consultation and Collective Bargaining;</li> <li>Committees for consultation and collective bargaining at the sectoral level;</li> <li>Committees for consultation and collective bargaining at the territorial level.</li> </ul> <p>National Commission for Consultation and Collective Bargaining:</p> <ul style="list-style-type: none"> <li>has a consultative role in development of social and economic strategies and policies;</li> <li>has a consultative role in the resolution of disputes between social partners at the national, sectoral or territorial level.</li> <li>coordinates all draft legislation in the labour and social-economic fields;</li> <li>oversees the fulfilment of commitments undertaken by the Republic of Moldova through the ratification of the International Labour Organisation Convention No 98 on the application of the principles of the right to organise and engage in collective bargaining and Convention No 144 on tripartite consultations for the application of international labour standards, etc.</li> </ul>
<b>Approval of normative acts on the organisation and functioning of committees for consultations and</b>	<ul style="list-style-type: none"> <li>Model Regulation on the organisation and functioning of the Employer-Employee Social Dialogue Committee<sup>112</sup>;</li> <li>Framework Regulation on the organisation and functioning of committees for collective bargaining and consultation at sectoral and territorial level;<sup>113</sup></li> </ul>

<sup>110</sup> Labour Code of the Republic of Moldova 154/2003, Article 15, 16, 19, 20; [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>111</sup> Law No 245/2006, [https://www.legis.md/cautare/getResults?doc\\_id=138025&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138025&lang=ro)

<sup>112</sup> Decision of the National Commission for Consultation and Collective Bargaining No 9/2007, link: [HCNCNC9/2007](https://www.legis.md/cautare/getResults?doc_id=138025&lang=ro)

<sup>113</sup> Decision of the National Commission for Consultations and Collective Bargaining No 3/2007, link: [Amended Framework Regulation for Regional-Territorial Framework Regulation 31.07.2018.docx](https://www.legis.md/cautare/getResults?doc_id=138025&lang=ro)

<b>collective bargaining</b>	- Framework Regulation on the functioning of the Sectoral Committee on Vocational Training <sup>114</sup>
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To further enhance the coordination of collective bargaining, the following measures have been undertake:

- a) The National Commission for Consultation and Collective Bargaining approved 20 collective agreements at the national level;
- b) The Ministry of Labour and Social Protection, in collaboration with social partners, is developing and planning to approve an Action Plan for the period 2025-2028. This plan includes deadlines and measures aimed at increasing collective bargaining coverage and improving employees' working and living conditions of up to 80% by 2028. It will be subject to periodical reviews, at intervals not exceeding five years, to ensure the progressive growth and sustained maintenance of collective bargaining coverage at the national level.

Concerning the application of the principle of favoritism and the extent to which local or workplace agreements may derogate from legislation or from higher level collective agreements, collective agreement actions are taken accordingly:<sup>115</sup>

- a) The collective agreement concluded at the national level (General Agreement) becomes effective on the date of its publication in the Official Journal of the Republic of Moldova;
- b) Sectoral and territorial collective agreements become effective upon being signed by the parties or on the date specified in the agreement. A copy of each sectoral or territorial collective agreement must be submitted by one of the signatory parties to the Ministry of Labour and Social Protection within 7 calendar days of its conclusion;
- c) The duration of the collective agreement is set by the parties and must not be less than one year.
- d) In cases where employees are simultaneously covered by multiple collective agreements, the provisions most favorable to the employees take precedence.

At the same time, in the real sector:

- a) the tariff scale<sup>116</sup> is set through negotiation at sectoral level, within the collective agreement, and at the unit level, within the collective bargaining agreement;
- b) the tariff wage for category I qualification (pay grade) in the real sector is established through collective bargaining at sectoral level at least equal to or exceeding the minimum wage, and at the unit level at least equal to or exceeding the amount established at the sectoral level.

**c) Barriers to collective bargaining at all levels and across all sectors of the economy (e.g. decentralization of collective bargaining).**

In the Republic of Moldova, there is no formal study addressing obstacles to collective bargaining across all levels and sectors of the economy. However, informally, the following obstacles are observed:

- lack of representativeness and bargaining mandate;
- limited tripartism, particularly at the sectoral level, resulting in low collective bargaining coverage;
- a low level of trust between social partners and the government;
- a low level of confidence among workers towards trade union organisations and among economic entities (employers) towards employers' organisations;
- unstable economic conditions (Moldova's fragile economy and economic fluctuations complicate the negotiation of long-term, advantageous wage or working conditions);
- potential regulatory constraints.

<sup>114</sup> Decision of the National Commission for Consultation and Collective Bargaining No 4/2012; [Sectoral Committee Regulation.doc](#)

<sup>115</sup> Labour Code of the Republic of Moldova No 154/2003, Article 38; [https://www.legis.md/cautare/getResults?doc\\_id=142481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142481&lang=ro)

<sup>116</sup> Salary Law No 847/2002, Article 3<sup>1</sup> paragraph (2) and Article 14 paragraph (2), LP847/2002

**d) Specific details of the measures taken or planned to address these obstacles, the timetables adopted in relation to those measures and the results achieved/expected in relation to those measures.**

Several measures are planned to overcome obstacles to collective bargaining at all levels and in all sectors of the Moldovan economy:

- Capacity building of social partners;
- Raising awareness and providing information about the benefits of dialogue in achieving social objectives;
- Engaging trade union members from economic units in actions to prevent undeclared work, including consulting people, informing them about their rights and promoting the benefits of formal employment);
- Establishing and piloting the Economic and Social Council in Moldova until 2028;
- Developing a platform for drafting normative acts with social partners through working groups under the National Commission for Consultation and Collective Bargaining NCCCB to promote unified positions by 2028;
- Enhancing the capacity to recruit trade union members and negotiate collective bargaining agreements, aiming for 80% coverage by 2030;
- Increasing the involvement of social partners in various EU working groups to enhance representation at the European level and leverage European financial resources (pre-accession funds) starting in 2025;
- Increasing the number of collective employment contracts by 2028.
- Adopting amendments to national legislation to facilitate the conclusion of collective bargaining agreements";
- Implementing stricter sanctions against violations of trade union legislation by employers and trade organisations. Objective: Adopting a legal framework by 2026 to impose stricter sanctions for violations against trade unions, including interference with the rights of trade union bodies and members;
- Enhancing the processes of the National Commission for Consultation and Collective Bargaining;
- Reforming the legal framework by 2026 to make the National Commission for Consultation and Collective Bargaining more inclusive and efficient;
- Recruiting and training of specialised staff to coordinate and facilitate social dialogue (experts in labour law, negotiators, mediators and analysts).

**Results obtained/expected in regarding the implementation of measures**

- Development and promotion of a draft law on the amendment of certain normative acts, The primary objective of this initiative is to refine the existing legislation to promote and strengthen social partnership and enhance the capacities of social partners;
- Reinforcement of the activity of sectoral collective bargaining and consultation committees;
- Designing and piloting the concept of the Economic and Social Council in the Republic of Moldova addressing its legal, institutional, and functional dimensions.

**e) Information on measures taken or planned to guarantee the right to collective bargaining for economically dependent (self-employed) persons those with characteristics similar to workers and self-employed workers.**

There are no specific provisions for self-employed workers in the Moldovan legal framework.

However, to guarantee the right to collective bargaining for persons, including economically dependent (self-employed) persons with characteristics similar to both workers and self-employed workers, Moldovan law regulates specific measures .

The primary guarantee is the recognition and representativeness of trade unions, enabling them to participate in social dialogue and collective bargaining . <sup>117</sup>

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<sup>117</sup> Trade Union Law No 1129/2000, Article 7, 8, 15; link: LP1129/2000

Measure	Normative provision
<b>Right to join a trade union</b>	<p>The right to freely establish and join trade unions, in accordance with their statutes, without prior authorisation from public authorities,:</p> <ul style="list-style-type: none"> <li>- for citizens of the Republic of Moldova;</li> <li>- for foreign citizens and stateless persons legally residing on the territory of the Republic of Moldova.</li> </ul> <p>The right to form or join a trade union in accordance with its statutes is guaranteed:</p> <ul style="list-style-type: none"> <li>- for persons not in employment;</li> <li>- for persons who have lost their job;</li> <li>- for persons who legally carry out an employment activity on a self-employed basis.</li> </ul> <p>The right to maintain membership in the trade union of the unit/institution/organisation where they were employed is guaranteed:</p> <ul style="list-style-type: none"> <li>- for people who are not employed;</li> <li>- for people who have lost their job;</li> <li>- for persons who legally carry out an employment activity on a self-employed basis.</li> </ul>
<b>The right to form trade unions</b>	<ul style="list-style-type: none"> <li>- The base of trade unions is the primary trade union organisation.</li> <li>- The primary trade union organisation is formed by at least 3 persons, considered as founders.</li> <li>- The decision to establish the primary trade union organisation is adopted by the constituent assembly.</li> <li>- The trade union established voluntarily, based on common interests (profession, sector, etc.),</li> <li>- The trade unions generally operates at the level of units (enterprises, in institutions and organisations), regardless of their legal form of organisation, type of ownership, departmental or sectoral affiliation.</li> <li>- The employer (management) has no right to prevent individuals from joining a trade union.</li> <li>- Trade unions may associate in sectoral or inter-sectoral territorial trade union centers, as well as in national-sectoral and national-intersectoral trade union centers in the form of federations or confederations.</li> <li>- The national-sectoral and national-intersectoral trade union centers may join international federations and confederations.</li> <li>- The manner of forming a trade union, its organisational structure, and functioning are regulated by the trade union's statute.</li> </ul>
<b>Right to collective bargaining</b>	<ul style="list-style-type: none"> <li>- Trade unions have the right to bargain collectively with employers and their associations, with public administration authorities, and to conclude collective agreements.</li> </ul>
<b>The right to conclude collective agreements</b>	<ul style="list-style-type: none"> <li>- Managers of units where trade unions are not established and employers who obstruct the establishment and operation of trade unions, cannot be members of collective bargaining committees.</li> </ul>
<b>The right to exercise control over the implementation of collective agreements</b>	<ul style="list-style-type: none"> <li>- Employers and their associations, as well as public administration authorities, are obliged to engage in collective negotiations with trade unions on social and labour issues, and on the conclusion of collective bargaining agreements, in cases where trade unions make such a proposal.</li> <li>- Trade unions exercise control over the implementation of collective bargaining agreements and have the right to demand the dismissal of officials responsible for violating the law.</li> </ul>

## ARTICLE 6§4 - COLLECTIVE ACTIONS

Both the International Covenant on Economic, Social and Cultural Rights and the European Social Charter (revised) stipulate that the right to strike may be limited or prohibited.

In order to respect the rights and freedoms of others, or to protect public order, national security, public health or public morals, Article G of the Revised European Social Charter allow such restrictions. In this regard,, the European Court has ruled that such a right, which is not expressly provided for under Article 11 of the Convention, may be subject to national legislation that regulates its exercise in certain casess (Schmidt and Dahlström v. Sweden).

Thus, the legislation of the Republic of Moldova recognises the right to strike of employees, exercised in accordance with the law:

The normative act	Content of the provision
<b>Constitution of the Republic of Moldova<sup>118</sup> (Article 45)</b>	The right to strike is recognised. Strikes may only be initiated for the purpose of protecting the economic and social interests of employees. The law establishes the conditions for exercising the right to strike, as well as the liability for illegal organisation of strikes.
<b>Constitution of the Republic of Moldova<sup>119</sup> (Article 54-58)</b>	The constitutional right to strike is not an absolute right. It may be subject to limitations. The exercise of certain rights or freedoms may be restricted only by law and only when necessary for the following purposes: the protection of national security, public order, public health or morals, the rights and freedoms of citizens; the conduct of criminal investigations; or the prevention of the consequences of a natural disaster or damage. The restrictions on the exercise of the right to strike are justified by the fact that certain employees perform their professional duties in the interest of individuals, the community and state institutions, exclusively based on and in accordance with the law. The cessation of their activity could therefore disrupt essential services to society, including those related to national security, public health, and public order). The prohibition of the right to strike does not prevent these categories of employees from defending their professional and social interests. They may resort to conciliation, mediation, arbitration to defend their interests without the need for strike action.
<b>Labour Code of the Republic of Moldova No 154/2003 (Article 351, 362-370)<sup>120</sup></b>	It establishes: - labour jurisdiction bodies: conciliation boards and courts - the definition of strike; - the conditions for organising a strike action, the place of strike action, liability in the event of illegal organisation of a strike action; - prohibition of strikes during natural disasters, outbreaks of epidemics or pandemics, states of emergency, siege or war; - the list of people who cannot participate in a strike; - the right of the Government to approve the relevant nomenclature.

### Sectors in which the right to strike is prohibited or restricted

<sup>118</sup> Constitution of the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=145723&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro#)

<sup>119</sup> Constitution of the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=145723&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro#)

#### **Article 54. Restrictions on the exercise of certain rights or freedoms**

- (1) In the Republic of Moldova no law may be adopted which might curtails or restrict the fundamental rights and freedoms of the individual and citizen.  
(2) The exercise of rights and freedoms may not be subject to any restrictions unless those provided by law, which are in compliance with the universally recognised norms of international law and are requested in such cases as the defence of national security, territorial integrity, the economic welfare of the country, public order aiming at preventing mass disturbances and crimes, protection of the rights, freedoms and dignity of other persons, prevention of disclosure of confidential information or safeguarding the authority and impartiality of justice.  
(3) The provisions of paragraph (2) shall not restrict the rights proclaimed in Articles 20 to 24.  
(4) The restriction must be proportionate to the situation that caused it and may not affect the existence of the right or freedom.

<sup>120</sup> Labour Code of the Republic of Moldova No 154/2003, [https://www.legis.md/cautare/getResults?doc\\_id=142356&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142356&lang=ro#)

#### **Article 362. Strike announcement**

- (1) Strike is the voluntary refusal of workers to fully or partially perform their work responsibilities, in order to settle the collective labour conflict, initiated in accordance with the legislation in force.  
(2) Strike action may be initiated in accordance with this Code only for the purpose of protecting the professional, economic and social interests of the workers and may not pursue political aims.  
(3) Strike action may be declared if all avenues for resolving the collective labour dispute within the reconciliation procedure provided for by this Code have been exhausted.  
(4) The decision on declaring a strike shall be taken by the employees' representatives and shall be notified to the employer 48 hours before the strike commencement.

**Articles 363 to 366** lay down the general conditions for organising strikes at the unit, territorial, sectoral and national levels

**Articles 367 to 370** lay down general conditions on the place of holding the strike, strike suspension, restriction of strike participation and liability for illegal organising of strikes



The legislation of the Republic of Moldova defines the areas of activity that are of primary importance to the state, society as a whole and to each individual. The cessation of activity in certain sectors affects essential services for society.

Thus, the Labour Code<sup>121</sup> contains provisions regarding the limitation of participation in strikes, establishing the list of employees and sectors that cannot not participate in strikes:

- a) medical and healthcare staff in hospitals and emergency medical services;
- b) employees in energy and water supply systems;
- c) employees in the telecommunications system;
- d) employees in air traffic control services;
- e) persons holding positions of responsibility in central public authorities;
- f) employees of bodies responsible for public order, law enforcement and state security, judges of courts, employees in military units, organisations, or institutions of the Armed Forces;
- g) employees in units with continuous production flow;
- h) employees in units that manufacture products for the defense needs of the country.

The list of the units, sectors and services whose employees cannot participate in strikes is approved by the Government after consulting employers' associations and trade unions.

Respectively, the Government, by Decision No 656/2004<sup>122</sup> approved the Nomenclature of units, sectors and services whose employees may not participate in strikes as follows:

N/A	Names of units, sectors and services	Job title/position
1.	Central public administration (ministries, other central authorities)	Persons holding senior public management positions Persons holding public management positions
2.	Parliament Secretariat	Persons holding senior public management positions Persons holding public management positions
3.	State Chancellery	Persons holding senior public management positions Persons holding public management positions
4.	Office of the President of the Republic of Moldova	Persons holding senior public management positions Persons holding public management positions
5.	Healthcare institutions	On-call personnel in medical and pharmaceutical institutions, regardless of ownership type and legal form of organisation, as well as in the National Public Health Agency
6.	Telecommunication system units	Employees involved in operational services for the maintenance and management of electronic communications infrastructure and services
7.	Energy supply units	All employees
8.	Establishments providing water and sanitation services	All employees
9.	Air traffic routing system	Air traffic control employees
10.	Ministry of Internal Affairs	Civil servants with special status in the subdivisions of the Ministry, administrative authorities and subordinated institutions
11.	Courts	Judges
12.	Intelligence and Security Service	Intelligence and security officers
13.	National Anti-Corruption Center	Civil servants with special status
14.	Armed Forces	Military personnel and all employees
15.	Customs Service	Civil servants with special status
16.	National Prison Administration	Civil servants with special status
17.	General Prosecutor's Office, territorial and specialised prosecutor's offices	Prosecutors
18.	State Protection and Guard Service	Protection officers (public officials and civil servants with special status)

## Sectors required to maintain a minimum service

<sup>121</sup> [https://www.legis.md/cautare/getResults?doc\\_id=142356&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142356&lang=ro#)

<sup>122</sup> Government Decision No 656/2004 regarding the approval of the Nomenclature of units, sectors and services whose employees are prohibited from participating in strikes, [https://www.legis.md/cautare/getResults?doc\\_id=110158&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110158&lang=ro)

By Government Decision No 656/2004<sup>123</sup>, the Nomenclature of units, sectors and services whose employees are prohibited from participating in strikes was approved.

There is no information available regarding the specific sectors for which there is a requirement to maintain a minimum service.

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<sup>123</sup> Government Decision no. 656/2004 on the approval of the Nomenclature of units, sectors and services whose employees are prohibited from participating in strikes, [https://www.legis.md/cautare/getResults?doc\\_id=110158&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110158&lang=ro)

## ARTICLE 20 - RIGHT TO EQUAL OPPORTUNITIES FOR WOMEN AND MEN

- a) *Information on measures taken to promote greater participation of women in the labour 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.*
- b) *Information regarding:*
  - *measures to promote effective parity in the representation of women and men in decision-making positions in the public and private sectors;*
  - *implementation of these measures;*
  - *progress in achieving effective parity in the representation of women and men in decision-making positions in the public and private sectors.*
- c) *Statistical data on the proportion of women on the boards of the largest publicly listed companies and in the leadership positions in public institutions.*

To promote better participation in the labour market for both women and men, the National Agency for Employment, through the implementation of Law No 105/2018 on the promotion of employment and unemployment insurance<sup>124</sup>, provides the following services and measures:

- a) *Information services on the labour market*, including details on labour supply and demand, access conditions to employment services, and the qualifications and skills required.
- b) *Career guidance services*, which offer information on professions, the specifics of the labour market, as well as self-awareness and career counseling.<sup>125</sup>
- c) *Vocational training for the unemployed* which is carried out through qualification, re-qualification, upgrading and specialisation courses based on vouchers; certification of knowledge and skills gained in non-formal and informal education contexts; on-the-job training within the unit for unemployed people without a profession or trade; and vocational internships for unemployed people lacking workexperience in their field;
- d) *Subsidised employment* is organised for specific categories of unemployed people who require additional support to integrate into the labour market including young orphans, disabled people, victims of human trafficking, and victims of domestic violence);
- e) *Enhancing labour mobility*, a measure whereby unemployed people who accept a job, based on an individual employment contract, in a location different from their place of residence.

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

Nuo	Services and active measures	2022		2023	
		total	women	total	women
1.	Labour market information services	60765	29387	61253	29772
2.	Career guidance services	7372	4099	16224	9085
3.	Vocational training	1229	924	1118	751
4.	Subsidising job creation	475	221	565	204
5.	Boosting workforce mobility	218	113	203	118

The Action Plan for the implementation of the Strategy to ensure equality between women and men in the Republic of Moldova for the years 2017-2021 was approved, with the goal of empowering women and achieving de facto equality between women and men in the Republic of Moldova, as well as promoting gender equality in the security and defense sector<sup>126</sup>.

<sup>124</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139819&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=139819&lang=ro#)

<sup>125</sup> The services are available to all jobseekers and the active measures only to unemployed people.

<sup>126</sup> [https://www.legis.md/cautare/getResults?doc\\_id=99875&lang=ro](https://www.legis.md/cautare/getResults?doc_id=99875&lang=ro)

The implementation of CEDAW Committee Recommendation No 30 has achieved<sup>127</sup> through elimination of all forms of discrimination against women, based on existing best practices.

The analysis of the data in the table reveals a higher proportion of women among the total number of beneficiaries for most of the services and measures offered by the National Agency for Employment.

The Ministry of Labour and Social Protection, as the central public authority responsible for supporting families through the development of public policies, has undertaken a number of measures to ensure the protection of families, including in the context of the multiple crises that society is currently facing, through:

- the introduction of the 15-day paternity leave, with the application period for this leave extended from 56 days to 12 months after the birth of the child, effective from September 1, 2022;
- the possibility of sharing childcare leave, allowing both parents to take using the leave until the child reaches the age of three, with each parent being able to take leave in periods of at least 4 months;
- the regulation of flexible working hours in the Labour Code by introducing new options such as reduced working hours, early or late start and end of the working day, etc.;
- the approval of the law on alternative childcare services (Law No 367/2022), which introduces three types of alternative childcare services for children up to 3 years of age:
  - childcare services organised by the employer at the workplace;
  - individualised child care services;
  - family-type childcare services.
- Starting from 2023, the single childbirth allowance is 20 000 lei, which is provided directly to the mother, without the need for an application. The same procedure applies to accessing the monthly childcare allowance for children up to 2 years old;
- women who work during maternity leave can retain both their salary and maternity allowance, with the maternity allowance being automatically calculated from the income of the higher earner;
- for the first time, paid leave will be offered to parents who wish to adopt children.

On December 28, 2023, the Parliament passed the Law on the ratification of the International Labour Organization (ILO) Convention No 190 on the elimination of violence and harassment at work.

At the same time, Law no 74/2023 was adopted, aligning national legislation with international standards on the prevention of sexual harassment. The new provisions include extended powers of the State Labour Inspectorate in the prevention of sexual harassment in the workplace; new rights for labour inspector to verify, at the unit level, implementation of procedures for preventing sexual harassment at the workplace; the obligation for employers to take measures to prevent sexual harassment; a requirement to include a commitment on the prohibition of sexual harassment in the workplace in the collective labour contract; fines for employers who fail to implement measures to prevent sexual harassment and who prevent the reporting of such cases.

A number of measures have been taken to ensure women's participation in public life and decision-making:

- a) **Compliance with the minimum representation quota for both genders** - Article 68 (3) of the Electoral Code No 325/2022 stipulates that candidate lists for parliamentary and local elections must comply with a minimum representation quota of 40% for both genders. Candidates must be ranked on the lists according to the formula of at least 4 candidates for every 10 positions. If the candidate lists do not meet this requirement, the contestant risks being excluded from the electoral race.
- b) **Annual funding from the state budget** - Law No 294/2007 on political parties establishes that political parties are entitled to receive annual funding from the state budget through the Central Electoral Commission. This funding is distributed as follows: 7.5% for political parties in proportion to the number of women actually elected in parliamentary elections, and 7.5% for political parties in proportion to the number of women actually elected in local council elections.

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<sup>127</sup> CEDAW - UN Convention on the Elimination of All Forms of Discrimination against Women.

Additionally, the law requires political parties to allocate 20% of their annual state budget funding to promote and encourage women's participation in political and electoral processes.

- c) **Women's participation in the decision-making process** - particularly in elections, national legislation has been amended to introduce a mandatory quota for the registration of candidate lists for parliamentary and local council elections. Candidate lists for these elections must be drawn up in accordance with a minimum representation quota of 40% for both genders. The ranking of candidates on the lists will follow the formula: at least 4 candidates for every 10 positions. As a result, the number of women in decision-making positions is expected to increase: in Parliament from 24.8% (2020) to 40% (2024); and in local public administration (LPA) from 22% (2019) to 24.02% (2023).
- d) **Financial resources in proportion to the number of women and young people elected** - political parties will be able to access financial resources from the state budget in proportion to the number of women and young people elected as a result of the elections. These legislative measures are designed to encourage political parties to promote and support candidates from these groups, thereby improving political representation. However, despite this progress, the persistence of gender stereotypes continues to affect women's political career advancement.
- e) **Involvement of women in decision-making positions** - many women are currently holding key decision-making positions, including as secretaries of state, university rectors, vice-presidents of the Academy of Sciences, directors of research institutes, and heads of innovation centers and technology parks, among others.
- f) **Capacity building and skills development** - various capacity-building and skills development programs have been implemented, including mentoring, leadership training, public speaking, personal development, and awareness campaigns focused on political empowerment for women candidates. Additionally, data collection and analysis on women's participation in politics, including in both appointed and elected positions, have been conducted to monitor progress and inform future initiatives.
- g) We reaffirm the implementation of measures to **prevent, investigate, prosecute and punish violence against women**, including hate speech and sexist remarks in politics and public life, both online and offline.

As progress in the field of reference, the following can be mentioned:

- a) An increase in the number of women in decision-making positions, such as the share of women MPs in Parliament rising from 24.8% (2020)<sup>128</sup> to 40% (2024)<sup>129</sup>; and the proportion of women in local public administration increasing from 22% (2019) to 24.02% (2023);<sup>130</sup>
- b) Increased awareness raising of the population and, leading to the deconstruction of stereotypes and encouraging citizens to support women in politics and decision-making positions;
- c) Gender mainstreaming in several sectoral policies; enhancement of specialists' skills in the field, and an increase in the number of men taking paternity leave, among other measures, etc.

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

According to the results of the Labour Force Survey<sup>131</sup>, in 2023, the share of women in managerial positions at all levels was 43.6%.

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

- transportation, information and communications - 48.0%;
- trade, accommodation and food service activities - 42.6%;
- construction - 32.8%.

<sup>128</sup> <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>

<sup>129</sup> <https://www.parlament.md/StructuraParlamentului/Frac%C5%A3iuniparlamentare/tabid/83/language/ro-RO/Default.aspx>

<sup>130</sup> [https://a.cec.md/ro/numarul-femeilor-alese-in-functia-de-primar-consilier-local-2781\\_95999.html](https://a.cec.md/ro/numarul-femeilor-alese-in-functia-de-primar-consilier-local-2781_95999.html);

<https://www.calm.md/fiecare-al-patrut-lea-primar-din-r-moldova-este-femeie-calm-ramane-punctul-dvs-de-sprrijin/>

<sup>131</sup> According to the National Bureau of Statistics

Smaller shares were recorded in the following sectors:

- industry - 19.0%,
- agriculture -7.7%.

At publicly owned units, the share of women in management positions in 2023 was 59.3%.