



Questionnaire

Part II

**Information provided by the Government of the Republic of Moldova
to the Questionnaire of the European Commission**

CHAPTER 19: SOCIAL POLICY AND EMPLOYMENT

May 2022

On the basis of Article 153 of the Treaty on the Functioning of the European Union (TFEU), the Union supports and complements the activities of the Member States in the area of social policy.

The *acquis* in the social field includes minimum standards in areas such as labour law, equal treatment of women and men in employment and social security, as well as health and safety at work. Specific binding rules have also been developed with respect to non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 19 of TFEU).

The European Social Fund+ (ESF+) is the main financial instrument supporting investments in people and systems in the policy areas of employment, education and social inclusion, thereby supporting economic, territorial and social cohesion. It supports Member States in implementing the principles of the European Pillar of Social Rights, and contributing to the green and digital transition, in particular by investing in people (Implementation rules are covered under Chapter 22 "Regional policy and coordination of structural instruments" which deals with all structural instruments).

The Member States participate in EU policy processes in the areas of employment policy, social inclusion and social protection. The social partners from the Member States participate in social dialogue at the European level.

In the field of disability, the EU has adopted a strategy aimed at mainstreaming disability issues into relevant Union policies and at acting to enhance the inclusion and participation of people with disabilities on equal basis with others and to provide access to their rights.

International agreements related to employment, labour and social issues, such as the relevant ILO Conventions, need to be taken into consideration. The UN Convention on the Rights of Persons with Disabilities must be ratified.

In relation to chapter 23 "Judiciary and Fundamental Rights", it should be noted that trade unions rights are covered by chapter 19 only. As regards anti-discrimination and equal opportunities, these issues are essentially covered by chapter 19 with a specific focus on employment aspects, whereas chapter 23 covers cultural and minority rights as well as violence against women.

LABOUR LAW

A. The Legal Framework

1. How is the distribution of competences defined and which authorities are responsible for labour legislation in Moldova?

The Constitution of the Republic of Moldova enshrines the basic division of competences among government authorities.¹ Under Article 66 of the Constitution, the Parliament adopts laws, decisions and motions, while the Government ensures the implementation of internal and external policy (Article 96) and adopts decisions, ordinances and dispositions (Article 102). The Government also has a right to legislative initiative (Article 73). The draft laws submitted by the Government are examined by the Parliament in the manner and according to the priorities established by the Government, including in the emergency procedure (Article 74).

The Ministry of Labour and Social Protection is the central specialized body of the public administration that ensures the implementation of government policy in the field of labour, according to paragraph 2 of the Regulation on the organization and functioning of the Ministry of Labour and Social Protection, approved by Government Decision No 149/2021.² As a Government body, the Ministry of Labour and Social Protection is responsible for drafting laws and proposed amendments in its areas of work, while the Government brings proposals before the Parliament for examination and adoption.

2. Does the labour legislation of Moldova contain a definition of:

a) Employed worker (employee)?

The Labour Code of the Republic of Moldova defines at Article 1 the notion of *employee* as a natural person (man or woman) who performs work according to a certain specialty, qualification or in a certain position, in exchange for a salary, on the basis of an individual employment contract.³

b) Self-employed worker (self-employed person)?

Law No. 220/2007 on the State Registration of Legal Entities and Individual Entrepreneurs defines the notion of *individual entrepreneur* as a natural person with

¹ Constitution of the Republic of Moldova, 1994, available in English at: https://www.constcourt.md/public/files/file/Actele%20Curtii%20en/MDA_Constitution_EN.pdf.

² Government Decision No. 149/ 2021 on the organisation and functioning Ministry of Labour and Social Protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=127625&lang=ro.

³ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro.

full capacity of exercise, who carries out entrepreneurial activity in his/her own name and at his/her own risk, without constituting a legal entity.⁴

c) Civil servant/official?

Law No. 158/2008 on the Civil Service and the Status of Civil Servants defines at Article 2 the notion of *civil servant* as a natural person appointed to a public office.⁵

d) Labour contract or employment relationship?

The *individual employment contract* is defined at Article 45 of the Labour Code as the agreement between the employee and the employer whereby the employee undertakes to perform work in a particular specialty, skill or function and to comply with the internal regulations of the establishment, while the employer undertakes to provide the employee with the working conditions laid down by law and the collective labour agreement, and to pay the salary on time and in full.

e) Employer?

Article 1 of the Labour Code of the Republic of Moldova defines the notion of *employer* as a legal entity or natural person who hires employees on the basis of an individual employment contract.

f) Establishment, undertaking and group of undertakings?

Moldovan labour law does not directly define the notions of *undertaking* and *group of undertakings*. However, Article 1 of the Labour Code operates with the broader notion of *unit*, which refers to all enterprises, institutions or organisations, regardless of the type of ownership, legal form, departmental subordination or branch affiliation.

3. Does the labour legislation apply to other categories of workers, apart from persons in paid employment? Which categories of workers are not covered by the labour legislation? Please indicate in particular whether part-time, fixed-term or temporary agency works are covered or not.

The following categories of workers are not covered by labour legislation:

⁴ Law No. 220/2007 on the State Registration of Legal Entities and Individual Entrepreneurs, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=131041&lang=ro#.

⁵ Law No. 158/2008 on the Civil Service and the Status of Civil Servants, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130341&lang=ro.

- Day labourers, the activity of which is regulated by Law No. 22/2018 on the exercise of unskilled activities of an occasional nature carried out by day labourers.⁶
- Persons working under a service provision contract are not covered by labour law and are guided by norms of civil law. Article 2 (3) of the Labour Code states, however, that a court may decide labour law shall apply to such relationships, when such contracts are found to constitute labour relations.⁷

Workers employed in non-standard forms of employment (part-time work, fixed-term contracts, flexible working hours, etc.) are fully covered by labour law and enjoy the same rights and guarantees as employees in standard employment relationships.

4. Does the system provide for collective labour agreements which have an *erga omnes* effect or does it only provide for agreements which may be extended to all workers in the sector and territory concerned (e.g. at regional or national level)? At what levels are collective agreements generally concluded (national, industry-wide, group, company, and establishment)? Is there a hierarchy between the collective agreements concluded at different levels?

The system does not provide for a possibility to extend the provisions of collective labour agreements to other categories of workers than those covered by the agreements.

The Labour Code establishes that collective agreements may be concluded at the following levels:⁸

- at national level - negotiated and concluded in tripartite format (Government, National Confederation of Trade Unions of Moldova and National Confederation of Employers);
- at territorial level - negotiated and concluded at territorial level (village, town, district) between the territorial trade union organisation, the territorial employers' organisation and the local public administration;
- at sectoral level - negotiated and concluded at sector level, between the relevant Ministry, the branch trade union federation and the branch employers' federation;
- at the unit level - which can be concluded both within the unit as a whole and in its branches and representative offices.

⁶ Law no. 22/2018 on the exercise of unskilled activities of an occasional nature carried out by day labourers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105407&lang=ro

⁷ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁸ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

- The Labour Code states at Article 38 (4) that where employees are covered simultaneously by more than one collective agreement, priority shall be given to the more favourable provisions of those agreements.

5. Does the labour legislation contain provisions on the protection of workers' personal data / personal data at the workplace?

The following legal tools govern the protection of personal data of workers and at work:

- The Labour Code sets out the employer's obligations and the employee's rights regarding the protection of personal data at work.⁹ According to Article 91, the employee's personal data may only be processed for legitimate purposes and in accordance with the law. The employer may not obtain and process data relating to the employee's trade union membership, state of health, political or religious beliefs or private life. Furthermore, the employee's personal data may not be disclosed to other persons without the employee's written consent. The employee has the right to receive full information about his/her personal data and the way in which they are processed, and to ask for them to be amended. The employee also has a right to challenge in court any unlawful actions or inactions of the employer in obtaining, storing, processing and protecting the employee's personal data.
- Law No. 133/2011 on the protection of personal data sets out the broader legal framework of data protection.¹⁰ Article 6 states that the processing of special categories of personal data is prohibited, except where the processing is necessary for the purposes of fulfilling specific obligations or rights in the field of employment law, subject to the safeguards provided for by law and taking into account that any disclosure to a third party of personal data processed for this purpose may be made only if there is a legal obligation to do so. The law also introduces the legal liability of the employer for breaches of the rules on obtaining, storing, processing and protecting the employee's personal data.

B. The Institutional Framework

6. Please present an overview of administrative capacity in this field. Which Ministry or organisation is responsible? Which other administrative bodies are involved?

The Ministry of Labour and Social Protection is the competent authority in the field of labour law. The Ministry is divided into seven Directorates, as follows:

⁹ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹⁰ Law No. 133/2011 on the protection of personal data, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro

- Directorate for Policies in the Field of Labour Relations - 5 units. The Directorate drafts regulation in the field of labour relations and health and safety at work, proposes amendments to existing legislation, provides expert opinions of draft regulations in related fields, as well as coordinates, monitors and evaluates the activity of the State Labour Inspectorate.
- Directorate for Occupational Policies and the Regulation of the Migration of Labour Force - 5 units. The Directorate elaborates and promotes occupational policies and policies in the field of labour migration, coordinates and monitors the activity of the National Employment Agency, promotes international cooperation on related subjects, and elaborates occupational standards.
- Directorate for Social Security Policies - 5 units. The Directorate drafts regulation in the field of social security, ensures the compliance of national laws with international standards, negotiates projects of bilateral agreements in the field of social security with relevant host countries for Moldovan immigrants.
- Directorate for Policies in Ensuring Equality between Men and Women - 5 units. The Directorate drafts and legislation and amendments in the field of equality of opportunity between men and women, the prevention of domestic violence and human trafficking, coordinates an inter-sectorial cooperation mechanism on the protection and assistance of victims of domestic violence and human trafficking.
- Directorate for Policies for the Social Assistance of Low-Income Families, the Elderly and War Veterans - 5 units. The Directorate analyses, drafts and promotes policies in its relevant fields, as well as concerning the homeless, individuals living with HIV/AIDS, drug users, survivors of the Chernobyl catastrophe and of other accidents, provides expert opinions on related legislation proposals. Coordinates the elaboration of legislation in the field of social services and participates in sectoral and intersectorial mechanisms on social assistance.
- Directorate for Policies in the Protection of the Rights of Persons with Disabilities - 5 units. The Directorate drafts and suggests amendments for legislation in its field, develops regulation for the social assistance and social protection of persons with disability, analyses and integrates international good practices on these subjects.
- Directorate for Policies in the Protection of Children and Families with Children - 5 units. The Directorate coordinates the implementation of policies and legislation in the field of children's rights and the protection of families with children; prepares periodic reports on their execution; implements provisions in respect of intercountry adoption and international child abduction; establishes partnerships with civil society and development partners, concludes cooperation agreements in its fields of work.

The Ministry is also supported by 11 specialized service offices in administrative and substantive areas. Relevant services in substantive areas include the Service for social dialogue, external relations and project implementation and the Service for

demographic policies (2 units each), which are also tasked with drafting regulation and developing policy in their area of work.

Further competences are held by the State Labour Inspectorate, an administrative authority under the Ministry of Labour and Social Protection. Law no. 140/2001 on the State Labour Inspectorate tasks the authority with the control of compliance with labour, safety and health at work legislation (for detailed answers on the State Labour Inspectorate, see p. 55).¹¹ The State Labour Inspectorate has 79 inspectors and 25 central staff.

7. Which court or courts are competent to deal with individual and collective labour disputes? Are there systems in place guaranteeing effective, impartial and timely remedy to those disputes?

The Labour Code and other laws and regulations envision the following avenues for the handling of individual and collective labour disputes:¹²

- Court procedure. Article 332 of the Labour Code gives the employee the right to bring claims before a Court for the settlement of an individual legal dispute. A court claim must be preceded by the employee's written request to the employer, which they must examine within 10 days and inform the employee under signature. Individual labour claims are brought as civil claims before civil courts, as stipulated at Article 2 para. 4 of the Civil Procedural Code.¹³ Judiciary mediation is mandatory in labour related cases (Article 182¹ of the same Code) and cannot exceed 45 days from the date of a first amicable settlement meeting, unless otherwise provided by law (Article 182² para. 5). According to Law 158/2008 on the civil service and the status of civil servant, cases involving labour relations in the public service fall under the competence of the administrative court, except when they fall under the competence of other courts (Article 68).¹⁴
- Conciliation procedure. Claims are also handled in the conciliation procedure, an extra judiciary mechanism for the resolution of collective conflicts at the enterprise level. Under the mechanism, collective labour disputes are brought before a conciliation committee, consisting of equal numbers of representatives of the parties to the conflict, formed at the initiative of one of the parties. The chairman of the conciliation committee is elected by a majority of committee members. Meetings of the commission are recorded in minutes. Where the members of the commission have reached an agreement, the committee shall adopt a binding decision within

¹¹ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

¹² Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹³ Code of Civil Procedure of the Republic of Moldova No. 225/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130805&lang=ro

¹⁴ Law 158/2008 on the civil service and the status of civil servant, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=120077&lang=ro

10 working days. This term may be extended only once by the written agreement of the members of the commission. If there is a failure to reach an agreement, this must be recorded in writing within 24 hours by the chairman. Conciliation is mandatory for collective conflicts. According to Article 360 para. (1) of the Labour Code, if the parties to the dispute have not reached an agreement or do not agree with the decision of the conciliation committee, each of them, within 10 working days from the date of expiry of the deadline for conciliation of the collective labour dispute by the conciliation committee or from the date of adoption of the decision or receipt of the information in question, is entitled to submit a request for the settlement of the dispute to the civil court.

While in practice, cases may take longer than the time limits envisioned by law, the mechanisms described above do provide for clear procedures and timeframes for the effective and impartial resolution of labour.

8. Do workers benefit from protection from any adverse treatment by the employer and from any adverse consequences resulting from a complaint lodged with the employer (cf. i.a. enforcement provisions of Directive 2019/1152)?

Moldovan legislation partly covers the protection of workers from adverse treatment by the employer and from adverse consequences resulting from a complaint lodged with the employer.

Article 8 of the Labour Code prohibits any discrimination, whether direct or indirect, in the field of work, such as due to the employee's trade union affiliation or for any reasons not connected to their performance at work.¹⁵

Article 9 of Law No 140/2001 on the State Labour Inspectorate stipulates that the inspector is obliged to keep confidential the source of any complaint that signals a violation of the provisions of the legislation in the field of labour, occupational safety and health and not to disclose to the employer that the inspection was carried out following a complaint.¹⁶

At the same time, Law No. 131/2012 on state control over entrepreneurial activity stipulates that the State Labour Inspectorate cannot carry out unannounced inspections on the basis of information received from anonymous sources; therefore, the source must disclose its identity.¹⁷ Similarly, Article 20 states that in the case of unannounced inspections, the reasoned note on the basis of which the inspection decision was issued shall be attached to the inspection delegation, so that the person subject to inspection can acquaint themselves with the note in question.

¹⁵ Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹⁶ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

¹⁷ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=130023&lang=ro

State Labour Inspectorate reform is a priority on the labour agenda of the Republic of Moldova. The Government is currently examining ways to strengthen the mandate of the State Labour Inspectorate, including in the sense of offering greater protection to workers in case of anonymous complaints.

9. Is there a labour inspectorate responsible for the monitoring of working conditions and the application of labour law?

The State Labour Inspectorate is an administrative authority responsible for monitoring of working conditions and the application of labour law, as well as occupational safety and health legislation, collective agreements and collective labour contracts. The authority is subordinate to the Ministry of Labour and Social Protection. The Labour Code¹⁸, the Law No. 140/2001 on the State Labour Inspectorate and the Regulation on the organisation and functioning of the State Labour Inspectorate approved by Government Decision No 788/2013 provide the legal basis for the activity of the authority.¹⁹

10. What is the institutional and procedural set-up to ensure alignment with the following directives:

- Directive 2009/50/EC on Conditions of entry and residence of non-EU nationals for the purposes of highly qualified employment;
- Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers;
- Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intracorporate transfer;
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

The above mentioned directives have not yet been transposed into the national legislation of the Republic of Moldova.

¹⁸ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹⁹ Government Decision No. 788/2013 on the organisation and functioning of the State Labour Inspectorate, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=127688&lang=ro

C. Employment and Employment Protection

11. Are there specific anti-discrimination provisions (racial ethnic origin, religion or belief, disability, age or sexual orientation)?

The principle of non-discrimination governs labour relations in the Republic of Moldova.

Article 8 of the Labour Code states that the principle of equal rights of all employees applies in all employment relationships. Any direct or indirect discrimination against an employee on the grounds of sex, age, race, skin colour, ethnicity, religion, political choice, social origin, residence, disability, HIV/AIDS infection, trade union membership or activity, as well as on other grounds unrelated to his or her professional qualifications, is prohibited.²⁰

Article 199 of the Labour Code stipulates that the internal regulations of the establishment must contain mandatory provisions on respect for the principle of non-discrimination, the elimination of sexual harassment and any form of injury to dignity at work.

Article 47 of the Labour Code further prohibits any direct or indirect limitation in rights or the establishment of direct or indirect advantages at the conclusion of the individual employment contract based on sex, race, ethnicity, religion, residence, political choice or social origin.

Article 54² of the Contraventions Code sanctions any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion or belief, sex, age, sexual orientation, disability, opinion, political affiliation or any other criterion, which has the effect of limiting or undermining equality of opportunity or treatment in employment or dismissal, in direct employment and vocational training, committed by:

- placing job advertisements indicating conditions and criteria which exclude or favour certain persons;
- unjustified refusal to employ the person;
- unjustified refusal of admission of persons to professional qualification courses;
- differentiated remuneration for the same type and/or volume of work;
- the unjustified differentiated distribution of workloads resulting from the less favourable status of certain persons.²¹

Article 56¹ of the Contraventions Code also sanctions the evasion or refusal to conclude an employment contract with a person with disabilities who has been recommended for employment by the institution authorised by law.

²⁰ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²¹ Contraventions Code of the Republic of Moldova No. 218/2008, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=125094&lang=ro

12. What legal forms are there governing employment relations (e.g. open-ended contracts; fixed-term contracts; temporary work; part-time work; other forms)? Are these various relations subject to formal conditions (e.g. written contracts with certain compulsory clauses)?

The Labour Code includes the following legal forms governing employment relations: open-ended contracts, fixed-term contracts, part-time employment and flexible working hours.²²

- Contract concluded for an indefinite period. Article 54 of the Labour Code states that the individual employment contract shall, as a rule, be concluded for an indefinite period. If the individual employment contract does not stipulate its duration, the contract shall be deemed to be concluded for an indefinite period. The conclusion of individual employment contracts for a fixed term for the purpose of evading the rights and guarantees provided for employees with an indefinite contract shall be prohibited. The individual employment contract concluded for a fixed term in the absence of legal grounds, ascertained by the State Labour Inspectorate, shall be deemed concluded for an indefinite period.
- Contract concluded for a fixed term. According to Article 55 of the Labour Code, an individual employment contract may be concluded for a fixed term in cases such as seasonal work, for the performance of specific work and others. Fixed-term contracts may also apply to certain categories of persons such as heads of establishments, their deputies and the chief accountants of establishments, foreign nationals, full-time students, some persons working in education, creative workers in art and culture, employees of religious associations.
- Part-time employment contract. According to Article 97 of the Labour Code, the employer may employ workers on a part-day or part-week basis (part-time work), the specific duration of part-time work being recorded in the individual employment contract. Part-time work may also be established after the conclusion of the individual employment contract, with the agreement of both parties. At the request of a pregnant woman, an employee who has children under 10 years of age or disabled children (including those under her guardianship) or an employee who is caring for a sick family member, in accordance with a medical certificate, the employer is obliged to determine their part-time working day or week. Part-time work is paid in proportion to the time worked or the amount of work done.
- Contract with flexible working hours. According to the provisions of Article 100¹ of the Labour Code, flexible work schedules are established by the employer in agreement with the employee, at the employee's request, if this possibility is provided for in the collective labour contract, in the unit's internal regulations or in another normative act at unit level. Flexible working time arrangements involve a different way of organising working time from the established working arrangements within the establishment.

²² Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

The conditions of work under the flexible working hours shall be laid down in the individual employment contract. The daily working time can be divided into two periods: a fixed period, during which the employee is at work, and a variable period, during which the employee chooses his/her arrival and departure times.

The individual employment contract shall be concluded in writing (Article 58 of the Labour Code).

Article 49 of the Labour Code lists the information that should be included in the employment contract. This includes the name and surname of the employee and their identification data, the duration of the contract, the date from which the contract is to take effect, the speciality, profession, qualification and position undertaken, the duties of the post, the risks specific to the post, the title of the work to be performed (in the case of an individual employment contract for the period of performance of a specific work), the rights and obligations of the employee, the rights and obligations of the employer, the conditions of remuneration for work, including the salary of the position or tariff, supplements, bonuses and material allowances, and the frequency of payment, compensation and allowances, including for work performed in arduous, harmful and/or dangerous conditions, the place of work, the working and rest arrangements, including the length of the employee's working day and week, the probationary period, where applicable, the duration of annual leave and the conditions for granting it, and the conditions of health and social insurance.

Additionally, Article 51 of the Labour Code states that the parties may negotiate to include other information in the individual employment contract, such as a mobility clause, a confidentiality clause, clauses relating to compensation for transport costs, compensation for communal services, provision of accommodation, as well as other clauses which do not contravene the legislation in force.

13. Are employers required to provide their workers with information on their conditions of work? What kind of information has to be supplied and when? Is there a requirement to provide it in writing? Does this also cover workers who are required to work in another country?

Article 48 of the Labour Code determines that prior to hiring or transferring to a new position, the employer is obliged to inform the person to be hired or transferred about the conditions of work in the proposed position, and give information on the duration of the contract, the date from which the contract is to take effect, the profession/function to be performed, the duties of the post and the risks to which it is subject, the rights and obligations of the parties, the conditions of remuneration including compensation/allowances, the place of work, the work and rest regime, the probationary period, the duration of annual leave, the social and medical insurance conditions.²³ This information shall be set out in a draft individual employment contract or in an official letter, signed by the employer with an electronic signature or

²³ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

by hand. Once recruited, the employee will also be provided with the collective agreements applicable to him, the collective labour agreement, the internal rules of the establishment and information on the occupational health and safety requirements relating to his work.

If the employee is required to work in another country, the employer is obliged to provide him/her in due time with all the information above and the following additional information:

- the duration of work abroad;
- the currency in which the work will be paid and the method of payment;
- compensation and benefits in cash and/or in kind related to going abroad;
- specific insurance conditions;
- accommodation conditions;
- round-trip travel arrangements.

14. Is there a maximum length for probation periods provided for in the legal framework (cf. Directive 2019/1152)?

Moldovan legislation is aligned with Directive 2019/1152. According to Article 60 of the Labour Code, the employee may be given a probationary period of up to 3 months.²⁴ For heads of the enterprise, his deputies, the chief accountant and other persons in a position of responsibility, a 6 month trial period is allowed. For unskilled workers, the trial period trial period is only allowed as exception and may not exceed 30 calendar days.

Article 61 of the Labour Code provides that employees employed under a fixed-term individual employment contract may be subject to a probationary period not exceeding:

- 15 calendar days for an individual employment contract of between 3 and 6 months
- 30 calendar days for an individual employment contract of more than 6 months.

²⁴ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

D. Employment protection

15. What legal provisions apply to the suspension of a labour contract for maternity and parental leave?

Article 124 of the Labour Code stipulates the conditions and procedures for granting maternity leave and partial paid leave for childcare up to the age of 3.²⁵ Female employees and apprentices, as well as dependent wives of employees, are granted maternity leave including prenatal leave of 70 calendar days (in the case of pregnancies with 3 or more children - 112 calendar days) and postnatal leave of 56 calendar days (in the case of complicated births or births of two or more children - 70 calendar days), and are paid allowances for this period.

Upon written request, employed women and apprentices, after the expiry of maternity leave, are granted partial paid leave for childcare up to the age of 3, with payment of the allowance from the state social security budget.

Part-time paid childcare leave may be used in full or in parts at any time until the child reaches the age of 3. This leave is included in length of service, including special work, and in the period of contribution.

Paid partial leave for childcare shall be granted, on the basis of a written request, to the child's father or to a grandparent or other relative who is directly responsible for the child's care, as well as to the guardian, if the child's mother does not use the leave.

Article 126 of the Labour Code stipulates that, in addition to maternity leave and partial paid leave for the care of a child up to the age of 3, a woman, as well as the father of the child or a grandparent or other relative who is directly responsible for the care of the child, and the guardian, shall be granted, upon written request, additional unpaid leave for the care of a child aged between 3 and 4 years old, while maintaining their job (position). In the absence of the previous job (previous function), the persons mentioned are granted another equivalent job (equivalent function).

16. Does the legal system make provision for a system of compensation where a labour contract is suspended for economic reasons (e.g. supply difficulties)?

Article 80 of the Labour Code defines technical unemployment as the temporary impossibility for the employer, the unit or an internal subdivision of the unit to continue working for objective economic reasons, following the declaration of a state of emergency, siege and war and as a result of the restrictions imposed by a public health emergency.²⁶

²⁵ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²⁶ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

During the period of technical unemployment, employees shall receive a monthly allowance of not less than 50 per cent of their basic salary.

According to Article 80¹ of the Labour Code, stoppage is the temporary impossibility for the unit, an internal subdivision(s) of the unit, an employee or a group of employees to continue production and may be caused for reasons beyond the control of the employer or employee, the employer's fault or the employee's fault.

Compensation for time spent on standby due to reasons beyond the control of the employer or the employee shall be at least 2/3 of the employee's basic pay per unit of time, but not less than the minimum pay per unit of time set by the legislation in force for each hour of standby.

In the event of a stoppage due to the employer's fault, the employer is obliged to compensate the employee for the salary he has not received. The employee whose fault it is that the stoppage occurred is not paid for the hours of stoppage.

17. Does the legal system include certain rights (material or procedural in terms of information and consultation) with regard to collective redundancies? Does the legal system include rights in respect of individual redundancy/dismissal?

Article 185¹ of the Labour Code provides guarantees in the event of **collective redundancies**.²⁷ If measures involving collective redundancies are envisaged at the establishment at least 3 months in advance, the employer is obliged to notify the employees' representatives in the establishment and the employment agency and to enter into consultations with the employees' representatives with a view to concluding an agreement. Consultations last until an agreement is reached, but in any case no longer than 30 calendar days from the time the employee representatives are informed of the planned collective redundancies. If no agreement is reached and the employer's unilateral decision is to continue the collective redundancy process, this decision is notified to the employees' representatives and the employment agency.

Article 186 of the Labour Code regulates the guarantees for employees dismissed in connection with the liquidation of the establishment or the termination of the activity of the employer, a natural person, or the reduction in the number of staff at the establishment, namely:

- for the first month, payment of a severance grant equal to the sum of an average weekly salary for each full year worked in the unit concerned, but not more than six average monthly salaries and not less than one average monthly salary. If the establishment was the legal successor of a previously reorganised establishment and the individual employment contract with the employees concerned has not previously terminated, all years of service will be taken into account. If the employee who is dismissed has worked for the unit under an individual contract of employment for more than one period,

²⁷ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

the years fully worked since the end of the last individual contract of employment will be taken into account;

- for the second month, payment of a severance grant equal to the average monthly salary if the dismissed person has not been placed in employment;
- for the third month, payment of a severance grant equal to the average monthly salary, if the dismissed person has not been placed in employment;
- upon liquidation of the establishment, by written agreement of the parties, full payment of the amounts related to the dismissal of the employee for all 3 months at the date of dismissal.

It should be noted that in the case of placement of the dismissed person in employment during the second and third months, the allowance will be paid for the period up to the date of his/her employment.

Article 184 of the Labour Code describes protection measures in the case of **individual redundancies**. In the event of termination of the individual employment contract, the employer is obliged to notify the employee by order of his intention to terminate the individual employment contract concluded either for a fixed term or for an indefinite term:

- two months in advance in the event of redundancy in connection with the liquidation of the establishment or the termination of the activity of the natural person employer or reduction in the number or status of staff at the establishment;
- with one month's notice in the event of dismissal in connection with a finding that the employee does not correspond to the position held or work performed as a result of insufficient qualifications confirmed by the decision of the certification committee;
- 14 calendar days in advance in the event of dismissal due to the employee's retirement on grounds of old-age pensioner status.

During these periods, the employee shall be granted at least one working day per week, with maintenance of the average wage, to look for another job.

In the case of employees whose individual employment contract has been terminated in connection with the finding of unsuitability in the position held or work performed due to the state of health, according to the respective medical certificate, or as a result of insufficient qualification confirmed by the decision of the certification committee, reinstatement to the workplace, according to the court decision or refusal of the employee to be transferred to another locality in connection with the transfer of the unit to this locality, they shall receive a severance pay in the amount of an average salary for 2 weeks.

The collective or individual employment contract may also provide for other cases of payment of the severance grant, higher rates of severance pay and longer periods of payment.

18. Do the public authorities have a role to play in the collective redundancy procedure (e.g. is there a requirement to give notice of planned redundancies to the public authorities to give them a certain time to seek solutions to the problems likely to be caused by such redundancy measures)?

According to the provisions of Article 185¹ of the Labour Code, if measures involving collective redundancies are envisaged at the establishment, the employer is obliged to notify the employment agency at least 3 months in advance.²⁸

The notification to the employment agency will contain:

- the reasons for the planned redundancies;
- the number and categories of employees to be made redundant;
- the number and categories of employees employed at the establishment;
- the period during which the redundancies will take place;
- the criteria for selecting employees to be made redundant laid down by law, collective agreements or collective labour agreements;

The notification obligation covers each redundancy envisaged in collective redundancies.

The Employment Agency uses the period prior to the redundancies to seek solutions to the problems raised by the redundancies and to assist, together with the employer and the employees' representatives, the employees to be made redundant in finding employment, presenting them with employment and retraining opportunities.

19. Does the legal framework guarantee that labour contracts continue to apply where an economic entity is transferred to a new employer?

Article 197¹ of the Labour Code provides guarantees in the event of reorganisation of the establishment, change of ownership or change of owner.²⁹

In the event of reorganisation of the establishment, change of ownership or change of owner, the transferee shall take over all rights and obligations existing at the time of the event arising from the individual employment contracts and collective agreements in force.

The reorganisation of the establishment, the change of ownership or the change of owner do not in themselves constitute grounds for termination of the individual employment contract.

²⁸ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²⁹ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

If the transferor and/or transferee intend to take certain measures in respect of their employees, these are to be consulted with the employees' representatives.

At the same time, Article 185 of the Labour Code stipulates that in the event of a change of ownership of the establishment, the new owner, within a period of no more than 3 months from the day of the ownership, is entitled, but not obliged, to terminate the individual employment contracts concluded with the head of the establishment, his deputies, the chief accountant.

20. Does the legal system provide for unemployment benefit? Is such provision made in the labour law or in the social security law?

Unemployment insurance benefits are included in both the employment law and social security law – Law No. 105/2018 on promotion of employment and unemployment insurance³⁰ and Law No. 489/1999 on public social security system.³¹

E. Conditions of Work and Pay

21. Does the legal framework provide protection to workers whose work pattern is decided by the employer and is entirely or mostly unpredictable? Do workers performing on-demand work benefit from measures aiming at preventing abuses (e.g. limitations to the use of such contracts or to their flexibility with regard to minimum working hours)? (cf. Directive 2019/1152)

Moldovan national legislation is partially aligned with provisions of Directive 2019/1152.

Law No. 22/2018 on the exercise of unskilled activities of an occasional nature by day labourers sets out protections for the activity of day labourers.³²

Article 1 (3) prohibits any discrimination based on race, colour, nationality, ethnic or social origin, language, religion or belief, sex, age, disability, HIV/AIDS infection, opinion, political or trade union membership or any other similar criteria in applying the provisions of the law.

Article 4 (6) provides limitations on the number of days worked under such arrangements, stipulating that no day labourer may work for the same beneficiary for more than 90 days in any calendar year. Should the number of days in such cases exceed 90 days, an individual employment contract shall be concluded.

³⁰ Law No. 105/2018 on promotion of employment and unemployment insurance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130921&lang=ro#.

³¹ Law No.489/1999 on public social security system, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=131032&lang=ro.

³² Law no. 22/2018 on the exercise of unskilled activities of an occasional nature carried out by day labourers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105407&lang=ro

Beneficiaries are obliged to record day labourers in a Registry of Records. The State Labour Inspectorate shall establish an electronic register based on the extract from the Register of Records submitted by the beneficiary for the purpose of monitoring compliance with labour legislation and coordinating control activities in the field of occupational safety and health.

Law No. 22/2018 does not require beneficiaries to ensure a minimum number of working hours for day labourers.

22. What is the minimum age for employment? From what age and under what conditions may young people of minor age perform jobs? Are there specific provisions concerning the number of hours that people of less than 18 years may work, notably the number of hours that they are authorised to work? Please provide information on the measures in place to fight child labour.

The minimum age of employment in the Republic of Moldova is 15. Article 46 para. (3) of the Labour Code allows an individual to conclude an individual employment contract when he/she reaches the age of 15, but only with the written consent of his/her parents or legal representatives, provided that his/her health, development, education and training will not be endangered as a result.³³

Working time restrictions apply for the employment of people less than 18. Article 96 of the Labour Code determines employees aged 15 to 16 may only work up to 5 hours a day and no more than 24 hours a week, while employees aged 16 to 18 may work a maximum of 7 hours a day and 35 hours a week. Overtime work, work on holidays and holidays, night work or continuous shift work are not allowed for employees younger than 18 years. The Labour Code also stipulates that young people up to the age of 18 are entitled to additional paid annual leave of at least 4 calendar days, and prohibits them from not taking annual leave.

Article 255 of the Labour Code prohibits the use of persons under the age of 18 in work with heavy, harmful and/or dangerous working conditions, in underground work, and in work that may be harmful to the health or moral integrity of minors (gambling, work in nightclubs, production, transport and sale of alcoholic beverages, tobacco products, narcotic and toxic substances). It is also forbidden for minors to lift and carry by hand weights that exceed the maximum rules set for them.

The government has established institutional mechanisms for the enforcement of laws and regulations on child labour:

- The State Labour Inspectorate enforces child labour laws through inspections of labour relations of enterprises, institutions, and organizations, regardless of their type or legal form.
- Committee for Combating Trafficking in Persons within the Ministry of Internal Affairs leads criminal investigations and arrests perpetrators,

³³ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

including for the trafficking of children for both labour and sexual exploitation, cooperates with the Border Police Inspectorate, National Anti-Corruption Center, and Customs Service, and provides partial funding for the operation of a 24/7 trafficking in persons hotline.

- Specialized Prosecution Office for Organized Crime and Special Cases and Anti-Trafficking Bureau within the Prosecutor General's Office (PGO) monitors and analyzes human trafficking cases in the Anti-Trafficking Bureau within PGO. It also includes a unit to investigate and prosecute cases.

The government funds and participates in programs that include the goal of eliminating or preventing child labour. One of them is the Decent Work Country Program that is renewed every four year. The current program from 2021-2024 and the previous program from 2016-2020 mandates that the programs must gather statistics on the prevalence of child labour, build the capacity of the labour inspectorate, and combat labour exploitation in the construction and agriculture sectors.³⁴ In 2020, the government approved legislative changes proposed as a part of this program that returned OSH inspections to the State Labour Inspectorate.

23. Are there general regulations concerning working time? Please provide information on the following points:

- The definition of working time;
- Title IV of the Labour Code regulates working time and rest time.³⁵ According to Article 95 of the Code, working time is the time the employee uses to perform work duties.
- The maximum weekly working time;
- According to Article 43 of the Constitution of the Republic of Moldova and Article 95 of the Labour Code, the normal working hours of employees in establishments may not exceed 40 hours per week. In exceptional situations related to the declaration of a state of emergency, siege and war or the declaration of a state of public health emergency, the authorities responsible for the management of that state may provide for a different working time for certain categories of employees.
- The maximum overtime work during the week and per calendar year;
- Employees may work overtime up to 120 hours in a calendar year. In exceptional cases, this limit may be extended to 240 hours with the consent of the employees' representatives. Moldovan legislation does not include a maximum number of overtime hours per week.

³⁴ Decent work country program 2021-2024, available here: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/genericdocument/wcms_821880.pdf

Decent work country program 2016-2020, available here: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/genericdocument/wcms_453904.pdf

³⁵ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

- Employees under 18 years of age, pregnant women, and other persons who are required by a medical certificate to not work overtime are not allowed to work overtime.
- Whether there are compulsory rest periods and whether they are different for certain types of workers.

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According to Article 107 of the Code, an employee must be granted a meal break of at least 30 minutes as part of daily working hours, the duration and timing of which are laid down in the internal rules of the establishment, in the collective agreement or in the individual employment contract. In continuous-flow establishments, the employer shall provide employees with conditions for taking meals on duty at the workplace. In addition, the daily rest period between the end of working hours on one day and the beginning of working hours on the following day may not be less than 11 consecutive hours.

The weekly daily rest, according to Article 109 of the Code, is granted for two consecutive days, usually Saturday and Sunday. The duration of the uninterrupted weekly rest in any case must not be less than 42 hours, except when the working week is 6 days. However, in establishments where, due to the specific nature of the work, it is not possible to grant weekly rest on Sundays, employees will be granted two days off during the week and an increase in salary set by collective labour agreement or individual employment contract. These rules apply to all employees, regardless of their field of activity.

- The different ways of organising working time (e.g. annualisation; flexitime; overtime, etc.)

Article 100¹ of the Labour Code establishes conditions for introducing flexible working hours. Flexible working hours are established by the employer in agreement with the employee, at his request, if this possibility is provided for in the collective labour contract, in the internal regulations of the establishment or in another normative act at establishment level. The conditions of work under the flexible working arrangements shall be laid down in the individual employment contract. The daily working time may be divided into two periods: a fixed period, during which the employee is at work, and a variable period, during which the employee chooses his/her arrival and departure times.

Overtime work, according to Article 104 of the Labour Code, is work performed outside normal working hours. Overtime work may be performed either by the employer without the employee's consent or by the employer with the employee's written consent.

- Whether social partners have a role to play, e.g. through the conclusion of collective agreements, in implementing the various forms of organising working time.

Article 26 of the Labour Code states that representatives of employees and employers have the right to initiate and participate in collective bargaining for the drafting, conclusion, amendment or supplement of the collective labour contract or collective agreements.

Article 31 (2) (d) of the Labour Code states the collective agreement may cover the subject of working time and rest time, as well as matters relating to the granting and duration of leave.

Collective Agreement No 2 of 9/7/2004 on Working time and rest time, which applies at the national level, introduces additional possibilities the allocation of working time and clarifies working time as including activities like the preparing the workplace for the start of work; recovery of working capacity during working hours in connection with special climatic conditions, physical exertion and other factors; time spent waiting for the order to start work; or time spent at the establishment in the case of organized travel to the place of work.³⁶

24. What are the main characteristics of the system of paid annual leave?

According to Article 113 of the Labour Code, all employees are granted annual paid rest leave for a minimum of 28 calendar days, excluding public holidays.³⁷

According to Article 116 of the Labour Code, annual leave is scheduled by the employer in agreement with the employee representatives at least 2 weeks before the end of each calendar year. For the period of annual leave, the employee is entitled to a leave allowance which may not be less than the average wage for the period of leave.

It is the employer's obligation to take all necessary measures to ensure that employees use their rest leave every calendar year. The Labour Code prohibits the non-granting of annual rest leave for 2 consecutive years, as well as the non-granting of annual rest leave to employees under the age of 18 and to employees who are entitled to additional leave in connection with work in harmful conditions.

Sick leave, maternity leave and study leave are not included in the annual leave period. In the event of total or partial coincidence of leave with one of the above-mentioned leaves, on the basis of a written request by the employee, the unused annual leave shall be postponed for the period agreed by written agreement of the parties or extended by the number of days indicated in the document, issued in the prescribed manner, concerning the granting of the corresponding leave within the same calendar year.

³⁶ Collective Agreement No 2 of 9/7/2004 on Working time and rest time, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=17021&lang=ro

³⁷ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

Article 121 of the Labour Code determines additional paid annual rest leave of at least 4 days for employees working in harmful conditions, people with severe visual disabilities and young people up to the age of 18

Employees in some branches of the national economy (industry, transport, construction, etc.) are granted additional paid annual rest leave for seniority in the establishment and for shift work, according to legislation.

A parent with 2 or more children up to the age of 14 (or a disabled child) shall be granted, on written request, an additional paid annual leave of 4 calendar days. Additional annual leave is usually added to basic annual leave.

25. What protection is there for night workers, notably with regard to working time?

Article 103 of the Labour Code identifies night work as work performed between the hours of 10pm and 6am, which shall be reduced by 1 hour.³⁸ Therefore, the total number of hours worked at night is limited to 7 hours.

Employees who are to be transferred to permanent night work are subject to a medical examination at the employer's expense prior to the transfer. Similarly, any employee who, within a period of 6 months, performs at least 120 hours of night work will undergo a medical examination at the employer's expense.

According to Article 159 of the Labour Code, for night work, an allowance of at least 0.5 of the employee's basic salary per unit of time shall be paid by the employer.

26. Does the legal framework provide protection to workers in part-time work or under fixed-term work contracts? Does this protection rely on a general principle of non-discrimination vis a vis the working conditions of comparable workers subject to permanent and/or full-time work relationships?

Equality of rights and opportunities for employees, without any discrimination is a basic principle of employment relations.

Article 97¹ of the Labour Code provides safeguards for part-time employees, according to which part-time employees shall not be treated less favourably than full-time employees performing equivalent work in the same establishment if such treatment is based solely on the length of daily or weekly working time and is not objectively justified.³⁹

³⁸ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

³⁹ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

Part-time work does not imply any limitation of the employee's rights regarding the calculation of seniority, contribution period (with the exceptions provided for by law), duration of annual leave or limitation of other employment rights. The employer will take steps to facilitate access to part-time work at all levels in the unit, including skilled and managerial positions; will ensure that part-time employees have access to vocational training to enhance their job opportunities and job mobility; and will take into account requests from employees to transfer from full-time to part-time work and vice versa or to increase their working time, should such an opportunity arise.

Article 54 of the Labour Code stipulates that the individual employment contract may, under the conditions laid down in the Code, be concluded for a fixed term, not exceeding 5 years. A less favourable treatment of fixed-term employees compared to permanent employees performing equivalent work at the same establishment is not allowed if such treatment is based solely on the duration of the employment relationship and is not objectively justified. These provisions shall apply when ascertaining the length of service required for certain posts; training opportunities or the possibility of occupying a permanent position within the unit.

27. Does the system provide protection to workers employed by temporary-work agencies and working in user undertakings? Are temporary agency workers entitled to the same working and employment conditions, including pay, as permanent workers of the user undertaking to which they are assigned? Do workers on temporary work or fixed-term work relationships benefit from the same protection of their health and safety at work as enjoyed by other workers? (cf. directive 91/383/EEC)

The legislation of the Republic of Moldova does not regulate employment through temporary employment agencies.

According to Article 10 (e) of the Labour Code, the employer is obliged to provide employees with working conditions appropriate to occupational safety and health requirements.⁴⁰ The Labour Code does not make any distinction between fixed-term work relationships and other relationships in the sense of this obligation. Workers on fixed term work relationships therefore benefit from the same protection of their health and safety at work as enjoyed by other workers.

28. What protection is there in the event of major change in working conditions?

The regulatory framework and labour law do not include provisions on major changes in working conditions. According to the Labour Code, any changes to the conditions of the individual employment contract can only be made by agreement of the parties, by a supplementary agreement signed by the parties, which shall be annexed to and form an integral part of the contract. Article 214 of the Labour Code

⁴⁰ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

states the employee has the right to professional training, including for obtaining a new profession or speciality.⁴¹

29. Is there a guaranteed minimum level of pay? Is this a statutory minimum or is it subject to collective agreement? How is pay determined? What are the relevant criteria?

According to Article 131 of the Labour Code, every employee is entitled to a guaranteed minimum wage.⁴² Minimum wages in the Republic of Moldova are established by law. Moldovan legislation currently establishes several figures for minimum levels of pay:

- Law No.847/2002 on Salaries introduces minimum wages in the private sector.⁴³ This is a statutory minimum set by the Government after consultation with the social partners. As of April 1, 2022 the amount of the minimum wage in the private sector constitutes 3500 Moldovan lei. This figure is the most relevant minimum wage indicator in the Republic of Moldova.
- Law No 270/2018 on the unitary system of salaries in the budgetary sector sets out the mechanism for calculating salaries in the public sector.⁴⁴ In November 2021, the value of “compensation payment”, which represents a minimum level of payment in the budgetary sectors, was raised from 2200 Moldovan Lei to 3100 Moldovan lei.
- Government Decision No 550/2014 on setting the amount of the national minimum wage set the minimum wage in the country is 1000 lei.⁴⁵ The Government Decision has not been revised since 2014 and is, as a matter of practice, rarely used.

According to Article 12 of the Law No. 847/2002 on Salaries, the guaranteed minimum wage in the real sector is reviewed annually by the Government in consultation with the social partners. Criteria for determining the level of pay include the annual summary increase in the consumer price index and the national labour productivity growth rate.

Law No. 270/2018 sets out at Article 3 the principles of the unitary pay system in the budgetary sector. These are the rule of law, non-discrimination, fairness and consistency, prioritisation, transparency, pay for performance and financial sustainability.

⁴¹ Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁴² Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁴³ Law No.847/2002 on Salaries, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=125897&lang=ro

⁴⁴ Law No. 270/2018 on the unitary system of salaries in the budgetary sector, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=119781&lang=ro

⁴⁵ Government Decision No 550/2014 on setting the amount of the national minimum wage, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=19205&lang=ro

The Republic of Moldova aims to unify the different levels of minimum wages described above into a single figure all sectors, as a matter of priority.

30. In what way is the payment of wages and salaries guaranteed? Do workers enjoy a general privilege over the employers' goods and assets for payment of wages and salaries?

Article 144 of the Labour Code states that wages are paid by the employer as a priority compared to other payments.⁴⁶ The provision applies in both general cases and in case of insolvency of the establishment. Employers are also obliged to take measures to protect their employees against the risk of non-payment of wages.

Article 144 (2) of the Labour Code further states that the remuneration of employees' work is guaranteed by the income and assets of the employer.

If the employer admits arrears in the payment of wages, employees can also petition the State Labour Inspectorate, or file a lawsuit in court. For every day of delay in the payment of the salary, holiday, release or other payments due, the employee is entitled to an additional pay of 0.3 per cent of the daily pay.

31. Are there additional guarantees where the employer is insolvent? More particularly, does the system provide for the creation of special guarantee institutions to protect the claims of workers owed money because of the employers' insolvency? How do such institutions work and how are they managed? Is this system applicable to all workers irrespective of the duration of the contract of employment or the nature of their employment relationship?

The Republic of Moldova does not have special institutions to guarantee and protect workers' claims in case of employer insolvency. Article 144 of the Labour Code states that the employer shall pay wages before any other payments, including in the event of insolvency of the establishment.

Article 43 of the Insolvency Law No. 149/2012 introduces additional provisions for the protection of employees' claims.⁴⁷ Thus, claims are divided into ranks and paid in the following sequence:

- first, any claims for injury to health or death (accidents at work)
- second, the salary claims and the remuneration due for the service works created
- Other types of claims will be settled later.

⁴⁶ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁴⁷ Law No. 149/2012 on Insolvency, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=130929&lang=ro

In case of insufficiency of the debtor's estate, the distribution of the assets within the same rank shall be made proportionally.

The system is applicable to all workers irrespective of the duration of the contract of employment or the nature of their employment relationship.

F. Posting of workers / Detachment of workers

32. Are there any rules and administrative structures applicable in the case of posting of workers as established by the Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services as amended by Directive 2018/957? If so, are there any specific rules on the enforcement of these rules as envisaged in Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services?

The Republic of Moldova has not transposed Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. The Labour Code, however, includes specific rules for the posting of workers.

Article 71 of the Labour Code states that workers can be posted only with the written consent of the employee and requires a separate individual employment contract for a fixed period.⁴⁸ The individual employment contract shall be suspended by written agreement of the parties in the case of posting. The arrangement can also change the specifics of the work, but only with the employee's written consent.

The maximum period for posting of professionals should not exceed one year. If necessary, the period of posting may be extended, by agreement between the parties, by a maximum of one further year. For some categories of employees (persons employed in diplomatic, administrative-technical or service functions in the Ministry of Foreign Affairs and European Integration), posting may be ordered for a longer period than that indicated above.

The posted employee is entitled to compensation for travel and accommodation expenses and to a special allowance in accordance with the legislation in force, the collective agreement and/or the individual employment contract. If, at the new place of employment, the pay conditions or rest periods differ from those enjoyed by the employee at the unit which ordered the posting, the employee will be subject to more favourable conditions.

The manner and conditions of payment of compensation in connection with the posting of workers to diplomatic missions and consular offices of the Republic of Moldova, as well as the material and living conditions of seconded employees, shall

⁴⁸ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

be determined by the Government, taking into account the climatic and other conditions in the country of residence are regulated by the provisions of the Labour Code.

The salary will be paid by the establishment where the employee will work. If the latter is unable to pay, the obligation to pay for the work performed is incumbent on the establishment which ordered the secondment, with the right of appeal against the establishment to which the employee was posted.

There are no specific enforcement rules for the posting of workers apart from the general liability of the employer under Article 288 of the Labour Code.

G. Information and consultation of workers' representatives

33. How are workers represented at plant, undertaking and group levels? In which way are the workers' representatives designated?

Labour legislation envisions that workers may be represented by trade unions or by employee representatives.

Article 8 of Law No. 1129/2000 on Trade Unions establishes that the primary form of unionisation is the trade union at the establishment level (*primary trade union*).⁴⁹ The primary trade union organisation is created at the initiative of at least 3 persons. The decision founding the primary trade union organisation is adopted by the constituent assembly. Trade unions may associate in branch or inter-branch territorial trade union centres (at district, autonomous territorial unit, municipality, city level), as well as in national -branch and national -inter-branch trade union centres in the form of federations, confederations. Art. 21 of the Labour Code states that employees who are not members of a trade union have the right to authorise the trade union to represent their interests in employment relations with the employer.⁵⁰

Where no trade union exists, the Labour Code includes the possibility for employees' interests to be defended by elected representatives. Employee representatives are elected at a general meeting of employees by a vote of at least half of the total number of employees in the establishment. The number of elected employee representatives shall be determined by the general meeting of employees, taking into account the number of staff in the establishment. The powers of elected employee representatives, the manner in which they are exercised and the duration and limits of their mandate shall be laid down by the general meeting of employees in a regulatory act at the establishment level.

⁴⁹ Law No. 1129/2000 on Trade Unions, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=122740&lang=ro

⁵⁰ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

34. Are there any rules concerning information and consultation of workers at undertaking or establishment level? Are there any rules concerning information and consultation of workers at transnational level (e.g. where a multinational company has a European / global works council)?

Article 10 of the Labour Code obliges the employer to inform and consult the employees on the economic situation of the establishment, on occupational safety and health and on other matters relating to the functioning of the establishment.⁵¹

Article 42¹ further elaborates the scope of the employers' obligation to inform and consult their workers. The information shared must address the recent and probable development of the unit's activities and economic situation; the situation, structure and probable trend of employment in the establishment and any anticipatory measures envisaged, in particular where there is a threat to jobs; decisions that may lead to significant changes in work organisation or contractual relations, including those related to collective redundancies or change of ownership; and the occupational safety and health situation at the establishment, and any measures likely to affect their provision, including the planning and introduction of new technologies, the choice of work and protective equipment, the training of employees in occupational safety and health, etc.

The information shall be provided to the employees' representatives in written form, in good time to enable the employees' representatives to prepare the consultation if necessary. Regular information on the above-mentioned subjects may take place not less frequently than once a year. In the event of the liquidation of the establishment or reduction in the number or status of staff, employees shall be informed at least 30 calendar days before dismissal procedures are initiated in the event of the liquidation of the establishment or reduction in the number or status of staff.

If there is neither a trade union nor elected representatives in the establishment, the above information shall be made known to employees by means of a public notice on a notice board with general access at the establishment's premises (including at each of its branches or representative offices) and, where appropriate, via the website or e-mail.

According to Article 42 (7) of the Labour Code, consultation takes place in meetings with representatives of the employers at a level suitable to the subject discussed. Issues to be brought to consultation include collective redundancies, change in leadership and the occupational safety and health situation at the establishment. In the consultation process, employee representatives have the right to meet the employer, formulate opinions, and obtain a reasoned response to any opinion they may formulate. Where certain measures are envisaged in relation to employees, consultation shall be carried out in a way as to give employee representatives the opportunity to negotiate and reach a consensus with the employer before the envisaged measures are implemented.

⁵¹ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

By way of derogation from the above, the employer is not obliged to disclose information or undertake consultation if such action may result in the disclosure of a state or trade secret.

Moldovan legislation does not currently include rules for information and consultation of workers at the transnational level.

35. Are there any rules on board level participation of employee representatives?

Moldovan legislation does not include provisions on board level participation of employee representatives, but establishes the right of employees to participate in the administration of the establishment.

Article 42 of the Labour Code states workers or their representatives can participate in the administration of the establishment in the following ways:⁵²

- by participating in the drafting of normative acts at unit level in the social-economic field;
- by participating in the approval of normative acts at unit level in cases provided for by the Code and other normative acts;
- through the information and consultation of employees;
- by cooperating with the employer in the social partnership.

H. Industrial Disputes

36. Is there a special court to deal with disputes under collective agreements?

The Republic of Moldova does not have specialised courts dealing with disputes under collective agreements. Disputes under collective agreements are examined by ordinary courts.

37. How is the right to strike regulated and what restrictions are there on the right to strike in the private and public sectors?

Article 45 of the Constitution of the Republic of Moldova guarantees the right to strike.⁵³ Strikes may be called only for the purpose of defending the economic and social interests of employees. The Labour Code further regulates the right to strike and related restrictions.

⁵² Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁵³ Constitution of the Republic of Moldova, 1994, available in English at:

https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

Article 362 (4) of the Labour Code requires that a decision to declare a strike shall be notified to the employer 48 hours before the strike.⁵⁴ A strike may be declared only if all avenues for resolving the collective labour dispute have been exhausted in the conciliation procedure. Strikes can be organised at the establishment level, at territorial level, at branch level and at national level.

As a rule, strikes are carried out at the employees' permanent place of work. If the employees' demands are not met for 15 calendar days, the strike may also take place outside the establishment.

According to Article 368, the employer may request the suspension of the strike, for a period of not more than 30 calendar days, if it could endanger the life and health of people or if he considers that the strike has been declared or is being carried out in violation of the legislation in force. The request for suspension of the strike is submitted to the court.

As for **restrictions** to the right to strike, the Labour Code prohibits strikes during natural disasters, outbreaks of epidemics, pandemics, as well as during a state of emergency, siege or war.

Article 369 of the Labour Code lists the categories of workers who are prevented from participating in a strike. In the **private sector**, these are:

- medical staff in hospitals and emergency medical services;
- employees in energy and water supply systems;
- employees in the telecommunications system;
- employees of air traffic control services;
- employees in continuous flow establishments;
- employees in establishments producing goods for the defense needs of the country.

Restrictions in the **public sector** apply to the following categories:

- persons in positions of responsibility in central public authorities;
- collaborators of bodies ensuring public order, law and order and state security, judges of courts, employees of military units, organizations or institutions of the Armed Forces.

Law No. 158/2008 on the Statute of the Civil Servant states at Article 21 that civil servants have the right to strike under the law.⁵⁵ However, they may not take part in strikes that disrupt the functioning of the public authority on whose work the provision of vital goods and services to society depends.

⁵⁴ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁵⁵ Law No. 158/2008 on the Civil Service and the Status of Civil Servants, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=130341&lang=ro

Where strike action is prohibited under the above provisions, collective labour disputes shall be settled by the relevant courts.

38. Are lockouts allowed and how are they regulated?

Labour legislation in Moldova does not provide for the employer's right to lockout.

39. Are there special methods for dealing with industrial disputes, e.g. conciliation, mediation and arbitration?

Industrial disputes can be settled in the conciliation procedure and in court.

The conciliation procedure is an out-of-court dispute resolution mechanism at company level. Under the mechanism, collective labour disputes are brought before a conciliation committee, made up of an equal number of representatives of the parties to the dispute, set up at the initiative of one of the parties (under Article 359 of the Labour Code⁵⁶). The chairman of the conciliation committee is elected by a majority of the votes of the committee members. Minutes are kept of the discussions of the conciliation committee. If the members of the committee reach an agreement, the committee adopts a binding decision within 10 working days. This period may be extended once by written agreement of the committee members. If no agreement is reached, it must be recorded in writing by the chairman within 24 hours. Conciliation is compulsory for collective disputes.

In accordance with Article 360 para. (1) of the Labour Code, if the parties to the dispute have not reached an agreement or do not agree with the decision of the conciliation committee, each of them, within 10 working days from the date of expiry of the deadline for conciliation of the collective labour dispute by the conciliation committee or, as the case may be, from the date of adoption of the decision or receipt of the respective information, is entitled to file an application for settlement of the dispute in civil court.

Moldovan legislation does not contain provisions on voluntary mediation or arbitration as methods for settling industrial disputes.

I. Undeclared work

40. What are the estimations of the extent of undeclared work and its underlying causes?

In 2021 there were 142,900 people that worked in the informal economy in Moldova, according to Labor Force Survey estimates of Moldova's National Bureau of Statistics. That represents 16.9% of the total employment. The informal sector

⁵⁶ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

consists of unincorporated enterprises operating without a business registration. In 2021, the undeclared work among employees was 6.6% (55,600).

The informal economy in Moldova is influenced by the costs of formalization compared to the costs of staying or becoming informal. The returns to taxes paid are perceived as being insignificant. The low probability of being identified and penalized, the low levels of fines and low access to an effective justice system, the relatively high costs of credit combined with the existing regulatory framework and the constraints to technological absorption and innovation are among the key factors driving the informal economy in the country.

The leading sector is agriculture with high production of households for final use, followed by construction. Trade, hotels and restaurants have also informal jobs and are hidden in the formal sector. In 2021, agriculture had 82,700 workers and construction had 41,500 workers in the informal economy.

Some segments of the population are more likely to be in informal employment:

- Informal employment is more widespread among men. The share of informal employment out of total employment was 21.9% for men compared to 11.5% for women. Looking at all workers in the informal jobs, two-thirds are men (123,700). About 68,500 workers in the informal economy are women. This is mainly due to the higher share of informality in sectors traditionally employing more men: construction and agriculture.
- When it comes to age, the population most vulnerable to informal employment is persons over 65 years of age (5,200 workers). Their number is small compared to other age groups and most of them are retired persons performing short-term, casual or seasonal work to supplement their income coming from the pension.
- Another age category highly valued in this cohort is the youngest population (15-24 years). Nearly one third of young workers aged 15-24 (14,200) are in the informal economy. The high share of informal employment in this cohort is caused by the difficult transition from education to the labour market. A lack of work experience and a lack of qualifications acquired during formal education make employers reluctant to hire young persons, especially graduates of general secondary education without any specialization. These difficulties create incentives for young people to accept informal jobs. This is accentuated by their tendency to disregard longer-term concerns related to future benefits, especially from pensions.
- In this group, informal employment is concentrated in informal sector enterprises and is more characteristic for men (39.6%) than for women (19.3%). The high gender discrepancy for informal jobs in this cohort is explained by the fact that girls usually pursue higher levels of education and enter the labour market later. Informal employment is lower among women aged 25–34 years (14.9%). This is probably because this is a fertile age for women, and they might be less inclined to accept informal jobs that do not ensure access to health insurance and maternity protection.

- The largest share of informal jobs are in elementary occupations. Many low skilled enter the labour market on the informal side and are caught in an informal employment trap, since there is less demand for them in the formal labour market.
- The most significant discrepancies in informal employment in Moldova are between rural and urban residents. While only 7.5% of urban employed population had an informal job, this share for rural population was 24.7% in 2021. Most of the informal employment in rural areas is concentrated in the households, specifically in the agricultural sector.

41. What is the legal and administrative framework of addressing the issue of undeclared work? Are specific measures taken in monitoring, preventing, deterring, transforming undeclared work into regular employment and combating it as provided for in the Council resolution on transforming undeclared work into regular Employment (2003/C 260/01)?

The Action Plan on minimising the practice of paying wages “in envelopes” and undeclared work, approved through Government Decision No 477/201, set out to strengthen the regulatory framework on undeclared work.⁵⁷ Since the adoption of the Action Plan, the following provisions related to undeclared work have been added to the Labour Code and Contraventions Code:

- Article 7¹ of the Labour Code, prohibiting undeclared work. In the sense of the article, undeclared work is defined as any work performed by a natural person for and under the authority of an employer without complying with the provisions of the Labour Code regarding the conclusion of an individual employment contract.⁵⁸
- Article 55¹ of the Contraventions Code, punishing the use of undeclared work for each person identified by a fine of 60 to 300 conventional units.⁵⁹

The role of monitoring, preventing, deterring and combating undeclared work belongs to enforcement agencies, namely the State Labour Inspectorate and the State Tax Service. Specific measures in this sense include:

- the operation of a Green Line by the State Labour Inspectorate, where it is possible to report labour law violations and provide anonymous information;

⁵⁷ Government Decision No 477/201 for the approval of the Action Plan on Minimising the practice of paying "envelope" wages and "undeclared work", available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=103278&lang=ro

⁵⁸ Labour Code No. 154/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁵⁹ Contraventions Code of the Republic of Moldova No. 218/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125094&lang=ro

- the exchange of information between the State Labour Inspectorate, the State Tax Service and the police on specific instances of undeclared work;
- the creation of multidisciplinary teams including the State Labour Inspectorate, the State Tax Service, Police and trade unions to carry out joint inspections for combating undeclared work.

Other preventive measures undertaken to tackle undeclared work include tax incentives for establishments to legalize work, such as tax facilities to establishments recording an increase in the average number of employees in the fiscal year compared to the average number of employees in the previous year, as well as a nation-wide awareness raising campaign to promote formal employment and to reduce undeclared work in Moldova.⁶⁰

Tackling undeclared work is a priority on the labour agenda of the Republic of Moldova. Several pieces of legislation are considered for approval in this sense. Regulations under consideration includes new risk criteria for the State Labour Inspectorate for the better targeting of establishments at risk of using undeclared work in its annual planning, measures to simplify procedures for the State Labour Inspectorate and the State Tax Service to apply fines in cases of undeclared work, and for the Labour Inspectorate to establish the presence of undeclared work at an enterprise. In order to support the transition from undeclared work to regular employment in the field of agriculture, amendments are being considered to the Day Labourers law which would introduce a voucher-based system for the payment of social security contributions.

⁶⁰ Law No. 1164 of 24.04.1997 for the implementation of Titles I and II of the Tax Code, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120068&lang=ro
Moldova Decent Work Country Program, available in Romanian here: https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_562108.pdf

HEALTH AND SAFETY AT WORK

A. General

42. Please explain the distribution of competences regarding health and safety at work in Moldova and provide a general overview of the legal framework and of the policies and strategies in the field of health and safety at work, including their implementation.

According to Article 223 of the Labour Code⁶¹ and Article 7 of Law No 186/2008 on occupational safety and health⁶², the central specialised body of the public administration coordinating the implementation of state policy in the field of occupational safety and health is the Ministry of Labour and Social Protection. The main competences of the Ministry in this area are:

- organising the preparing draft regulations on occupational safety and health and, after consultation with employers and trade unions and submitting them to the Government for approval;
- monitoring the application of occupational safety and health legislation;
- organising the preparation of framework instructions on safety and health at work for certain occupations or for carrying out complex work;
- endorsing the draft framework instructions on safety and health at work;
- ensuring the annual publication of information on the measures taken to implement the State policy in the field of occupational safety and health, occupational accidents and diseases;
- maintaining links with the international occupational safety and health information network;
- representing the State in international relations in the field of occupational safety and health.

Additionally, the State Labour Inspectorate and trade unions are tasked with the supervision and control of compliance with legislative and other normative acts in the field.

According to Article 372 of the Labour Code and Article 7¹ of Law No. 186/2008 on occupational safety and health, the State Labour Inspectorate exercises state control over the employer's application of the provisions of the Law and other regulations on occupational safety and health. In addition to its monitoring function, Law 140/2001 on the State Labour Inspectorate,⁶³ tasks the authority with tabling legal proposals in the field to the Ministry of Labour and Social Protection, with the compiling of data on accidents, and with yearly reporting in the field.

⁶¹ Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁶² Law No 186/2008 on occupational safety and health, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁶³ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

Under Article 17 of Law No. 1129/2000 on Trade Unions⁶⁴, unions may carry out public checks over the state of labour and environmental protection. To this end, they may visit and inspect their establishments and sub-establishments to determine whether working conditions meet labour protection requirements; submit to the employer proposals, which are binding for examination, with suggestions for the elimination of the shortcomings detected; participate in the work of the committees for the acceptance of production objects into service, in the investigation of accidents at work; and defend the interests of trade union members in matters relating to labour protection, the granting of benefits, compensation and other social guarantees in connection with the influence of harmful production and environmental factors on employees.

The following agencies are tasked with inspecting specific technical standards in the field of energy, sanitary-hygienic standards and nuclear and radiological activities, according to Articles 383-385 of the Labour Code:

- National Agency for Energy Regulation - control over the implementation of measures to ensure the safe operation of electricity and heating installations;
- National Agency for Public Health - control over compliance with sanitary-hygienic and sanitary-antiepidemic standards in all establishments;
- National Agency for the Regulation of Nuclear and Radiological Activities - control in the field of nuclear and radiological activities.

The Republic of Moldova transposed 23 EU Directives in the field of occupational health and safety into national legislation. In order to improve the regulatory framework in the field of occupational safety and health, the Republic of Moldova has also ratified the International Labour Organization Convention No. 161/1985 on occupational health services in 2021.⁶⁵

Moldova does not have a separate country programme in the field of health and safety at work but the Public Health Policy 2007-2021 partly addressed these issues. The document established that work accidents and professional diseases were to be prevented by means of fostering a culture of preventing professional hazards and of health safety. Programs to ensure adequate sanitary hygienic conditions of work, and the routine of work and break were to be developed and implemented at every enterprise. The system of health education of the employees was to be strengthened.

The Republic of Moldova is currently developing a National Programme for Occupational Safety and Health for the years 2023-2027, which is set to include a comprehensive list of priorities and objectives in the field. The programme will continue Moldova's alignment with EU regulations and practices.

⁶⁴ Law No. 1129/2000 on Trade Unions, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=122740&lang=ro

⁶⁵ Law No 18/2021 for the ratification of the International Labour Organization Convention no. 161 on occupational health services, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=125928&lang=ro

B. Framework Directive (89/391/EEC)

43. Does Moldova have similar legislation in the field covered by the Framework Directive? If there is a national framework law on health and safety at work, please list the sectors and activities which are excluded from the scope of this law, and indicate which is the legislation applicable to excluded sectors and activities. If several legislative acts exist in this area, please describe how they are coordinated and how they complement each other.

The Republic of Moldova has transposed the Framework Directive on Safety and Health at Work (Directive 89/391/EEC) through the Law No.186/2008 on Safety and Health at Work.⁶⁶ The provisions of the Law are applicable in all areas of activity, both public and private.

Excluded from the scope of Law No.186/2008 are the armed forces, police or civil protection services, when certain characteristics of their activity are inherently in contradiction with the law. The health and safety of these workers shall be ensured by taking into account the provisions of the law “as far as possible” (Article 3(3)).

The following laws contain other relevant provisions on the subject of health and safety at work:

- Constitution of the Republic of Moldova;⁶⁷
- Labour Code, approved by Law no.154/2003;⁶⁸
- Law No.756/1999 on insurance for accidents at work and occupational diseases;⁶⁹
- Law No. 1129/2000 on Trade Unions;⁷⁰
- Law No. 140/2001 on the State Labour Inspectorate.⁷¹

While the Constitution sets out the general principles on the subject of health and safety at work, norms contained in the other laws are complementary and cover the subject as they relate to their specific area of regulation. For example, the laws reflect the distribution of competences between different actors in checking how regulations are applied.

Additionally, Government Decisions transpose the provisions of 23 EU Directives in the field. Their full list is provided at Question 56.

⁶⁶ Law No 186/2008 on occupational safety and health, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁶⁷ The Constitution of the Republic of Moldova of July 29, 1994, available in English at:

https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

⁶⁸ Labour Code 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁶⁹ Law No.756/1999 on insurance for accidents at work and occupational diseases, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=120881&lang=ro

⁷⁰ Law No. 1129/2000 on Trade Unions, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122740&lang=ro

⁷¹ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

44. How has the law taken up the principle of the employer's objective responsibility (Article 5)? Specifically, is it expressly stated that the workers' obligations do not affect the employer's responsibility? Are cases of *force majeure* provided for?

Law No. 186/2008 on safety and health at work transposes the provisions of Article 5 of the Framework Directive.⁷² Article 9 of the law states that the employer is obliged to ensure the safety and health of workers in all aspects of work. If the employer uses external protection and prevention services, he/she is not relieved of his/her responsibilities in the field of occupational safety and health. The obligations of workers in the field of occupational safety and health are without prejudice to the principle of employer responsibility.

Cases of *force majeure* are not provided for in the law.

45. Are the obligations of employers laid down in the Framework Directive provided for in the law? As regards workers, does the law address workers' responsibility for occupational health and safety issues and if so, what are their obligations?

Law No. 186/2008 on safety and health at work lays down the obligations of employers and the responsibilities of employees, as provided for in the Directive.⁷³

Article 9 includes the obligations of the employer and describes the measures he shall take to ensure the safety and health of workers related to their activity.

Article 19 lists the following obligations and rights of the employees:

- to use machines, equipment, tools, dangerous substances, transport equipment and other means of production correctly;
- to make correct use of the personal protective equipment provided and, after use, return it or place it in its designated storage place;
- to exclude the arbitrary disconnection, change or removal of protective devices on machinery, equipment, tools, installations, buildings and other structures, and use such devices correctly;
- to immediately notify the employer and/or designated workers of any work situation which they have good reason to believe there is a serious risk to safety and health and of any failure of protective systems;
- to report to the manager of the workplace and/or the employer any case of illness at their workplace or any occupational injury suffered by them;
- to cooperate with the employer and/or the designated workers, as long as necessary, to make it possible to carry out any measures or requirements ordered by the labour inspectors or to enable the employer to ensure that the working environment is safe and does not present an occupational hazard in the employee's work;

⁷² Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁷³ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

- to understand and comply with occupational health and safety instructions.

46. How does the law provide for taking into account the general principles of prevention that employers must apply when taking measures to protect the health and safety of workers (Article 6)?

According to Article 10 of Law No 186/2008 on safety and health at work, which is in line with Article 6 of the directive, the employer is obliged to take the necessary measures to protect the safety and health of workers, including preventing occupational risks, providing information and training, and ensuring the necessary organisation and means in this sense.⁷⁴ He must also ensure that the measures taken are adapted to changing circumstances in order to improve the situation at the establishment.

When undertaking occupational safety and health measures, the employer shall take into account the following principles of prevention:

- avoidance of occupational risks;
- assessment of occupational risks that cannot be avoided;
- combating of occupational risks at the source;
- adaptation of the workplace to the needs of the individual, including persons with disabilities, in particular as regards reasonable accommodation of the workplace, choice of work equipment, production and working methods, with a view to alleviating monotonous work and work of a routine nature and reducing their effects on health;
- adaptation to technological progress;
- replacement of dangerous aspects with non-hazardous or less dangerous aspects;
- the development of a comprehensive and coherent prevention policy, which shall include aspects related to technology, work organisation, working conditions, social relations and the influence of factors related to the working environment;
- giving priority to collective protection measures over individual protection measures, except in cases where they concern persons with disabilities;
- providing workers with appropriate instructions on health and safety at work.
- providing new assistive technologies and devices, tools and equipment to enable people with disabilities to remain in employment;
- the creation and maintenance of hygienic living and working conditions;
- the propagation of active rest among employees.

⁷⁴ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

47. How is the principle set out in Article 6(5) (no involvement of the workers in financial cost) included?

As stated in Article 6(5) of the Directive, Law No. 186/2008 on safety and health at work stipulates at Article 10 that the undertaking of occupational safety, hygiene and health measures will not, under any circumstances, entail financial obligations on the workers' part.⁷⁵

48. Does the law address the measures that employers must take concerning fire-fighting, first aid and the evacuation of workers according to Article 8 of the Directive? How is the part of the Directive concerning serious, imminent and unavoidable danger addressed (Article 8 (3, 4, 5))?

Law No 186/2008 on safety and health at work describes the rules on first aid, firefighting and evacuation of workers in the event of serious and immediate danger, in line with Article 8 (3, 4, 5) of the Directive.⁷⁶

Specifically, Article 12 states that in case of serious and immediate danger, the employer must:

- take the necessary measures for first aid, fire-fighting and evacuation of workers, measures adapted to the nature of the activities and size of the establishment and taking into account the presence of other persons;
- ensure any necessary contacts with external protection and prevention services, in particular with regard to the provision of first aid, emergency medical service, rescue and fire services;
- inform, as soon as possible, all employees who are exposed or likely to be exposed to serious and immediate danger of the risk involved and of the measures taken or to be taken for their protection;
- in the event of serious, immediate and unavoidable danger, act and give instructions to allow workers to stop work, leave the workplace immediately and retreat to a safe area;
- not require workers to resume work if the serious and immediate danger persists at the workplace, except in well-founded cases.

Law No 186/2008 also states that workers who, in the event of a serious, immediate and unavoidable danger, leave their workstation or a dangerous area shall not be disadvantaged but shall be protected against any negative and unjustified consequences.

The employer must ensure that in such cases, and when the person immediately in charge cannot be contacted, all workers can take appropriate measures in accordance

⁷⁵ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁷⁶ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

with their knowledge and the technical means at their disposal to avoid the consequences of such danger. Such workers shall not be disadvantaged, except where they act recklessly or negligently.

49. How is it ensured that employers provide workers and/or their representatives with all the necessary information concerning the health and safety risks and protective and preventive measures and activities (Article 10 of the Directive)?

Article 14 of Law No 186/2008 on safety and health at work, which reflects Article 10 of the Directive, obliges the employer to provide workers and/or their representatives with the necessary information on occupational risks, as well as on prevention measures both at the level of the establishment and at the level of each type of workstation and/or function in particular.⁷⁷ Workers and their representatives shall also be informed about the persons designated to apply first aid, fire-fighting and worker evacuation measures in the case of serious, imminent and unavoidable danger, including details about how their training and the equipment made available to them is appropriate to the size and/or specific occupational hazards of the establishment.

50. How is the consultation and participation of workers and workers' representatives provided for in Article 11 regulated?

Article 15 of Law No. 186/2008 on safety and health at work, as provided in Article 11 of the Directive, stipulates the employer's responsibility to consult and request the participation of workers and/or their representatives in discussions on matters relating to safety and health at work.⁷⁸ This shall entail the consultation of workers, the right of workers and/or their representatives to make proposals, and the balanced worker participation.

Workers and/or their representatives are involved, by means of balanced participation, or are consulted in advance and in good time by the employer on the following:

- any measure that would affect occupational safety and health;
- the designation of the workers for the Protection and Prevention Service and the workers who will apply first aid, fire-fighting and worker evacuation measures and with respect to the activities related to ensuring designated workers are not disadvantaged as a result of carrying out occupational risk protection and prevention activities.
- the information specified under provisions on the employers' obligations and those for the information of workers;
- recourse, where appropriate, to external protection and prevention services;

⁷⁷ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁷⁸ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

- planning and organisation of the training.

51. How is the right to appeal to the competent authorities set out in Article 11(6) granted to workers and their representatives?

Article 11 (6) of the Directive is reflected in Article 20 (f) of Law No. 186/2008 on safety and health at work, which states that workers have the right to appeal to the employer, trade unions, central and local public administration authorities and courts of law to solve problems related to health and safety at work.⁷⁹

According to the provisions of the Labour Code, Article 15(7), workers and/or workers' representatives have the right to appeal to the State Labour Inspectorate if they consider that the measures taken by the employer and the means made available by the employer do not correspond to the aims of ensuring safety and health at work.⁸⁰ During inspections, workers' representatives must be given the opportunity to present their observations to labour inspectors.

52. Article 7. How does the legislation set out that all undertakings must:

a) Designate one or more workers to carry out activities related to protection and prevention; or

Article 11 of Law No 186/2008 on safety and health at work stipulates that the employer may appoint one or more workers in charge of occupational risk protection and prevention activities in the establishment.⁸¹ The designated persons must have completed training courses in occupational safety and health, have the necessary means at their disposal to perform this role, and must be in sufficient number to ensure the organisation of protection and prevention measures. Criteria to establish whether their number is sufficient shall include the size of the establishment and/or the risks to which the workers are exposed and their distribution within the establishment.

b) If no competent personnel can be found within the undertaking, enlist competent external services or persons?

Law No. 186/2008 obliges the employer to call upon external protection and prevention services when resources in the establishment are insufficient to organise protection activities due to the lack of specialised staff.⁸²

⁷⁹ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁸⁰ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

⁸¹ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁸² Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

53. Are there legislative provisions for the surveillance of workers' health (Article 14)?

Article 21 of Law No 186/2008 on health and safety at work requires workers to undergo a medical examination appropriate to the occupational risks they face at work.⁸³ The Ministry of Health, in consultation with employers and trade unions, shall take the necessary measures to ensure that workers receive such medical examinations. Such measures shall be formulated in such a way that each worker receives regular medical examinations. The employer bears the costs of organising and conducting the medical examination.

54. Law enforcement (Article 4)

The provisions of Law no. 186/2008 safety and health at work are applicable in all fields of activity (public and private) and to all subjects employed in the field of work, namely employers; workers; workers' representatives; persons applying for employment in the field of work, who are in the establishment with the permission of the employer, during the period of prior verification of professional aptitudes; persons carrying out unpaid work for the benefit of the community or voluntary activities; persons who do not have an individual employment contract in writing and for whom proof of the terms of the contract and the services rendered can be provided by any other means of proof; persons who, while serving their sentence in places of detention, work in prison workshops or other workplaces; and unemployed persons, while they are participating in vocational training.⁸⁴

55. What is the system of monitoring and control of health and safety at work matters? Is there a single body responsible for the inspection of labour, or are various bodies responsible for different areas?

In 2020, the government approved legislative changes that returned occupational health and safety inspections and accident investigations to the State Labour Inspectorate after these competences had been distributed among 10 supervisory authorities in 2017. The State Labour Inspectorate is therefore the single body responsible for the inspection of labour and occupational health and safety. According to the Law no. 140/2001 on the State Labour Inspectorate, the authority exercises state control over compliance with legislative and other acts in the field of labour and occupational safety and health.⁸⁵

Out of a total of 79 inspectors, 36 are responsible for occupational health and safety. Inspectors use checklists in the field of occupational health and safety, which are

⁸³ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁸⁴ Law No 186/2008 on occupational safety and health, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

⁸⁵ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

both general and specific. Specific occupational health and safety checklists cover the subjects of safety equipment in the workplace, specific risks in industries including extractive and construction sites, as well as risks concerning workplace exposure to chemical, carcinogenic or mutagenic agents, or to electromagnetic fields.

a) As regards the powers of labour inspectors to take measures to ensure the correct application of the law:

Article 8 of Law 140/2001 on the State Labour Inspectorate sets out the following rights for the labour inspector:⁸⁶

- to enter freely, at any time of the day or night, without prior notice to the employer, workplaces, service and production premises;
- to request and receive from the employer the documents and information necessary for the control;
- to request and receive, within the limits of its competence, statements from employers and employees;
- to request the immediate or timely elimination of any observed deviations from the provisions of laws and other regulations concerning working conditions and the protection of employees in the performance of their duties.
- to request the withdrawal by the competent public administration authorities of the employer's authorisation (licence) to operate for wilful failure to comply with the requirements for the elimination of labour law infringements, established following repeated checks;
- to refer to law enforcement and licensing bodies the detection of violations of legislation in the field of labour migration, in particular cases of trafficking in human beings and forced labour abroad, as well as the unlicensed practice of activities related to labour placement abroad of Moldovan citizens.

Should there be an imminent danger of injury, the labour inspector may order the suspension of the operation of workshops, halls, departments or other subdivisions of the establishment and that of buildings, technical equipment, works and technological processes. Such measures may be imposed only within the general limits set out in Law No. 131/2012 on State Control over Entrepreneurship.⁸⁷ According to Article 29, in the case described above, the State Labour Inspectorate is obliged to apply to the competent court to validate the prescription within 3 working day from the prescription of the restrictive measure.

The right of the inspector to enter freely at any time of the day or night, without prior notification, to any enterprise is also restricted by the provisions of Law no.

⁸⁶ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

⁸⁷ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130023&lang=ro

131/2012, which prescribes a more complex procedure prior to inspections. Under the law, inspections are normally carried out on the basis of an annual plan of controls drawn up through the analysis of risk criteria laid down by regulations. Unannounced visits may be carried out only when there are indications, supported by evidence, about the existence of damage, an incident or a serious violation of safety or security rules that presents an imminent and immediate danger to the environment, life, health and property of persons. Complaints and petitions, including from other government bodies, may constitute grounds for unannounced inspections only if the information they include reasonably indicate a possible imminent violation causing damage and if such circumstances and information are proven in some way. Unannounced inspections may not be carried out on the basis of unverified and/or anonymous information.

b) Can they apply legal penalties? If so, what kind (monetary and/or criminal and/or administrative)? Do they have discretionary power? How many injunctions are issued?

Labour inspectors cannot apply sanctions directly but have the right to draw up reports following inspections and establish contraventions have occurred, which they shall refer to a competent court for examination.

According to Article 395 of the Contraventions Code, the courts are responsible for the adjudication of labour, occupational safety and health contraventions and the imposition of sanctions for labour, occupational safety and health contraventions.⁸⁸

The Contraventions Code, through the provisions of Article 46¹ requires that inspectors draw up a remediation plan for the contraventions found, where they describe, by way of recommendation, remedial measures and the time limit for their implementation. The remediation plan should be attached to the report on the contravention. No contravention penalties shall be applied until the remediation period has expired.

At the inspector's discretion, establishments may be given between 30 and 90 working days to remediate the violations. When setting the time limit, the inspector shall take into account the circumstances of the offence and the complexity of the actions to be taken by the offender. The time limit may not be changed.

Within 10 working days after the deadline for remediating the infringement, the inspector shall verify the actions taken by the offender and indicate the extent to which the remedial measures set have been carried out. If the inspector finds that the offender has not complied with the legal requirements and has failed to take remedial measures within the prescribed time limit, he/she shall draw up a new report on the offence, in which the person responsible shall be subject to the relevant administrative penalties.

⁸⁸ Contraventions Code of the Republic of Moldova No. 218/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125094&lang=ro

Fines ranging from 30 to 1500 conventional units (one conventional unit is 50 lei) may be imposed on natural persons, persons with positions of responsibility (the employer) and the legal entity (the establishment).

Inspectors have discretionary power in setting the time limits for remediation and in assessing the nature of the violations.

In 2021, the State Labour Inspectorate carried out 2505 inspections, of which 1640 in the field of labour relations, 795 in the field of occupational safety and health and 70 in the field of both labour relations and occupational safety and health. Of the total number of inspections, 1978 were planned (521 in the public sector and 1457 in the real sector) and 527 were unannounced (175 in the public sector and 352 in the real sector).

The inspections found a total of 17957 infringements of laws and regulations, of which 10434 in the field of labour relations and 7523 in the field of occupational safety and health. During the reporting period, 1871 replies were received from establishments concerning compliance with the requirements recorded in the inspection reports.

As a result of the non-compliance of the inspected establishments with the provisions of the labour legislation, labour inspectors issued 129 official reports on contraventions, which were submitted to court for examination. Courts issued 45 decisions sanctioning the employers with a fine and 14 decisions dismissing the claims. 70 court cases were still under examination.

c) How is it ensured that the labour inspectors are independent of the undertakings and organisations they inspect? Are the inspectors assigned to the same workplaces (i.e. must they inspect the same undertaking each year)?

Law 140/2001 on the State Labour Inspectorate, at Article 9, obliges the labour inspector to not have any interest, direct or indirect, in the establishments under his/her control. The labour inspector is liable for the non-performance or the improper performance of his duties in the manner laid down by law.⁸⁹

As civil servants, labour inspectors are also covered by relevant laws in this field. According to Article 25 of Law No 158/2008 on the Civil Service and the Status of Civil Servants, the position of civil servant is incompatible with any public office other than that to which he/she was appointed.⁹⁰ Exceptions envisioned in this regard exist for scientific, teaching, and creative activities, the participation in development projects in the area of competence of the authority in which he/she is employed, representation of the state in economic establishments and representation as a non-permanent member of the collegiate bodies of autonomous public authorities.

⁸⁹ Law no. 140/2001 on the State Labour Inspectorate, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124847&lang=ro

⁹⁰ Law No 158/2008 on the Civil Service and the Status of Civil Servants, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130341&lang=ro

According to Article 3 of Law No 131/2012 on state control of entrepreneurial activity, one of the fundamental principles of control is the avoidance of conflict of interest between the inspector or the head of the control body and the person subject to control.⁹¹ Article 12 of the Law No. 25/2008 on the Code of Conduct for Civil Servants also obliges the civil servant to avoid any conflict of interest; to inform the hierarchical head or the superior hierarchical body immediately, but not later than 3 days from the date of discovery, about the real conflict of interest in which he/she finds himself/herself; and not to issue administrative acts or participate in taking decisions in the exercise of public office until the real conflict of interest has been resolved.⁹² The Code of Ethics of the Labour Inspector, approved by the Order of the State Labour Inspectorate Management No. 12-a/2019 contains similar provisions. The procedure for declaring and resolving conflicts of interest is governed by Law No 133/2016 on the declaration of personal assets and interests.⁹³

Article 14(1) of Law 133/2012 states that the same control body shall not be entitled to carry out a planned control more than once in a calendar year on the same person or on the same object of control where the person owns more than one distinct object, unless a higher frequency of controls is required according to the risk-based planning methodology. Article 20 mandates that inspectors tasked with conducting the inspections are selected at random, taking into account their specialisation according to the related field of control.

d) What rules govern the composition of the inspection team (are there one, two or more inspectors)?

National legislation stipulates that the inspection may be carried out by a minimum of two inspectors delegated from the same inspection body or from several inspection bodies in the case of joint inspections. As mentioned in paragraph (7) Article 21 of Law No 131/2012, in case only one inspector is present, the control cannot be carried out and the inspected establishment may refuse access to the inspector.⁹⁴ As mentioned at point c), Article 20 of the same law mandates that inspectors tasked with conducting the inspections are selected at random, taking into account their specialisation according to the related field of control.

⁹¹ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130023&lang=ro

⁹² Law No. 25/2008 on the Code of Conduct for Civil Servants, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=107130&lang=ro

⁹³ Law No 133/2016 on the declaration of personal assets and interests, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105905&lang=ro

⁹⁴ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130023&lang=ro

e) As regards work-related accidents: How are they declared to the Labour Inspectorate? Is the information centralised? How do you assess non-declaration? How does the system of insurance for work-related accidents function?

Article 13 of Law no.186/2008 on safety and health at work obliges the employer to ensure the communication, investigation and the correct and timely reporting of occupational accidents in the establishment.⁹⁵

The procedure for communication, investigation, recording and reporting of accidents at work is laid down in the Regulation on how to investigate accidents at work, approved by Government Decision No. 1361/2005.⁹⁶ According to the Regulation, each injured person or eyewitness is obliged to immediately notify their direct supervisor or any superior of the supervisor of the accident and to give first aid, if necessary. The employer shall immediately notify (by telephone or any other means of communication) the State Labour Inspectorate, the National Social Insurance Fund and, where appropriate, the higher hierarchical body, the branch or inter-branch trade union body, the National Public Health Agency (in cases of acute poisoning) about accidents suffered by employees. The medical institution providing assistance to the injured person is also obliged to notify the State Labour Inspectorate of the known identity of the injured person and the location where the accident occurred.

In the event of serious and/or fatal accidents, the employer is obliged to ensure access of the labour inspector to the scene of the accident and must also inform the territorial police subdivision under whose jurisdiction the accident occurred. In all cases where the State Labour Inspectorate has learned of an accident, it is obliged to investigate.

The State Labour Inspectorate is required to set up a system for receiving and recording reports of accidents and for keeping records of accidents that have been reported to it. The system should be operational and regularly updated. The Information System of the State Labour Inspectorate is currently being considered for approval and would provide a centralized platform for information on accidents, including a module for the keeping of records and files on accidents at work.

In the process of carrying out inspections, inspectors may discover accidents at work have occurred at the inspected establishments and have not been reported. In such cases, the labour inspectors draw up a report of contravention and send it to court for examination. According to Article 55³ paragraph 3 of the Contraventions Code, failure to report accidents at work shall be punishable by a fine of 300 to 400 conventional units imposed on the person in charge.⁹⁷

⁹⁵ Law No.186/2008 on safety and health, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110580&lang=ro

⁹⁶ Government Decision No. 1361/2005 on the approval of the Regulation on how to investigate accidents at work, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125198&lang=ro

⁹⁷ Contraventions Code of the Republic of Moldova No. 218/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125094&lang=ro

Insurance against accidents at work and occupational diseases is an integral part of the compulsory public social insurance system. The Moldovan employment injury system is described in Law 186/2008 and Law No.756/1999 on insurance for accidents at work and occupational diseases.⁹⁸ Insured persons are entitled to the following insurance benefits and allowances:

- medical rehabilitation benefits;
- benefits for the recovery of working capacity;
- benefits for occupational rehabilitation;
- temporary incapacity for work benefit;
- temporary transfer to another job;
- invalidity allowance;
- death grant.

Article 18 of Law No. 186/2008 on safety and health at work provides for the payment of a one-off compensation sum in the event of an employee's loss of working capacity or death following a workplace accident, at the fault of the company. In addition, the worker who lost part of his/her work capacity shall be eligible for a one-off allowance based on the average monthly wage in the country for each percentage of loss of work capacity. The amount shall not be lower than the injured person's annual wage.

In the event of the death of a worker following an accident at work or an occupational disease, the establishment at fault shall pay compensation for the material damage to the persons entitled. Additionally, the establishment shall pay from its own resources the entitled persons a one-off compensation sum based on the deceased's average annual salary, multiplied by the number of full years that the deceased did not live to the age of 62, but not less than 10 average annual salaries.

Joint and several liability applies when the worker's reduced capacity for work or the death was the result of an accident at work that was partially his/her fault. In such case, the amount of the one-off compensation sum is reduced depending on the degree of fault of the injured person.

If the unit does not have sufficient means, the payment of the one-off allowance shall be made, on the basis of a court order, from any assets or means of the unit.

f) What are the most serious problems in the field of inspection (e.g. lack of resources, lack of money for missions, weak penalties)?

In 2017, the Government of Moldova undertook a major reform to restructure the state control system under which the occupational health and safety control function was transferred from the State Labour Inspectorate to ten sectoral inspection bodies. While competences in health and safety at work were returned to the Labour

⁹⁸ Law No.756/1999 on insurance for accidents at work and occupational diseases, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120881&lang=ro

Inspectorate in 2020, important know-how was lost with the reform, particularly in the form of occupational health and safety expertise.

The average number of inspections per inspectors is relatively low in Moldova compared to EU countries. On average, a labour inspector conducts around 40 planned inspections a month, while the EU average is around 100 inspections a month.

Strengthening and revitalizing the State Labor Inspectorate is a priority for the Republic of Moldova. In this sense, the Government is planning to implement the following measures:

- Modernize the Labor Inspectorate and develop its capacity to better plan inspections and target companies based on risk. To that end, additional risk criteria are in approval for the detection of companies at risk of using undeclared work. The Government is also facilitating communication between the State Labour Inspectorate and other government agencies, such as the State Tax Service, for the sharing of data.
- The Government, in cooperation with international organisations, is planning to develop the technical and IT capabilities of the Inspectorate to better collect and analyse data.
- In cooperation with partner organisations, provide inspectors with training on modern inspection methods, particularly on the subject of occupational health and safety and in investigation techniques.
- Ensure the Labour Inspectorate has sufficient technical and financial resources to carry out its mission. This includes sufficient vehicles, access to safety equipment, and incentives for the recruitment of competent staff.
- Simplify procedures for inspections and ensure more effective penalties. In the short term, this measure will entail legislative amendments to empower inspectors to apply fines in cases of undeclared work and will enable them to establish the use of undeclared work through indirect means.

C. Specific legislation

56. Does [the country] have legislation in the following fields covered by the EU acquis? If so, please describe the main relevant provisions and how their prevention, implementation and enforcement is ensured, both in law and practice, including by means of labour inspections:

Under the Association Agreement with the European Union, Moldova has undertaken to transpose 27 directives in the field of occupational safety and health. 23 directives have been transposed so far. The other 4 directives are currently in process of approval.

The following actors shall implement and enforce occupational safety and health regulations both in law and in practice:

- the employer, who is responsible to develop, implement and maintain occupational safety and health rules in the field of work;
- the employees, who are responsible to comply with internal occupational health and safety rules and with regulations specific to the field of activity;
- trade unions, who supervise and carry out the statutory control of compliance with labour law, occupational safety and health regulations, collective agreements and collective labour contracts in all establishments where there are trade union organisations;
- the occupational safety and health committee at the establishment level, which aims to ensure collaboration between the employer and the worker in order to identify measures to ensure the occupational safety and health at work;
- labour inspectors, whose role is to check that occupational health and safety rules apply to all establishments.

- Workplaces (Directive 89/654/EEC)

Government Decision No 353/2010 on the approval of the Minimum Requirements for Safety and Health at Work.⁹⁹ The provisions of the Decision apply whenever the characteristics of the workplace, the activity, the circumstances or an occupational risk so require.

- Work equipment (Directive 2009/104/EC)

Government Decision No 603/2011 on the minimum safety and health requirements for the use of work equipment by workers at work.¹⁰⁰ The Decision lays down general minimum safety and health requirements for the use of work equipment.

- Personal Protective Equipment (Directive 89/656/EEC)

Government Decision No 906/2020 on the minimum safety and health requirements for the use of personal protective equipment by workers at work.¹⁰¹ The decision introduces minimum requirements for rules in using personal protective equipment at work, as well as any additional equipment or accessories designed for this purpose.

- Display screen equipment (Directive 90/270/EEC)

Government Decision No. 819/2016 on the Minimum Occupational Safety and Health Requirements for Monitor Work.¹⁰² The minimum requirements establish

⁹⁹ Government Decision No 353/2010 on the approval of the Minimum Requirements for Safety and Health at Work, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=22129&lang=ro

¹⁰⁰ Government Decision No 603/2011 on the minimum safety and health requirements for the use of work equipment by workers at work, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=21480&lang=ro

¹⁰¹ Government Decision No 906/2020 on the minimum safety and health requirements for the use of personal protective equipment by workers at work, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=124931&lang=ro

¹⁰² Government Decision No. 819/2016 on the Minimum Occupational Safety and Health Requirements for Monitor Work, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=93686&lang=ro

characteristics for the workstation (work equipment, working environment, worker-computer interface, work and rest regime of workers at the monitor).

- Manual handling of loads (Directive 90/269/EEC)

Government Decision No 584/2016 on the minimum health and safety requirements for the manual handling of loads presenting risks to workers, in particular back injury.¹⁰³ The minimum requirements set out the characteristics of the load, of the physical effort required, of the working environment, and for activity and individual risk factors.

- Temporary or mobile constructions sites (Directive 92/57 EEC)

Government Decision No 80/2012 on minimum safety and health requirements for temporary or mobile construction sites.¹⁰⁴ The Decision lays down general and special minimum requirements for temporary or mobile construction sites.

- Safety and health signs at work (Directive 92/58/EEC)

Government Decision No 918/2013 on the minimum requirements for safety and health signs at work.¹⁰⁵ The rules provide for the general minimum requirements for safety and health signs at work, signs on containers or pipelines, signs for obstacles and dangerous places, as well as for the marking of traffic routes, for light signals, acoustic signals, verbal communication and for signalling gestures.

- Extractive industries: mineral-extracting industries through drilling (Directive 92/91/EEC) and surface and underground mineral-extracting industries (Directive 92/104/EEC)

Government Decision No 151/2019 on the approval of the Minimum Occupational Safety and Health Requirements in the extractive industry through surface or underground mining and in the extractive industry through drilling.¹⁰⁶ The regulation lays down minimum requirements applicable to the surface or underground extractive industry and to the extractive drilling industry, as well as to auxiliary surface installations, the land drilling sector and the marine drilling sector.

- Fishing vessels (Directive 93/103/EC)

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels has not yet been transposed into national legislation.

- Medical treatment on board of fishing vessels (Directive 92/29/EEC)

¹⁰³ Government Decision No 584/2016 on the minimum health and safety requirements for the manual handling of loads presenting risks to workers, in particular back injury, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=92690&lang=ro

¹⁰⁴ Government Decision No 80/2012 on minimum safety and health requirements for temporary or mobile construction sites, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=125200&lang=ro

¹⁰⁵ Government Decision No 918/2013 on the minimum requirements for safety and health signs at work, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=48717&lang=ro

¹⁰⁶ Government Decision No 151/2019 on the approval of the Minimum Occupational Safety and Health Requirements in the extractive industry through surface or underground mining and in the extractive industry through drilling., available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=121099&lang=ro

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels has not yet been transposed into national legislation.

- Chemical agents (Directive 98/24/EC as amended by Directives 2000/39/EC and 2006/15/EC)

Government Decision no. 324/2013 on the approval of the Health Regulation on minimum health and safety requirements to ensure the protection of workers against risks related to the presence of chemical agents at work.¹⁰⁷ The Regulation sets minimum requirements for the protection of workers against risks to their health and safety arising or likely to arise from the effects of chemical agents present in the workplace or as a result of any occupational activity involving chemical agents.

- Indicative occupational exposure limit values for chemical agents at work (Directives adopted in implementation of Council Directive 98/24/EC - Commission Directives 91/322/EEC, 2000/39/EC, 2006/15/EC, 2009/161/EU, 2017/164 and 2019/1831)

Government Decision no. 324/2013 on the approval of the Health Regulation on minimum health and safety requirements to ensure the protection of workers against risks related to the presence of chemical agents at work.¹⁰⁸ This Regulation determines a list of mandatory occupational exposure limit values of chemical agents, a list of indicative occupational exposure limit values, and a list of permissible occupational exposure limit values for dust and biological monitoring.

- Explosive atmospheres (Directive 1999/92/EC)

Government Decision No. 12/2022 on the approval of the Minimum Requirements for improving the health and safety protection of workers potentially at risk in explosive environments.¹⁰⁹ These minimum requirements lay down the conditions for the protection of the safety and health of workers potentially at risk in explosive environments.

- Biological agents at work (Directive 2000/54/EC)

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work has not yet been transposed into national legislation.

- Vibrations (Directive 2002/44/EC)

¹⁰⁷ Government Decision no. 324/2013 on the approval of the Health Regulation on minimum health and safety requirements to ensure the protection of workers against risks related to the presence of chemical agents at work, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=19892&lang=ro

¹⁰⁸ Government Decision no. 324/2013 on the approval of the Health Regulation on minimum health and safety requirements to ensure the protection of workers against risks related to the presence of chemical agents at work., available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=19892&lang=ro

¹⁰⁹ Government Decision No. 12/2022 on the approval of the Minimum Requirements for improving the health and safety protection of workers potentially at risk in explosive environments, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129613&lang=ro

Government Decision No 589/2016 on minimum health and safety requirements regarding the exposure of workers to risks arising from mechanical vibrations.¹¹⁰ The minimum requirements provide the values of the exposure limit and the vibration exposure from which the action is triggered, lists the employer's obligations and the method of health surveillance.

- Asbestos (Directive 2009/148/EC)

Government Decision No 244/2013 on the approval of the Minimum Requirements for the Protection of Workers from Risks related to Exposure to Asbestos at Work.¹¹¹ The minimum requirements apply to activities in which workers are exposed or are likely to be exposed to dust arising from asbestos or asbestos-containing materials and are aimed at protecting workers against risks to their health arising or likely to arise from such exposure, including the prevention of such risks.

- Noise (Directive 2003/10/EC)

Government Decision No 362/2014 on the approval of minimum requirements for the protection of workers against risks to their health and safety arising or likely to arise from exposure to noise, in particular risks to hearing.¹¹² The minimum requirements determine the exposure limit values and noise exposure values from which the employer's action on workers' health and safety, employers' obligations, health surveillance is triggered.

- Carcinogens (Directive 2004/37/EC) – carcinogen

Government Decision No 775/2017 approving the Health Regulation on the protection of workers' health against risks related to exposure to carcinogens or mutagens at work.¹¹³ The objective of the regulation is to protect workers against risks related to their health and safety, including the prevention of risks resulting from exposure to carcinogens or mutagens at work.

- Artificial optical radiation (Directive 2006/25/EC) - artificial optical radiation

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (artificial optical radiation) is in the process of transposition.

- Classification, Labelling and Packaging of substances and mixtures (Directive 2014/27/EU)

¹¹⁰ Government Decision No 589/2016 on minimum health and safety requirements regarding the exposure of workers to risks arising from mechanical vibrations, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=92703&lang=ro

¹¹¹ Government Decision No 244/2013 on the approval of the Minimum Requirements for the Protection of Workers from Risks related to Exposure to Asbestos at Work., available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103123&lang=ro

¹¹² Government Decision No 362/2014 on the approval of minimum requirements for the protection of workers against risks to their health and safety arising or likely to arise from exposure to noise, in particular risks to hearing, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=4193&lang=ro

¹¹³ Government Decision No 775/2017 approving the Health Regulation on the protection of workers' health against risks related to exposure to carcinogens or mutagens at work, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=100556&lang=ro

All Government Decisions transposing EU Directives, drafted after 2014 contain all amendments approved by Directive 2014/27/EU to the listed EU acts, while Government Decisions transposing EU Directives drafted before 2014 do not contain amendments approved by Directive 2014/27/EU. Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 is amending the following Directives:

- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC is transposed by Government Decision No 1408/2016 on minimum safety and health requirements for the protection of pregnant workers and workers who have recently given birth or are breastfeeding and Law No. 155/2017 amending the Labour Code of the Republic of Moldova No 154/2003 (contains amendments from Directive 2014/27/EU).¹¹⁴¹¹⁵
- Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version) is transposed by Government Decision No 775/2017 approving the Health Regulation on the protection of the health of workers from the risks related to exposure to carcinogens or mutagens at work (contains amendments from Directive 2014/27/EU).¹¹⁶
- Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) is transposed by Government Decision No 918/2013 on minimum requirements for safety and health signs at work (does not contain amendments from Directive 2014/27/EU).¹¹⁷

¹¹⁴ Government Decision No 1408/2016 on minimum safety and health requirements for the protection of pregnant workers and workers who have recently given birth or are breastfeeding, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=96924&lang=ro

¹¹⁵ Law No. 155/2017 amending the Labour Code of the Republic of Moldova No 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=100339&lang=ro

¹¹⁶ Government Decision No 775/2017 approving the Health Regulation on the protection of the health of workers from the risks related to exposure to carcinogens or mutagens at work, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=100556&lang=ro

¹¹⁷ Government Decision No. 324/2013, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=19892&lang=ro

- Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work 94/33 is not yet transposed into national legislation.
- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 is partially transposed in Law No. 277/2018 on chemical substances.¹¹⁸

- Accessibility of products and services Directive 2019/882

Directive 2019/882/EU on minimum accessibility requirements for products and services of 17 April 2019 has not yet been transposed in national legislation.

¹¹⁸ Law No. 277/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112668&lang=ro

SOCIAL DIALOGUE

57. What are the social dialogue mechanisms in Moldova? What is their legal basis? Are social partners being consulted on the design and implementation of economic, employment and social policies according to national practices?

The social partnership in the Republic of Moldova is a system of relations established between employees (employees' representatives), employers (employers' representatives) and the respective public authorities in the process of determining and realizing the rights, as well as social and economic interests of the parties.

The social partnership system includes the following levels:

- *national* – establishes the bases for the regulation of socio-economic and labour relations in the Republic of Moldova;
- *sectoral* – establishes the basis for regulating labour and social relations in a certain sector/s of the national economy;
- *territorial* – establishes the bases for regulating the labour and social relations in the administrative-territorial units of the second level and in the municipalities;
- *unit* – establishes the concrete reciprocal obligations between employees and employer in the field of work and social.

The social partnership is achieved by:

- collective bargaining on the drafting of collective bargaining contracts and collective bargaining agreements and their conclusion on a bipartite or tripartite basis, through representatives of the parties to the social partnership;
- participation in the examination of draft normative acts and proposals aimed at socio-economic reforms, the improvement of labour legislation, ensuring civic conciliation;
- mutual consultations on issues related to the regulation of labour relations and relations directly related to them;
- participation of employees or their representatives in the administration of the unit;
- the participation of the representatives of the parties of the social partnership in the process of out-of-court settlement of the collective labour dispute (conciliation procedure).

The normative framework in the field of social partnership includes:

- The Constitution of the Republic of Moldova, which guarantees the right to establish and join trade unions - art. 42, the right to bargain in labour matters

and the binding nature of collective agreements - art. 43, the right to strike - art. 45;¹¹⁹

- Labour Code no. 154/2003, Title II "Social partnership in the field of labour" - art. 15-44;¹²⁰
- Law No. 245/2006 on the organization and functioning of the National Commission for collective consultations and negotiations, of the commissions for collective consultations and negotiations at branch and territorial level;¹²¹
- Law No. 1129/2000 on Trade Unions;¹²²
- Law No. 976/2000 on Employers' Associations;¹²³
- International treaties to which the Republic of Moldova is a party (ILO Convention No. 98 "On the Right to Organize and Conduct Collective Bargaining", ILO Convention No. 144 "On Tripartite Consultations on International Labour Rules", ILO Convention No. 154 "On the promotion of collective bargaining", revised European Social Charter, etc.).

The social partners are consulted on the development and implementation of policies in the field of socio-economic and labour relations regulation on the platform of the National Commission for Collective Consultation and Negotiation and its structures. Art.5 of Law no.245/2006 establishes that the National Commission has a consultative role in the development of socio-economic strategies and policies, in settling conflict situations at national, branch or territorial level between the social partners, while the draft normative acts in labour and socio-economic fields are necessarily coordinated with the National Commission. Its opinion on the draft normative act accompanies the draft until its adoption.

58. What are the trade unions and employers' organisations recognised? How are these organisations entitled to recognition as social partners' organisations (e.g. representativeness criteria set out by law, code of labour, etc.)?

The Labour Code regulates Trade Unions and Employers Associations as bargaining agents.¹²⁴

The following trade union and employers' representatives are recognised bargaining agents:

¹¹⁹ The Constitution of the Republic of Moldova of July 29, 1994, available in English at:

https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

¹²⁰ Labour Code No. 154/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹²¹ Law No. 245-XVI/2006 on the organization and functioning of the National Commission for collective consultations and negotiations, of the commissions for collective consultations and negotiations at branch and territorial level, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=107309&lang=ro

¹²² Law No. 1129/2000 on Trade Unions, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122740&lang=ro

¹²³ Law No. 976/2000 on Employers' Association, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=64325&lang=ro

¹²⁴ Labour Code No. 154/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

- National Confederation of Trade Unions
- National Confederation of Employers
- Branch trade union associations (24 branch trade unions)
- Territorial trade unions
- Unit level trade unions
- Employer's representatives

Art. 20 (1) of Labour Code states that the employees' representatives in the social partnership are the trade union bodies at national, territorial, branch and unit level, empowered in accordance with the trade union statutes and legislation in force. Article 27 (4) of the Labour Code recognizes to the appropriate trade union the right to participate in collective bargaining, to sign collective agreements on behalf of employees at national, branch or territorial level belongs.

With regard to employer's associations, Art. 23 (2) of the Labour Code states that at the collective bargaining, at the conclusion, modification or completion of the collective agreements, as well as at the settlement of the collective Labour conflicts regarding the conclusion, modification or completion thereof, the employers' interests are represented by the employers' organizations.

The head of the unit or the persons empowered by him/her shall represent the unit in collective bargaining and in concluding, amending or supplementing the collective labour contract.

Art. 24 Labour Code states that other representatives of employers within social partnership in State and municipal enterprises and organizations and institutions financed from the National Public budget can be represented by central and local public administration authorities empowered by law or managers of such enterprises, organizations and institutions.

59. How are social partners involved in the EU integration process? Is there any tripartite committee for this purpose? What role do social partners play in different preparatory activities/discussions in the framework of integration?

Social partners are involved in the EU integration process in the following ways:

- Participation in the EU-Moldova civil society platform. The platform was established on May 10, 2016 in accordance with the EU-Moldova Association Agreement (Article 442), which provides for the establishment of a civil society platform to organize regular meetings of civil society representatives on both sides, "in order to inform these representatives and gather their views on the implementation of the Agreement." The platform includes members from both sides. The EU includes members of the EESC and members of European civil society networks (Business Europe, the European Services Forum, the International Trade Union Confederation, the

European Federation of Public Service Unions, Euro Coop, the European Disability Forum and the European civil society of the Eastern Partnership). Within this platform Republic of Moldova has representatives of the social partners: employers - National Confederation of Employers of the Republic of Moldova and workers - National Confederation of Trade Unions of Moldova. The platform can make recommendations to the Association Council (at ministerial level); at the same time, the Association Council (at the level of senior officials) and the Parliamentary Association Committee are obliged to organize regular contacts with its representatives in order to take note of their views on the fulfillment of the objectives of the Association Agreement (Art. 443).

- Through Internal Advisory Groups (DAG) on Sustainable Development. In accordance with Article 376 of the EU-Moldova Association Agreement, each Party shall establish an Internal Advisory Group (DAG) on Sustainable Development to provide advice on issues related to the chapter on trade and sustainable development. The EU DAG for Moldova was set up in mid-2015 and includes members from the EESC and other European CSOs. The first joint meeting between Moldova's and the EU's internal advisory group took place on July 7, 2015, in Chisinau.
- Through the National Platform of the Eastern Partnership Civil Society Forum. The National Confederation of Trade Unions of Moldova is part of Group 5 of the Platform.
- There is no tripartite committee for the EU integration process of the Republic of Moldova.

60. What does [the country] do to effectively implement freedom of association and collective bargaining in line with ILO Conventions 87 and 98?

Convention No. 87 on freedom of association and the protection of trade union rights and Convention No. 98 on the application of the principles of the right to organize and collective bargaining have been ratified by the Republic of Moldova in 1996.

According to Article 42 of the Constitution of the Republic of Moldova, every employee has the right to establish and join trade unions to defend his interests, and Article 43 provides that the right to bargain in labour matters and the binding nature of collective agreements are guaranteed.¹²⁵

In order to implement the provisions of the ILO Conventions, several normative acts have been adopted:

- Labour Code no. 154/2003, which in Title II regulates the general principles of the social partnership;¹²⁶

¹²⁵ The Constitution of the Republic of Moldova of July 29, 1994, available in English at: https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

¹²⁶ Labour Code No. 154/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

- Law No. 245/2006 on the organization and functioning of the National Commission for collective consultations and negotiations, of the commissions for collective consultations and negotiations at branch and territorial level;¹²⁷
- Law No. 1129/2000 on Trade Unions;¹²⁸
- Law No. 976/2000 on Employers' Associations.¹²⁹
- All these normative acts are in accordance with the ILO Conventions, their development has also been consulted with the ILO and contain provisions that ensure the freedom of association in trade unions or employers and guarantee the right to collective bargaining.

A. Tripartite social dialogue

61. Has a cross-industry tripartite social dialogue been established and if so, how is it functioning? Which are the trade unions and employer organisations that participate in this tripartite process and what are the main criteria for their participation?

According to Article 25 of the Labour Code, the following tripartite structures shall be created for the purpose of regulating social-economic relations in the sphere of social partnership:¹³⁰

- at national level - National Commission for consultations and collective bargaining;
- at sectoral level - branch commissions for consultations and collective bargaining;
- at territorial level - the territorial committees for consultations and collective bargaining;
- at unit level - "employer-employee" social dialogue committees.

The National Commission for Consultation and Collective Bargaining is a body of the tripartite social dialogue system in the social-economic and labour relations field, including in the area of mediation of possible conflict situations between the social partners.

The branch commissions for the regulation of social and labour issues is a social dialogue body created on the basis of parity, which includes representatives of

¹²⁷ Law No. 245-XVI/2006 on the organization and functioning of the National Commission for collective consultations and negotiations, of the commissions for collective consultations and negotiations at branch and territorial level, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=107309&lang=ro

¹²⁸ Law No. 1129/2000 on Trade Unions, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=122740&lang=ro

¹²⁹ Law No. 976/2000 on Employers' Association, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=64325&lang=ro

¹³⁰ Labour Code No. 154/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

ministries (departments), employers and branch trade unions. The committees operate in accordance with the legislation in force and its rules of procedure.

The Tripartite Territorial Commission includes representatives of local government bodies and other specialised bodies in the field, representatives of trade unions and employers in the territory and is formed on the basis of parity. The Commission's work includes negotiating and concluding the Collective Agreement - territorial level, taking into account the specific social-economic development of the territory and ensuring its implementation, settling collective labour disputes, analysing the causes of the emergence of conflict situations and drawing up proposals for their resolution.

The formation and activity of the commissions at national, sectoral and territorial level are regulated by organic law, and of the commissions at unit level - by the standard regulation, approved by the National Commission for Consultations and Collective Bargaining, which is published in the Official Gazette of Moldova.

62. Have there been tripartite national agreements concluded over the past few years? Do they represent an important feature of labour and social law in the country?

Major outcomes of national tripartite social dialogue within the last 10 years include the following tripartite national agreements:

- Collective Agreement No 11 of 28/4/2012 On criteria of mass reductions of jobs;
- Collective Agreement No 12 of 9/7/2012 The form of staff list and nominal identification card for accessing the workplace;
- Collective Agreement No. 14/2013 approving amendments and additions to Collective Agreement (national level) No. 8/2007 "On the elimination of the worst forms of child labour"
- Collective Agreement No. 15/2015 approving amendments and additions to Collective Agreement No.2 /2004 "Working time and rest time";
- Collective agreement no. 16/2018 "On the model of the individual employment contract for the period of performance of a certain work and the model of the act of receipt of the work";
- Collective agreement No. 17/2018 "On the model of the Continuing Vocational Training Contract";
- Collective agreement No. 17/2020 "On the model of the Table of evidence of working time";
- Collective agreement (national level) no. 18 of February 28, 2020 "For the approval of the amendments to the Collective Agreement (national level) no. 4 of July 25, 2005 "On the model of the individual employment contract".
- Collective agreement No. 19/2020 "On the model of Scheduling annual leave".

Other important collective agreements at the national level include:

- Collective Agreement No 1/2004 on Remuneration of employees that are employed on the basis of individual employment contracts;
- Collective Agreement No 2/2004 on Working time and rest time;
- Collective Agreement No 4/2005 On the model of individual employment
- Collective Agreement No 8/2007 on the Elimination of the worst forms of child labour;
- Collective Agreement No 9/2010 on the Minimum amount of guaranteed wages in the real sector of the economy;

Under Moldova legislation, collective agreements are an important source of law. The Constitution of the Republic of Moldova establishes the rights to collective bargaining and guarantees the mandatory nature of collective agreements (Article 43).¹³¹ The Labour Code also lists collective agreements among sources labour legislation and other acts containing labour provisions, and obliges the employer to respect them.¹³²

B. Bipartite social dialogue

63. Please describe how the social partners are structured at the sectoral and branch levels of collective bargaining?

According to Law no. 245/2006, the social partnership at branch level can be of two types:¹³³

- *tripartite*, in the sectors where there are structures of all social partners (trade unions, employers, central public authorities);
- *bipartite*, in sectors where one of the social partners has no structures.

64. At what levels are collective agreements signed mostly? Please supply information about the coverage rate by collective agreements.

Collective bargaining agreements are signed mostly at the unit level. Between 2017 - 2021 at unit level there were concluded:

¹³¹ Constitution of the Republic of Moldova, available in English here:

https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

¹³² Labour Code of the Republic of Moldova No. 154/2003, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

¹³³ Law No. 245-XVI/2006 on the organization and functioning of the National Commission for collective consultations and negotiations, of the commissions for collective consultations and negotiations at branch and territorial level, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=107309&lang=ro

- in 2017 - 553 collective contracts;
- in 2018 - 630 collective contracts;
- in 2019 - 452 collective contracts;
- in 2020 - 543 collective contracts;
- in 2021 - 966 collective contracts (the information includes both collective bargaining contracts and additional agreements to them).

Additionally, between 2017-2021 were negotiated and concluded the following agreements at the branch and territorial levels:

- at the branch level: in 2017 - 7 agreements; in 2018 - 3 agreements; in 2019 – no collective agreements at branch level have not been concluded; in 2020 - 3 agreements; in 2021 - 3 agreements;
- at territorial level: in 2017 - 1 agreement; in 2018 - 1 agreement; between 2019-2021 – no collective agreements at territorial level have been concluded. At the same time, according to the information from the territory, a total of 15 collective agreements were in force during this period.

Between 2004-2020, 20 collective agreements were negotiated and concluded at the national level, of which 10 are basic conventions devoted to various topics in the field of labour and social protection, and 10 are conventions amending the basic conventions.

National collective agreements apply to all members of trade unions of the National Confederation of Trade Unions and members of the employers' associations members of the National Confederation of Employers of the Republic of Moldova.

Data provided by the national-branch trade union centers shows that an average of about 4500 collective bargaining contracts were implemented between 2017 and 2021. Information provided by trade unions shows that, as of January, 2022 the coverage rate with collective agreements in unionised establishments in which there are primary trade union organizations constituted 95.1%.

When it comes to bipartite social dialogue institutions, the lack of organized social partners, mainly employers' organizations in some sectors does not allow for the development of collective bargaining and the conclusion of collective agreements at sectoral level.

65. Does Moldova support capacity building for social partners to help them improve their functioning and effectiveness? Please describe.

Several measures have been introduced to support the efficiency and functionality of social dialogue in the Republic of Moldova.

In 2021, a Social Dialogue Service office has been created at the Ministry of Labour and Social Protection to strengthen the work of the social partners and to provide them with support. One Government priority is the revitalisation of social dialogue after a period of stagnation. In this sense, the Ministry of Labour and Social Protection has taken the lead in organising regular meetings of the National Commission for Consultations and Collective Bargaining.

Joint trainings to support capacity for social partners have been organised by the ILO in cooperation with the Moldovan Government within the framework of Moldova's Country Programmes for Decent Work. The current country programme (2021-2024) includes among envisioned outcomes the setting up of relevant and effective social dialogue platforms at national, territorial and enterprise levels, as well as strengthening the expertise of employers' and workers' organisations in policies and quality services for their member.¹³⁴

66. What are the rules governing the unionisation in the public sector and for civil servants? Please describe limitations if any.

In accordance with the Law no. 158/2008 on civil service and the status of civil servants, the right of civil servants to establish and join trade unions and other organizations is guaranteed.¹³⁵ Civil servants are free to form and join trade unions. Civil servants may associate in professional organizations or in other organizations whose purpose is to represent and protect professional interests.

¹³⁴ Decent Work Country Programme 2021-2024, Republic of Moldova, available in English here: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/genericdocument/wcms_821880.pdf

¹³⁵ Law No. 158/2008 on the Civil Service and the Status of Civil Servants, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130341&lang=ro

EMPLOYMENT POLICY AND ESF

67. Please describe the institutional framework for employment policies in Moldova (main policy documents, main objectives of employment policies/strategies) and the administrative capacity (responsible Ministry and other bodies)

The employment policy is designed by the Employment Policy Department of the Ministry of Labour and Social Protection. The staff of the Employment Policy Department consists of 5 people. During 2017-2021, the employment policy of the Republic of Moldova has been guided by the following objectives set in the *National Employment Strategy*¹³⁶:

- increasing formal and productive employment;
- enhancing the relevance and effectiveness of the education and training system;
- strengthening the labour market governance system; and
- exploiting the potential of migration for sustainable development.

The National Employment Agency is the agency responsible for the implementation of the employment policy. The main objective of the National Employment Agency is to ease the matching of unemployed individuals with job vacancies in enterprises. It provides labour market information, employment counselling and career guidance, and administers active and passive labour market schemes, in line with the principles of ILO Employment Service Convention (C88) of 1948 ratified by Moldova in 1996.

The organizational and geographical structure of the National Employment Agency ensures the availability of employment services, vocational training and access to unemployment insurance benefits throughout the country. The National Employment Agency has a staff of 244, out of which 50 are based in the central office and 194 staff are in 35 local employment offices. Local employment offices do not have juridical status.

Currently, the Ministry of Labour and Social Protection is developing a new employment programme for 2022-2026. The draft of the new employment programme focuses on four objectives:

- revising employment and labour legislation to address inactivity traps, informal employment and reconciliation of work and family life;
- expanding the investment and the scope of active labour market policies;
- increasing the reach and efficiency of the social protection system, while decreasing inactivity and welfare traps; and
- improving institutional capacity to deliver on the objectives of the labour, employment and social protection reforms (National Employment Agency, State Labour Inspectorate, Social Services network) and fostering social dialogue.

¹³⁶ Government Decision No. 1473/2016 on National Employment Strategy for 2017-2021, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=98639&lang=ro.

68. Please describe the implementation of employment programmes and measures: legislative framework, responsible bodies, ways of financing, monitoring, follow-up etc.

The legislative framework on employment programmes and measures is embedded in Law No. 105/2018 on promotion of employment and unemployment insurance¹³⁷. The law establishes a labour market analysis and forecasting system. The law reshaped the structure, organization and service delivery system of the National Employment Agency; refined the content of employment services and introduced recognition of prior learning and vocational rehabilitation services; enacted a new portfolio of active labour market programmes (on-the-job training, internship, self-employment assistance, grants for workplace adaptation, wage subsidies and local project initiatives); and introduced a monitoring and evaluation system for active labour market programmes.

The National Employment Agency registers the unemployed clients, helps individuals make employment plans, and provides group employment counseling sessions. Services for employers include job mediation – carried out electronically by matching the key features of the vacancy with the characteristics of registered unemployed – short-listing potential job candidates, arranging job interviews either at the local employment office or at the employers' place of businesses.

The employment policy is funded by the state budget. The unemployment insurance benefits is established by the National Employment Agency and are paid by the local social security offices from the social security budget, by local insurance offices.

¹³⁷ Law No. 105/2018 on employment and unemployment insurance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130921&lang=ro#,

Budget for Active Labour Market Programmes and Measures, 2022

	Expenditures (L)	Number of beneficiaries
Total expenditures, including:	41,635,900 L	
Subsidies granted to private employers	13,806,300 L	
Scholarships for the unemployed	11,180,100 L	2,075
Other social benefits	10,388,700 L	
Expenditures on training of the unemployed (accommodation and transport)	9,490,700 L	
Expenditures for job subsidies	6,465,600 L	400
Other services	5,925,000 L	
Expenditures for vocational training for the unemployed (1,500 people)	5,100,000 L	1,500
Expenditures on subsidies paid to employers for the traineeship of the unemployed	3,030,300 L	375
Expenditures on subsidies paid for training the unemployed	1,616,400 L	200
Subsidies for job creation or adaptation	898,000 L	10
Grants to support starting a business	898,000 L	10
Grants to support local initiative projects	898,000 L	10
Employment mobility costs (100 people)	898,000 L	100
Assisted employment services	485,000 L	10
Expenditures on vocational training for the unemployed	180,000 L	200
Banking services	155,800 L	
Newsletter publishing services, leaflets, etc. for the unemployed	100,000 L	
Procurement of office supplies and household supplies	100,000 L	
Expenditures for work mediation (informative seminars, information and professional counseling)	100,000 L	
Telephone and internet services	80,000 L	
Expenses for self-employment services (telephone and internet services for the unemployed, call center)	80,000 L	
Training certification services	60,000 L	30

Source: Ministry of Labour and Social Protection

Passive labour market policies

Unemployment insurance benefits amount to 50% of the person's average salary in the last 12 months of employment – but not higher than the national average wage of the previous year – if the job loss is due to the liquidation/closure of the enterprise, staff reduction, or worker's death (art. 45 of Law No. 105/2018 on promotion of employment and unemployment insurance¹³⁸). In other circumstances the unemployment insurance benefit amounts to 40% of the person's average salary in the last 12 months. The unemployment insurance benefits depend on job tenure and ranges from a five-month payment (for a tenure of minimum 12 months) to a nine-month payment for workers with a tenure of 15 years and higher.

During the Covid-19 pandemic, the eligibility criteria for accessing the unemployment insurance benefits were relaxed to provide support to unemployed persons with no social security record. As a result, the number of individuals who received the unemployment insurance benefits in 2020 totalled over 24,000 persons, where 39% of people were entitled to the standard unemployment insurance benefits, and the remaining 61% benefitting from the *ad hoc* unemployment insurance benefits enacted during the emergency period.

¹³⁸ Law No. 105/2018 on promotion of employment and unemployment insurance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro#

The Ministry of Labour and Social Protection with the support of the Labour Market Observatory monitors the active labour market measures. The Labour Market Observatory, established within the National Employment Agency, has the responsibility to systematize and analyse the statistical data recorded by the National Employment Agency, such as employment, unemployment, work conditions, job vacancies, earnings, jobseekers, and employers.

Follow-up reports are being developed for active labour market measures, such as reports on self-employment and local employment initiatives. These reports aim at evaluating the efficiency of these programmes.

69. How do labour market policy delivery systems function? What are the registration rates of the unemployed? What is the registration share of men and women?

The National Employment Agency is responsible for providing employment measures to jobseekers and employers. The Ministry of Labour and Social Protection establishes annual objectives for the National Employment Agency taking into account the available budget for each active labour market measure.

In 2021, number of unemployed registered by the National Employment Agency was 37,000 people, and the number of unemployed estimated by the Labour Force Survey of the National Bureau of Statistics is 28,200 people.

Registered Unemployment and Job Vacancies at the National Employment Agency (2015-2021)

Indicators	2015	2016	2017	2018	2019	2020	2021
Number of registered unemployed people	50,612	50,061	42,119	35,544	31,484	50,248	37,001
Number of the unemployed that got a job	16,780	17,654	16,648	14,702	11,245	9,137	8,720
Number of registered job vacancies	42,345	44,612	45,426	49,200	34,283	24,101	28,740
Unemployment rate	4.9%	4.0%	3.9%	2.9%	5.1%	3.8%	3.2%
Registered unemployment rate	4.9%	4.8%	4.2%	3.5%	3.4%	5.7%	4.3%

Source: National Employment Agency, National Bureau of Statistics

70. What are the active labour market measures in place? What is the share of unemployed addressed by these measures? How is the active labour market policy funded and what is the expenditure allocated?

The National Employment Agency implements the following active labour market measures:

Trainings: This programme provides qualification, upskilling and requalification training, organized by public and private training providers according to established occupational standards and on-the-job training organized and delivered by enterprises on the basis of a contract signed by the individual beneficiary, the

National Employment Agency, a training provider and the enterprise. In 2021, the National Employment Agency provided qualification, upskilling, and recalification trainings to 886 persons. That is 2.4% of the registered unemployed.

Traineeships: Registered unemployed individuals with a period of relevant work experience have the opportunity to do a traineeship in a host organization (a private or public enterprise, non-profit organization or public administration body) with the objective to improve their employment prospects. In 2021, the National Employment Agency organized traineeships for 263 persons. That represents 0.7% of the registered unemployed.

Job subsidies are available for employers who hire unemployed individuals who are from vulnerable categories, such as persons with disabilities, older people, victims of domestic violence or human trafficking, ex-detainees and persons with substance abuse issues. The enterprises receive a reimbursement that is equal to the national monthly minimum wage for six months. The employer is required to employ the individual for a minimum of twelve months.

The new legislation also establishes an incentive for the recruitment of workers with disabilities and workplace adaptation. Enterprises that hire workers with disabilities can receive up to ten times the amount of the average wage for each job created. The employment of the individual must last at least three years. The costs estimated by the enterprise to adapt the workplace for workers with disabilities are subsidized at 50%. In 2021, the National Employment Agency provided job subsidies for 382 persons. That is 1.0% of the registered unemployed.

Self-employment support: The National Employment Agency provides counselling, guidance on business start-ups, and grants to cover parts of the business start-up costs (50% of the costs estimated to set up the activity, but not exceeding an amount equal to ten average monthly salaries of the preceeding year) and provided that the self-employed venture remains operational for at least three years.

Local project initiatives: The National Employment Agency offers to enterprises and individual entrepreneurs a grant to cover part of the costs of an expansion of their business, provided that this expansion creates at least one new job for a registered unemployed. Employers have the right to receive a grant equal to 65% of the costs estimated in the business expansion plan, but not more than 10 average wages. In 2021 the National Employment Agency provided 7 grants.

Mobility grants are available to those unemployed who accept a job offer in a different area than their residence. The individual receives a subsidy that equals to one average monthly salary if the individual commutes at least 30 km from their place of residence for a job. If the individual decides to relocate to a locality that is at least 30 km from their place of residence, then he/she receives three average monthly salaries. In 2021, the National Employment Agency provided mobility grants for 112 persons. That is equal to 0.3% of the registered unemployed.

All the active employment measures are funded from the state budget.

71. Is there a Social Fund equivalent or similar to the European Social Fund (ESF)/ European Social Fund+ (ESF+)?

There is no Social Fund in Republic of Moldova equivalent to the European Social Fund. Social projects are funded from external sources.

72. What is the administrative capacity for dealing with such a funding instrument?

N/A

73. Ministries, administrations involved;

N/A

74. Inter-ministerial co-ordination;

N/A

75. Vocational education and training systems;

N/A

76. Public employment services;

N/A

77. Participation of other authorities/partners (partnership)?

N/A

SOCIAL INCLUSION

A. Evaluation of current data situation and structures

78. What are the main challenges in [the country] related to poverty and social exclusion? Can you identify vulnerable groups most affected by poverty and social exclusion and present data/estimates about their size (e.g., persons with disabilities, children and young people, women, single-parent households, long-term unemployed, persons in informal sector/subsistence agriculture, the elderly) and describe reasons underlying their vulnerability?

A significant number of people still live in poverty in Moldova. The most vulnerable groups are single pensioners and families with many children living in rural areas. Disability is an additional significant risk factor. Although salaries and social protection payments have increased in recent years, these remain low and insufficient to lift large swathes of the population out of poverty.

The minimum wage in the public sector in 2022 is 3100 MDL¹³⁹ (157 EUR)¹⁴⁰ and 3500¹⁴¹ MDL (176 EUR) in the real sector of the economy. The average old-age pension in March 2020 was 2653 MDL¹⁴² (133 EUR), the average disability pension was 1753 MDL (88 EUR) with the minimums being respectively 2000 MDL (100 EUR) and 1500 MDL (75 EUR) for severe disability. The government has made significant efforts over the last 9 months to increase support across all categories. The minimum old-age pension was raised in October 2021 by 68% from 1188 MDL to 2000 MDL and the minimum pension for severe disability from 891 MDL to 1500 MDL.¹⁴³ The minimum wage in the public sector increased from 2200 MDL in 2021 to 3100 MDL in 2022, an increase of 40% and by 20% from 2935 MDL to 3500 MDL in the real sector of the economy.¹⁴⁴

The National Bureau of Statistics (NBS) presents statistical information on the poverty level according to the standard set of poverty indicators estimated based on the results of the Household Budget Survey (HBS).

The Household Budget Survey is the main source for measuring poverty in the Republic of Moldova. It has been used for setting the national poverty line, official poverty measurement and as the main source for assessing the impact of various

¹³⁹ Law Nr. 270/2018 on the unitary wage system in the budgetary sector, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=129289&lang=ro#

¹⁴⁰ Official exchange rate of the National Bank of Moldova, available here: <https://www.bnm.md/ro/content/ratele-de-schimb-1-EUR/19.84-MDL>

¹⁴¹ Government Decision No 165/2010 on the guaranteed minimum wage in the real sector, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130299&lang=ro#

¹⁴² Data from the National Insurance House, available in Romanian here: <https://cnas.gov.md/doc.php?l=ro&idc=244&id=5780&t=/Statistica/INFORMATIE-privind-beneficiarii-de-pensii-alocatii-sociale-de-stat-si-indemnizatii-adresate-familiiilor-cu-copii-aflati-la-evidenta-Casei-Nationale-de-Asigurari-Sociale-la-situatia-de-01042022-pina-la-indexare>

¹⁴³ Government Decision No. 162/2021 on the indexation of insurance benefits, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=127712&lang=ro

¹⁴⁴ Government Decision No. 165/2010 on the guaranteed minimum wage in the real sector, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130299&lang=ro#

socio-economic policies on poverty. The HBS provides comprehensive information on the standard of living of the population in the Republic of Moldova by collecting household data on income and consumption as well as non-monetary indicators on education, health, employment, housing conditions, ownership of durable goods and self-assessment of living standards. The main indicator for measuring poverty is the **poverty rate**, which is the proportion of people whose consumption expenditure is below a set poverty line (absolute and extreme) and is determined by the availability of the means that would allow the population to meet the minimum, nationally acceptable, basic needs. The absolute and extreme poverty line are not relative but absolute measures.

The **absolute poverty line** averaged 2095.1 lei per person per month in 2019 and 2020 and the **absolute poverty rate** in 2020 was 26.8%. At the same time, the **extreme poverty line** averaged 1689.7 lei per month per person and the **extreme poverty rate in 2020** was 10.8%.¹⁴⁵

The National Bureau of Statistics calculates disaggregated poverty statistics by household size, region, household composition, number of children in the family, age of head of the family, main income and education level. The poverty rate is highest in single households and those that have 5 members or more. The largest households are the ones with the highest number of children.

Absolute poverty rate by household size		
Household composition	2019	2020
1 person	28.0	31.0
2 persons	23.0	24.4
3 persons	21.6	22.6
4 persons	21.0	22.6
5 persons and more	38.5	39.0

Households with 3 and more children are most affected by poverty.

Absolute poverty rate by number of children in the household		
Number of children in the family	2019	2020

¹⁴⁵ National Bureau of Statistics data, available in Romanian here: <https://statistica.gov.md/category.php?l=ro&idc=445>

With children	23.3	25.3
1 child	18.4	20.9
2 children	20.9	21.4
3 children and more	38.1	42.1
No children	27.2	28.4

The poverty rate is higher among households with whose heads are older.

Absolute poverty rate by age of the head of the household		
Age of the head of the household	2019	2020
60 - 64 years	28.8	28.5
65 years and more	40.8	41.1

With regards to disability, the statistical data shows that it is a compounding factor affecting the financial well-being of the family. Families with members that have a disability report a lower standard of living and face more severe financial hardship.

Households that rely primarily on income from agricultural work are significantly poorer than other households. Families whose main source of income is salary in the non-agricultural sector are more than twice less likely to be below the poverty line than those whose income comes primarily from agriculture. This holds true regardless of whether the income comes from salaried work in agriculture or self-employment. For both sources of income, the poverty rate is higher than for the equivalent in the non-agricultural sector.

Absolute poverty rate by the main source of income of the family		
	2019	2020
Salary in the agricultural sector	43.2	37.9
Salary in the non-agricultural sector	11.9	14.5
Self-employment in agriculture	38.4	35.4
Self-employment in the non-agricultural sector	22.0	25.1
Pension	38.3	39.5

Remittances	16.1	25.3
Other	46.2	48.8

Another indicator used to measure poverty is the **Depth of Poverty** Index, which represents the average shortfall in population consumption required to cross the poverty line. In 2020, this indicator was 3.7%. The degree of inequality among the poor is measured by the **poverty severity** index, which is the distribution of wealth among the poor relative to the poverty line. In 2020, poverty severity was 1%.

Lack of well-paid employment opportunities as well as the precariousness of the social protection system create significant premises for the persistence of a high rate of poverty in the country. Old-age poverty is to a large extent the result of the very difficult early years following Moldova's independence characterized by a chronic lack of jobs and informality that had a direct impact on the pension system and led to very low pensions for retirees. There is a nearly two-fold gap between the average pension in the country and the pensions set in the last 3 years. Rural poverty is determined by a chronic lack of formal and decently paid jobs, with over 181 thousand people working in agriculture predominantly as daily labourers¹⁴⁶ with no social protection.

79. Is there any policy document in place to address poverty and social exclusion in Moldova, including the above individual vulnerable groups? Could you outline main measures and financial allocations?

There is no single unitary document outlining the mid and long-term strategy to reduce poverty in the country, however there are a number of policy documents that have a direct bearing upon this issue. The relevant documents in the context of reducing poverty are:

- The Governmental Action Plan for 2021-2022 adopted in October 2021 (GAP)¹⁴⁷
- The National Strategy for Employment 2017-2021 (NEP)¹⁴⁸
- The National Action Plan for the Social Inclusion of People with Disabilities (NAPSIPD)¹⁴⁹

Key actions envisaged by these documents ranked according to impact on poverty:

¹⁴⁶ Statistics bank data, available here:

http://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala__03%20FM__03%20MUN__MUN020/MUN120200.px/table/tableViewLayout1/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774

¹⁴⁷ Government Decision No. 235/2021 Regarding the approval of the Action Plan of the Government for 2021-2022, available in English here: https://gov.md/sites/default/files/document/attachments/hg_nr.235_13.10.2021-engl.pdf

¹⁴⁸ Government Decision No 1473/2016 on the approval of the National Employment Strategy for 2017-2021, available in Romanian here: <https://www.legis.md/cautare/downloadpdf/98639>

¹⁴⁹ Government Decision No 723/2017 on the approval of the National Programme for Social Inclusion of People with Disabilities for 2017-2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=101863&lang=ro

No .	Action	Description	Document	Cost	Status
1	Increasing the minimum pension to 2000 MDL (100 EUR)	An increase of 68% in the minimum pension from 1188 to 2000 MDL. 308 thousand old age-pensions have increased. And a further 125 thousand people have seen their disability pension increase or their various benefits linked to the minimum pension.	PAG	2 billion MDL first year and indexed thereafter	Implemented in October 2021
2	Reviewing the indexation formula all pensions	Changing the indexation formula from average yearly CPI to end of the year CPI and providing for an additional yearly increase based on 50% of real GDP growth. The change in CPI resulted in a indexation of 13.4% in April 2022 instead of 5.1% and a further increase of 7% of pensions due to GDP growth.	PAG	2,2 billion MDL for 2022 and indexed thereafter	Implemented in October 2021 and April 2022
3	Reforming the Social Benefit Program	The reform is looking to double the number of beneficiaries of social benefits, particularly targeting families with children.	PAG	Total cost of the program 646 million MDL	Revised parameters to be implemented starting with September 2022. Law adopted in April 2022.

4	Elaborating active employment measures for supporting employment of vulnerable groups	Subsidies to employers for employing chronic unemployed, young people, people with disabilities and other vulnerable groups	NEP and NAPSID	Total cost for 2022 10 million for active measures	Employment subsidies and subsidies for reasonable adaptation of the working space have been provided since 2019. In 2021 an additional mobility subsidy for people with disabilities was adopted.
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The key existing mechanism for reducing poverty via targeted transfers is the Social Benefit Program that includes regular payments and additional top-ups during the coldest 5 months of the year for covering increased energy costs. The Social Benefit Program was launched in 2008 and was designed as a program based on the proxy assessment method through cash transfers, replacing those provided based on categorical benefits (Law No 133/2008 on Social Aid and the Regulation¹⁵⁰ on how to establish and pay social aid approved by Government Decision No 1167/2008). The program was introduced as a measure to counteract the fragmentation of social protection payments and the inefficiency of public expenditures. The program provides a guaranteed minimum monthly income (GMI) which is a calculated minimum level guaranteed by the state to a family (currently 1363 lei per adult/68EUR) and includes three sets of criteria, which applicants must meet to qualify for benefits. In addition to an assessment of the income and occupational status of family members, it also includes a proxy score that assesses family well-being. To qualify for the program, families must meet all three sets of criteria. Families who are eligible for the program are also eligible for Aid in Cold Weather Relief (APRA). However, the income threshold for APRA is higher than for Social Assistance (SA) and therefore more families qualify for this financial support. Efforts to ensure self-sufficiency focus on assisting unemployed members of beneficiary families to find work.

There are currently 47 thousand families that receive social benefits and 239 thousand benefited from APRA.

¹⁵⁰ Law No 133/2008 on social aid, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130489&lang=ro#

Year	No of families (who received at least one payment)		Average benefit		Budget for each year, mln, MDL		Guaranteed minimum, MDL	
	AS	APRA	AS	APRA	AS	APRA	AS	APRA
2020	96 997	247 776	920	500	659	506	1107	2435
2021	78 978	262 586	1080	700	645	484	1196	2631
2022 (3 months)	47 153	238 998	1120	700	681	947	1363	2998

80. Territorial disparities: Describe poverty and social exclusion in terms of urban/rural and of regional factors. Describe the regional distribution of ethnic/cultural communities.

The area of residence remains to be an essential factor determining the population wellbeing level. The poverty level in rural areas continues to remain higher than in urban areas. Poverty in rural areas is associated with a reduced level of modernization and with an economic life dominated by the agriculture.

The level of poverty in rural areas is 2.5 times higher than in urban areas. The rural poverty rate was 35.3% in 2020, compared to 14% in urban areas. Rural poverty is a basic problem in the Republic of Moldova, about 72% of all the poor coming from rural areas. Poverty in rural areas is linked to the disadvantages of rural areas, which may be associated with a lack of jobs and basic services.

There are significant discrepancies between big cities (Chisinau, Balti) and small ones in terms of the poverty level. More limited economic opportunities result in higher levels of poverty in small cities compared to big ones. In small towns the absolute poverty rate is 2.8 times higher than in big cities (22.2% compared to 7.9%), although this rate is 1.6 times lower than in rural areas (22.2% compared to 35.3%).

In 2020, due to the pandemic crisis, the level of poverty increased both in urban and rural areas. The poverty rate in rural areas increased by 0.9 pp, in small towns – by 2.5 p. p., in big cities – by 3 pp. The data show that the pandemic crisis has more affected the wellbeing of the town inhabitants, as the economic activities in urban areas are more developed and have been more affected by the crisis (job cuts, closures of enterprises etc.).

Absolute poverty rate by area of residence, %, 2014-2020

	2014	2015	2016	2017	2018	2019 ⁽ⁱ⁾	2020
Absolute poverty rate, %							
Population, total	29.5	25.4	26.4	27.7	23.0	25.2	26.8
Urban areas	15.6	11.2	11.6	11.8	10.6	11.2	14.0
Big cities	8.3	5.2	6.5	8.4	6.7	4.9	7.9
Small towns	24.6	19.0	18.2	16.6	16.5	19.7	22.2
Rural areas	39.5	35.6	37.1	38.8	31.6	34.5	35.3

Significant discrepancies continue to exist between the country zones with respect to the poverty level. The poorest zone of Moldova is the South, where the poverty rate is 42.9%, being followed by the Center – 30.6%, the North – 28.1%, and Chisinau – 7.6%. In the southern part of Moldova the poverty rate is 12.3 percentage points higher than in the Center of the country, 1.5 percentage points higher than in the North, and 6 times higher than in Chisinau. As compared to other regions of the country, Chisinau has production factors and infrastructure elements that are necessary for attracting investments and accelerating the social-economic development of the city, thus ensuring a higher level of wellbeing for the population.

In 2020, poverty level has increased in all zones of the Republic of Moldova, the highest increases being registered in Chisinau and the southern region. In the North of the country poverty increased by 0.4 pp., in the south of the country – by 2,5 pp., and in the Chisinau municipality – by 3.2 pp. The significant increase in poverty in the South has led to an increase in the discrepancies between the level of the population well-being in this area and the rest of the country, the South zone being already the poorest region.

Absolute poverty rate by statistical zones, 2014-2020 (%)

	2014	2015	2016	2017	2018	2019 ⁽ⁱ⁾	2020
Absolute poverty rate, %							
Population, total	29.5	25.4	26.4	27.7	23.0	25.2	26.8
North	31.9	26.5	30.5	31.1	28.4	27.7	28.1
Center	38.5	35.6	35.7	36.6	28.7	29.8	30.6
South	35.1	30.9	30.8	33.8	28.8	40.4	42.9
Chişinău	10.7	6.9	6.5	7.5	4.7	4.4	7.6

The latest available data on the ethnic communities in the Republic of Moldova are the data of the 2014 census.

Republic of Moldova is a country with ethnic diversity. According to the 2014 census, 74% of the citizens are Moldovans, 7% - Romanians, 6% - Ukrainians, 4% - Gagauzians, 4% - Russians, 2% - Bulgarians, 0.3% - Roma. The ethnic concentration is higher in urban areas than in rural ones. While 72% of the Moldovan community is distributed in villages and 28% - in towns, the Russian, Bulgarian and Roma

communities live mainly in urban areas (74%, 51% and 69%, respectively). The other ethnic groups represent about 37% of the total urban population, and only 19% - in rural areas.

Ethnic groups by areas of residence in the Republic of Moldova

Ethnicity / area of residence	Total	Urban	Rural	Ethnic distribution by areas of residence		Ethnic distribution within the areas of residence	
				Urban	Rural	Urban	Rural
Moldovans	2 068 058	581 485	1 486 573	28.1	71.9	63.4	80.9
Romanians	192 800	87 036	105 764	45.1	54.9	9.5	5.8
Ukrainians	181 035	78 811	102 224	43.5	56.5	8.6	5.6
Russians	111 726	83 206	28 520	74.5	25.5	9.1	1.6
Gagauzians	126 010	43 275	82 735	34.3	65.7	4.7	4.5
Bulgarians	51 867	26 359	25 508	50.8	49.2	2.9	1.4
Roma	9 323	6 463	2 860	69.3	30.7	0.7	0.2
Other	13 900	10 067	3 833	72.4	27.6	1.1	0.2
Total	280 4801	933 368	1 871 433	33.3	66.7	100.0	100.0

The highest ethnic concentration is in Chisinau, where 35% of the population are of different nationalities than the Moldovan one. The Central region of the country is the least diversified, with the 15% of the population of other ethnicities. In ATU Gagauzia about 84% are Gagauzians, the share of Moldovans being about 5%. The Romanian community is mainly concentrated in the Central region (41% of the total Romanian population in the Republic of Moldova) and Chisinau (34%), the Ukrainian community - in the North of the country (about 58%), the Russian community - in Chisinau (38%) and in the northern region (32%), Bulgarians - in the south of Moldova (about 73%), Roma - in the north of the country (66% of the total Roma).

Ethnic groups by regions in the Republic of Moldova

	Moldovans	Romanians	Ukrainians	Russians	Gagauzians	Bulgarians	Roma	Other	Undeclared	Total
Population										
Total	2068058	192800	181035	111726	126010	51867	9323	13900	50082	2804801
Center	821722	78572	30705	14304	782	1837	1399	2289	10482	962093
North	597162	21126	104851	35525	557	610	6240	3266	14368	783705
South	338022	27440	15171	15379	9176	38006	1062	1585	9225	455066

ATU Gagauzia	6292	57	331	434	112	656				1345
Chişinău Municipality	30486	656	269	421	310	485				4694
	0	05	91	74	8	0	256	4	04	02
Ethnic distribution by areas of residence										
Center	39.7	40.8	17.0	12.8	0.6	3.5	15.0	16.5	20.9	34.3
North	28.9	11.0	57.9	31.8	0.4	1.2	66.9	23.5	28.7	27.9
South	16.3	14.2	8.4	13.8	7.3	73.3	11.4	11.4	18.4	16.2
ATU Gagauzia	0.3	0.0	1.8	3.9	89.2	12.7	3.9	5.8	0.8	4.8
Chişinău Municipality	14.7	34.0	14.9	37.7	2.5	9.4	2.7	42.8	31.2	16.7
Ethnic distribution within the areas of residence										
Total	73.7	6.9	6.5	4.0	4.5	1.8	0.3	0.5	1.8	100.0
Center	85.4	8.2	3.2	1.5	0.1	0.2	0.1	0.2	1.1	100.0
North	76.2	2.7	13.4	4.5	0.1	0.1	0.8	0.4	1.8	100.0
South	74.3	6.0	3.3	3.4	2.0	8.4	0.2	0.3	2.0	100.0
ATU Gagauzia	4.7	0.0	2.5	3.2	83.5	4.9	0.3	0.6	0.3	100.0
Chişinău Municipality	64.9	14.0	5.8	9.0	0.7	1.0	0.1	1.3	3.3	100.0

81. Please describe institutional framework for designing and implementing anti-poverty and social inclusion policies at national, regional and local levels. Who is responsible for policy coordination among the relevant departments in the administration at national, regional and local levels? Is there regular monitoring and evaluation in place?

The framework law in the field of social assistance is the Law No. 547/2003 on Social Assistance, which determines the principles and objectives of social assistance, guarantees the right to social assistance (social benefits and services) and sets out the requirements for social workers.¹⁵¹

Chapter IV of the Act describes the organization and functioning of the social assistance system:

- ***Social assistance at national level*** – the Ministry of Labour and Social Protection is the authority within the central public administration that coordinates the activity of social assistance provision and evaluates the functioning of the social assistance system responsible for developing and promoting social assistance policy at national level; developing and promoting normative acts for the implementation of policies in the social assistance system; evaluating the impact of policies in the field of social assistance as well as other tasks provided for by the Government Decision

¹⁵¹ Law No. 547/2003 on Social Assistance, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129339&lang=ro#

No 149/2021 with regard to the organization and functioning of the Ministry of Labour and Social Protection.¹⁵²

- ***Social assistance at regional level - the regional public administration authorities*** manage the regional social assistance departments, which, together with the local authorities and in collaboration with civil society representatives, implement social assistance policy and ensures the application of legislation at territorial level. The second level local public administration authorities through the territorial structure of social assistance: identify social problems in the administrative-territorial area and draw up strategies for the development and provision of social assistance in accordance with the Government's social policy promoted by the Ministry of Labour and Social Protection; organize and provide social assistance according to the needs identified; generalize and systematize the information on the social assistance provided and analyses its effectiveness.
- ***Local public administration authorities***: evaluate local needs for social services and benefits; adopt and develop local strategies to support disadvantaged persons and families; can implement and finance local social services.

The Ministry of Labour and Social Protection cooperates with the first and second level local public administration authorities and with representatives of civil society to develop social services and ensure their quality. It also identifies the training needs of the staff employed in the social assistance system, ensures the improvement of their professional capacities; develops cooperation relations with similar international institutions and organizations, concludes cooperation agreements with them and creates and develops the IT systems in this field.

The Ministry is responsible for developing policies in the field of social protection with local and regional authorities being primarily responsible for the implementation of these policies namely – the development of relevant social services. Payments are overwhelmingly run centrally, with local and regional authorities being allowed to provide social protection payments from their local budgets, but rarely having the resources to do so. Social services are by contrast the purview of regional authorities, with the Ministry managing via the National Agency of Social Assistance only highly specialized services.

In terms of monitoring and evaluation, the Ministry of Labour and Social Protection draws up annually a **Social Report**¹⁵³, which presents an analysis of the situation in the field of labour and social protection. The report is an important tool for monitoring the social situation in the country over the course of a year, while providing a retrospective picture of the path followed over several years. As a useful working tool, the Report is aimed at a wide readership interested in social protection issues.

¹⁵² Government Decision No 149/2021 on the organization and functioning of the Ministry of Labour and Social Protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=127625&lang=ro

¹⁵³ Annual Social Report, 2021, Ministry of Health, Labour and Social Protection, available in Romanian here: https://msmps.gov.md/wp-content/uploads/2021/05/RAPORT-SOCIAL-ANUAL_2019.pdf

Specialists from the Ministry of Labour and Social Protection, the National Employment Agency, the National Social Assistance Agency and other subordinate institutions, the National Social Insurance House and the Social Assistance and Family Protection Sections/Directorates participate in the preparation of the Annual Social Report.

The Annual Social Report consists of several chapters and is an analysis of the situation within the national social protection system, in the context of that year's social-political and economic. The report covers:

- An update of the indicators of social and economic development of the Republic of Moldova for the previous year, as well as the evolution of demographic variables of interest.
- Aspects of employment and migration policies, labour remuneration and professional training of staff.
- The performance of the social insurance system touching on all key aspects regarding the social insurance payments in place.
- The analysis of the effectiveness and efficiency of the social assistance system in terms of social benefits and services.
- Family and child welfare policies and their yearly results.
- A retrospective of social policies in the field of gender equality, preventing and combating domestic violence and trafficking in human beings, and protecting people affected by HIV/AIDS.
- Reflections on social protection issues for people with disabilities.

82. Describe the organisational structure of institutions involved in these policies, the role of social service providers, NGOs, advocacy groups, the co-ordination among the institutions and the coverage of their activities. Which are the financing authorities and mechanisms?

Several institutions have a key role to play in designing and implementing social inclusion policies. The Ministry of Labour and Social Protection has the leading role in developing policy and monitoring and evaluation. Social insurance payments and social assistance payments are overwhelmingly paid by the National Social Insurance House that is a specialized institution subordinated directly to government. These are financed from the budget for social insurance or the state budget respectively. Funds for social payments are generally transferred from the state budget to the social insurance budget and released to beneficiaries by the National Social Insurance House.

There are 2 key targeted social benefit payments in Moldova developed by the Ministry and paid from the state budget via the National Social Insurance House with beneficiaries being identified by the social assistants employed by regional social assistance departments. The potential claimants are processed by the social assistants for social benefits and energy cost compensations payments. Disability benefits and

pensions are paid respectively from the state budget and the social insurance budget by the National Social Insurance House, following the award of the disabled status by the National Council for Determining Disability.

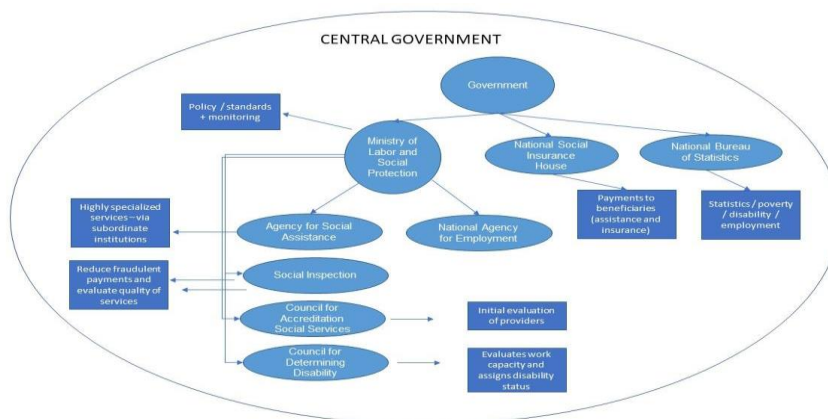
Active measures for supporting employment of vulnerable groups are developed by the Ministry, implemented by the National Employment Agency and paid for from the state budget.

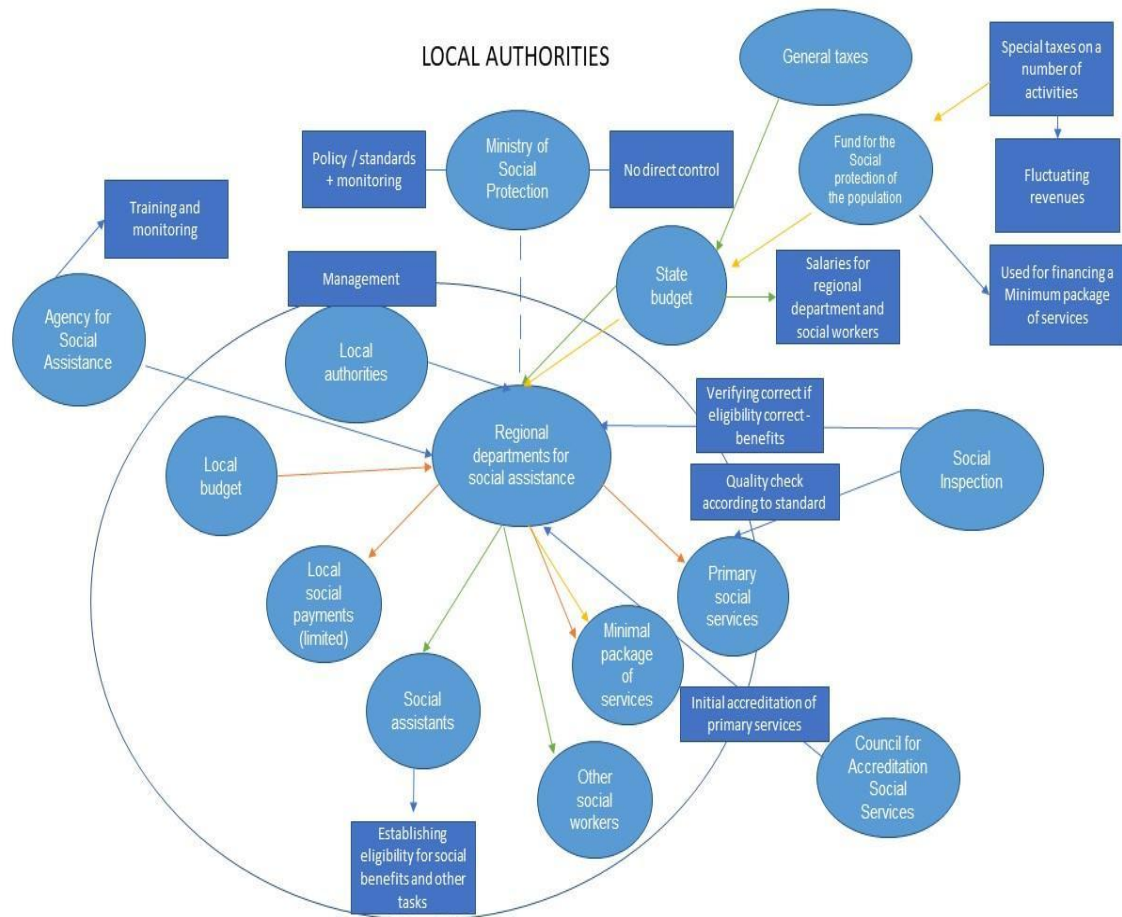
Social services depending on their level of complexity are either implemented by the National Agency for Social Assistance and paid for from the state budget or if less complex implemented by the regional or local authorities and financed from the local budget. The Ministry is monitoring implementation and setting the standards that local authorities must abide by. Initial accreditation of social services is the purview of the National Council for the Accreditation of Social Services and follow-up evaluations are carried out by the Social Inspection.

The National Council for the Accreditation of Social Services is responsible for the accreditation of the social service provider according to the standards developed by the Ministry for all potential service providers, be it the institutions subordinated to the National Agency for Social Services (highly specialized), regional departments (primary services), or private providers.

The reform of the national social services system started in 2010 with the adoption of the *Law on Social Services*, which aimed to create and regulate the integrated system of social services. The law classified social services into the following categories:

- a) primary social services;
- b) specialized social services;
- c) highly specialized social services.





Primary social services are services that are provided at community level to all beneficiaries and aim to prevent or limit situations of hardship that may cause marginalization or social exclusion. *Specialized social services* are services that involve the training of specialists and aim to maintain, rehabilitate and develop individual capacities to overcome a situation of difficulty in which the beneficiary or his family finds himself. *Highly specialized social services* are services provided in a residential institution or a specialized temporary placement institution, which require a range of complex interventions that may include any combination of specialized social services, provided to highly dependent beneficiaries requiring continuous supervision (24/24 hours).

At national level, the Ministry of Labour and Social Protection is the central authority for the implementation of social assistance policies and has the main responsibility for the provision of social services at national level. The Ministry formulates and promotes social assistance policies, including social services. It also organizes and manages social welfare institutions providing highly specialized services where such institutions cannot be organized and managed by local government authorities. This is achieved via the National Agency for Social Assistance that has several highly specialized institutions under its control.

The development and provision of social services to disadvantaged groups are also laid down in the Local Public Administration Act, No 436/2006.¹⁵⁴ According to Article 43, para. (1), the regional council exercises several powers including: *"approves programs for the development of social services, according to the needs of the district, and identifies the necessary financial sources"* (let. j¹). Art. 53, para. (1), states that the district chairperson exercises several basic duties, including: *"organizes the examination of the district's needs in terms of types of social services, proposes for approval by the district council, according to the needs established, the social services development program"* (let. k¹), *"ensures the elaboration and approval, under the law, of draft social services development programs and"* (let. k²).

According to the provisions of Articles 9 and 10 of the Law no. 123/2010 on social services, the functioning and development of the integrated system of social services is established by the regional public administration authorities, which ensure the development and management of social services in accordance with the competences established by law, according to the identified needs of the population in the administered territory, either autonomously or jointly with other local public administration authorities, as well as in collaboration with economic agents, employers, trade unions in their territory and with non-governmental organizations from Moldova and abroad.

Primary social services and specialized social services are financed from the budgets of the administrative-territorial units of the first and second level local public administration authorities. In order to support local public authorities in the process of creating and developing social services, as well as to ensure the functionality of urgently needed social services, a number of legislative acts have been amended, including the Law on the Population Support Fund, No 827 of 18.02.2000¹⁵⁵, which provides for the financing of the minimum package of social services from the means of the Population Support Fund, through earmarked transfers from the state budget to the second level local budgets.

NGO's working in the social sphere, in accordance with their statutes and legislation, have the right to provide social services and to participate in the implementation of state programs and projects in the field of social services, under the terms of the law. The admission of private providers/non-commercial organizations as social service providers opens the way for competition, performance in the public sector.

The list of services that can be provided by public and private providers is approved by the Ministry of Labour and Social Protection. The list was first

¹⁵⁴ Law No 436/2006 on local public administration, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130401&lang=ro#

¹⁵⁵ Law No 827/2000 of the population support fund, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130487&lang=ro#

adopted in 2011.¹⁵⁶ Following inclusion in this catalogue the service has to have quality standards and standard costs approved by governmental decree. With this in place, the service can be either publicly or privately provided. Public authorities at both national and local level are permitted to purchase the provision of social services.

Civil society's right to participate in the decision-making process, with regards to social policy as well, is guaranteed by the Law on transparency in decision-making, No 239/2008. The government is obliged to consult NGOs and all other relevant actors at all stages of developing any legislative or normative provisions and procedures.

B. Evaluation of future challenges

83. Do you see any new/future challenges regarding poverty and social exclusion? How do you assess the impact of the COVID-19 pandemic and the green and digital transitions on the vulnerable groups?

The impact of the COVID-19 pandemic on poverty in the Republic of Moldova has not been assessed in a comprehensive quantitative framework. In this respect, difficulties arise from significant sampling and methodological changes adopted by the National Bureau of Statistics (NBS) in 2019 which render the time-series incomparable with previous data. In addition, in 2020 the COVID-19 pandemic superimposed on yet another crisis caused by a severe agricultural drought.

Indirect evidence suggests COVID-19 has likely exerted a differentiated impact on households' wellbeing.

Available data suggest a strong negative impact of the pandemic on the wellbeing of the households that depend on migration and remittances, and a relatively mild impact on the rest. According to NBS data for the third quarter 2021, only 1.5% of the wage-earning workers lost their domestic jobs due to COVID-19 pandemic. Income of households losing domestic jobs declined by almost 40% compared to continuing households. At the same time, almost 10% of migrants' households reported that at least one household member had to return to Moldova because of losing the job abroad, while other 13% told that their migrant members had difficulties in returning home. More than 60% of the households willing to travel abroad, including for working reasons, had to postpone the travel. In case of migration-dependent households, the income of those losing jobs abroad decreased by more 26% compared to those preserving their jobs abroad.

COVID-19 has exposed the need to speed up the digitalization agenda while addressing the digital divide. Moldovan Government has provided significant

¹⁵⁶ Nomenclature of Social Services, Approved by Order of the Minister of Labour, Social Protection and Family No. 353/2011, available in Romanian here: http://old.mmmpsf.gov.md/file/HG/nomenclato_serv_sociale.pdf

support for digitalization of Moldovan SMEs bearing the brunt of the COVID-19 restrictive measures and consequences, while at the same time embarking on an ambitious agenda of digitalization of public services and processes. In this regard, a significant priority is to reduce the digital inequalities within the Moldovan society and thus significantly enhance the access of the socially vulnerable groups (such as inhabitants of remote rural areas, people with disabilities etc.) to public services and institutions.

Near future perspectives of poverty in the Republic of Moldova depend on the evolution of the ongoing war in Ukraine and associated economic and geopolitical ramifications. Russia, Ukraine and Belarus account for 14% of Moldovan exports and 25% of imports, here including critical inputs such as gas. With worsening market access, increased transport and logistics costs, skyrocketing prices for energy and food and mass influx of Ukrainian refugees, the Russian invasion of Ukraine has already put significant pressures on Moldovan vulnerable economy and on its people. Mitigating the domestic socioeconomic fallout of the war in Ukraine is thus the most challenging policy priority for Moldovan government in short- to medium-term.

In the longer-term, climate change and related economic vulnerabilities represent key factors of poverty in Moldova. Agriculture is the economic sector most exposed to the climate change consequences. While generating only 10% of the GDP, agriculture offers subsistence means for about 25% of the Moldovan population. Physical infrastructure (housing sector, roads, public buildings) is another point of vulnerability. Following the recent series of crises, the Moldovan Government adopted an economic resilience plan with short-term measures addressing the most pressing needs; these will be enhanced and adapted with the aim of a longer perspective goal of transitioning to a greener, more circular and more inclusive economic system.

C. People with disabilities

84. Has Moldova adopted any policy document containing the main principles of disability policy? Has it ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol? Is there any corresponding Action Plan (stating out the way how the actions described in the policy document will be implemented)? Are those plans following a human rights approach to disability? Is there a specific coordination body overseeing the implementation of the disability policy? How is disability mainstreamed across ministries in order to cover all the rights covered by the UNCRPD? How are they coordinated?

Moldova ratified the UN Convention on the Rights of Persons with Disabilities in 2010.¹⁵⁷ The Optional Protocol to the United Nations Convention on the Rights of

¹⁵⁷ Law No 166/2010 on the ratification of the United Nations Convention on the Rights of Persons with Disabilities, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=24019&lang=ro

Persons with Disabilities was ratified in 2021.¹⁵⁸ In 2020, Moldova submitted to the UN Committee on the Rights of Persons with Disabilities the combined second and third State Report of the Republic of Moldova on the Implementation of the UN Convention on the Rights of Persons with Disabilities.¹⁵⁹

Following the ratification of the Convention, the Law regarding the social inclusion of people with disabilities was adopted in 2012.¹⁶⁰ The law transposes the provisions of the Convention and protects the rights of people with disabilities to fully participate in all aspects of economic, social and political life of the country. The law covers:

- Political participation and property rights in Chapter I
- Accessibility in Chapter III
- Education and professional training in Chapter IV
- Work and labour market integration in Chapter V
- Health, medical and social rehabilitation in Chapter VI
- Social protection in Chapter VII

The National Program for the Social Inclusion of Persons with Disabilities for 2017-2022 was adopted in 2017.¹⁶¹ The program provides for a cross-sectoral approach to the social inclusion of people with disabilities, ensuring that their fundamental rights are respected and advanced.

The specific objectives of the Program are:

- 1) improving access to social protection measures in the community for people with disabilities;
- 2) ensuring the right to quality education for children and young people with different types of disabilities in educational institutions on an equal basis with others;
- 3) increasing access to quality health, habilitation and rehabilitation services for people with disabilities;
- 4) increasing the employment rate of people with disabilities;
- 5) increasing the participation of people with disabilities in political, public and cultural life;

¹⁵⁸ Decision No 162/2021 on the indexation of insurance benefits and some state social benefits, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=127712&lang=ro

¹⁵⁹ 2nd and 3rd Implementation Report of the Republic of Moldova before the UN Committee on the Rights of Persons with Disabilities, 2020, available in English here: https://msmps.gov.md/wp-content/uploads/2020/12/Report-II-and-III-Implementation-of-CRPD_EN.pdf

¹⁶⁰ Law Nr. 60/ 2012 on social inclusion of people with disabilities, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130550&lang=ro#

¹⁶¹ Government Decision No 723/2017 On the approval of the National Social Inclusion Programme of persons with disabilities for the years 2017-2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=101863&lang=ro

- 6) ensuring accessibility to infrastructure, transport, information and communications for people with disabilities;
- 7) ensuring support for people with disabilities in exercising their legal capacity and guaranteeing access to justice;
- 8) institutional capacity building for the implementation of the UN Convention on the Rights of Persons with Disabilities;
- 9) raising public awareness of the rights and abilities of people with disabilities.

The leading institution for advancing the rights of people with disability is the Ministry of Labour and Social Protection. It is the owner of the national plan and is responsible for coordinating efforts to ensure timely implementation. The coordination body headed by the Ministry is the National Council for the Rights of People with Disabilities. Among its members are representatives of all relevant ministries and institutions for advancing the disability agenda. Given its key role, the Ministry of Education has a separate unit responsible for the educational inclusion of children and youth with disabilities. Other Ministries have not yet taken this approach in singling out disability as a separate dimension to be addressed by specially designated staff.

85. In most EU Member States, national disability councils (comprising NGOs, organisations representing the persons with disabilities, disability experts, civil servants and other stakeholders) have been established. Have similar bodies been established in Moldova? If yes, are these bodies actively involved in the decision-making process related to persons with disabilities? If no, is there any plan to contribute to the creation of such bodies?

According to Article 54 of the Law on social inclusion of persons with disabilities, no. 60/2012, the monitoring of the implementation and promotion of the national policy on social inclusion of persons with disabilities is carried out by the National Council for the Rights of Persons with Disabilities. By Government Decision no. 106 of 30.01.2006, with subsequent amendments and additions, the nominal composition of the Council was approved, and by Government Decision no. 641 of 07.06.2006, with subsequent amendments and additions, the Council's Rules of Activity were approved.

The Council is active and meeting regularly. The last meeting was held on the 27th of April 2022.

86. Is the protection of persons with disabilities as a specific segment of vulnerable population provided for in the constitution or does a specific "disability law" exist in the legislation? Does the labour legislation explicitly prohibit discrimination in hiring and employment on the basis of disability? Is disability mainstreamed across all relevant fields of legislation, access to justice, employment, transport, internal market, consumer law, telecommunications, audio-visual, etc.

Article 51 of the Moldovan Constitution is specifically mentioning the protection of people with disabilities. According to it, “People with disabilities are awarded by the entire society special protection. The state ensures appropriate treatment conditions, adaptation, education, learning, and social integration.”¹⁶² This commitment is further enshrined and developed in national legislation.

The principles and objectives underlying the protection and promotion of the rights of persons with disabilities are stipulated by Law No 60/2012 on the social inclusion of persons with disabilities, namely:

Chapter III "Accessibility" - provides regulations on state policy on accessibility for people with disabilities;

Chapter IV "Education, training and vocational training of people with disabilities"- regulates the conditions of access to education for children/people with disabilities;

Chapter V - "Integration of people with disabilities in employment" regulates employment facilities and the right to work of people with disabilities;

Chapter VII - "Social protection of persons with disabilities" regulates the right of persons with disabilities to social services and benefits.

Article 8 of the Labour Code¹⁶³ explicitly prohibits any discrimination in hiring and employment of people with disabilities. Any misconduct in this regard constitutes a contravention and carries a fine.

Inclusion of persons with disabilities in the labour market is carried out in accordance with the provisions of Article 34 of the Law on Social Inclusion of Persons with Disabilities, No. 60 of 30.03.2012 and the Law on Employment Promotion and Unemployment, No. 105 of 14.06.2018.

Disability is to a significant degree mainstreamed across all areas of the public domain. The legal framework explicitly and exhaustively covers all relevant areas. Implementation however varies significantly between sectors. Accessibility and transportation are the areas where most work needs to be done.

¹⁶² Constitution of the Republic of Moldova of 1994, available in English here: https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

¹⁶³ Labour Code of the Republic of Moldova No 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro#

87. The lack of reliable statistical information is a serious obstacle to effective policymaking in the disability area. Has a centralised data collections system, containing the relevant data, been developed in Moldova?

Moldova has a well-functioning interoperability system allowing integration of data from various registries based on a personal ID. Therefore, although a single centralized database on disability does not exist, it is possible to pool and integrate data from various registries. Aggregated data is regularly published and updated by the National Bureau of Statistics on all relevant aspects. The National Bureau of Statistics publishes general populational information about people with disabilities as well as more specific data about employment, participation in education and health.

Administrative individual level data is available regarding new awards and changes of disability status through the IT system of the National Council for Determining Disability. Up-to date information regarding beneficiaries of various social payments is further available from the National Insurance House. The National Agency for Employment has information on beneficiaries of active measure and unemployed with disability. The ministry's IT system on social benefits has information beneficiaries of social benefits by disability and multiple other criteria.

Limited statistics are available on the issue of accessibility and individual data for social services is not available since these are provided by regional authorities and there is no single database.

88. Describe shortly the different means by which active participation and inclusion of people with disabilities in the labour market are promoted. To what extent is the quota system applied and which are the other incentives and measures aimed at encouraging disabled persons' entry into the labour market? How is vocational training available to persons with disabilities adjusted to the needs of the market?

To support the employment of people with disabilities, the National Agency for Employment (ANOFM), through its territorial subdivisions, provides employment support, according to the provisions of Law no.105/2018 on the promotion of employment and unemployment insurance. Persons with disabilities are placed in the labour market according to their professional training and work capacity, attested by the certificate of disability and according to the recommendations contained in their individual rehabilitation and social inclusion program.

People with disabilities once registered as unemployed can benefit from a range of support measures:

(a) general employment services (labour market information, career guidance, job brokerage, pre-referral services);

b) active employment measures (vocational training, salary subsidies, transportation subsidy, subsidy for the reasonable adaptation of the working place, subsidies and support for business start-ups and support for local initiative projects);

c) assisted employment services.

Moldova has a quota system. According to article 34 of the Law on social inclusion of people with disabilities 60/2012¹⁶⁴ all businesses that have 20 or more employees are asked to ensure that at least 5% of these are people with disabilities. Failure to do so carries a fine set by the State Labour Inspectorate. Although the quota is in place further work is needed to ensure its full functionality.

The vocational training people of disabilities can benefit from if unemployed is identical to those offered to able bodied adults. The National Employment Agency yearly contracts training providers for the technical professions most needed on the market, based on the data from the Labour Market Survey.

89. Which measures aimed at promoting de-institutionalisation and community-based alternatives have been carried out? Is there any form of training for independent living programmes?

Consistent efforts are being made to further deinstitutionalization and prevent institutionalization. 400 people with intellectual and psychosocial disabilities, including children, have been deinstitutionalized since 2009. To prevent unnecessary institutionalization into residential care facilities and redirect cases towards community level services the Ministry of Social Protection has established a multisectoral working group with the participation of partner CSOs.

The National Program for the deinstitutionalization of persons with intellectual and psychosocial disabilities in residential institutions was adopted in 2018.¹⁶⁵ The program aims to reform the residential care system for persons with intellectual and psychosocial disabilities placed in residential institutions managed by the National Social Assistance Agency, through the development and provision of social services at community level, in order to ensure their right to independent living and living in the community.

The policy and legal framework for supporting independent living is in place and it includes:

- The Law on social services no 123/2010

¹⁶⁴ Law No 60/2012 on social inclusion of persons with disabilities, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=130550&lang=ro

¹⁶⁵ Government Decision No 893/2018 On the approval of the National Programme for the deinstitutionalization of persons with disabilities and psychosocial disabilities in residential institutions managed by the National Agency for Social Assistance for the years 2018-2026 and the Action Plan for its implementation, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=109067&lang=ro

- The National Program on Social Inclusion of Persons with Disabilities (2017-2022)
- The National Program on the Deinstitutionalization of Persons with Intellectual and Psychosocial Disabilities (2018-2026)
- Regulations and Quality Standards for community-based services (Supported living, Community home, Shared living, Foster care, Personal assistant etc.)

a. Several social services are provided by the state to facilitate independent living among which the most important are:

b. The “personal assistant” service for people with severe disabilities. It provides full time support for this category of beneficiaries. Eligibility criteria and quality standards are set by the governmental decree no. 34 adopted in 2012.¹⁶⁶ There are currently 5950 beneficiaries of this service.

c. The “protected housing” and “community house” services that offer shelter and support in developing the necessary skills for independent living for people with mental disabilities. Eligibility criteria and quality standards are set by the governmental decree no. 711/2010 adopted in 2010 and governmental decree no. 885/2015 adopted in 2015. There are 248 beneficiaries of these services.

d. The “mobile team” service that assists the person with disability living at home as well as for his/her caregiver if needed. Eligibility criteria and quality standards are set by the governmental decree no. 722/2011 adopted in 2011. There are 23 mobile team services created around the country that cater to the needs of approximately 850 beneficiaries.

e. Translation service for people with hearing impairment. It can be accessed upon request based on the governmental decree nr. 333/2014 adopted in 2014.

f. The social service "Day Centre for people with disabilities" aims to ensure the social inclusion of people with disabilities by involving them in various cultural, sports, occupational, skill development activities, assistance with personal hygiene, etc. Currently, 8-day centers are operating, providing services for 271 beneficiaries.

¹⁶⁶ Government Decision No 314/2012 approving the Framework Regulation on the organisation and functioning of the of the Social Service "Personal Assistance" and the Minimum Quality Standards, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=103165&lang=ro

¹⁶⁷ Government Decision No 711/2010 approving the Framework Regulation on the organisation and functioning of the Social Service "Sheltered Housing" and the Minimum Quality Standards, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119927&lang=ro

¹⁶⁸ Government Decision No 885/ 2015 for the approval of the Framework Regulation on organization and functioning of the social service "Community House" and minimum quality standards, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119941&lang=ro

¹⁶⁹ Government Decision No 722/2011 for the approval of the Framework Regulation on the organisation and functioning of the Social Service "Mobile Team" and of the minimum quality standards, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=22714&lang=ro

¹⁷⁰ Government Decision No 333/2014 for the approval of the Regulation on the provision communication services using language sign language with the help of interpreter, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=85199&lang=ro

g. To prevent and reduce situations of violation of the rights of persons with disabilities by Government Decision No. 198/2019, the Regulations for the organization and operation of the Free Telephone Assistance Service for Persons with Disabilities and the Minimum Quality Standards were approved. The service has a toll-free number (Freephone) - 080010808, which allows simultaneous reception of several calls, providing access to callers from any landline or mobile phone.

90. Which are the measures in place or foreseen to ensure accessibility to goods and services (including public services) and to ensure that assistive devices for people with disabilities are available and affordable?

People with locomotor, auditory and visual disabilities are provided with assistive devices and technologies free of charge. The sophistication and diversity of these devices is limited, yet they are available and financed by the state.

Free translation services are provided to deaf people in need of assistance in accessing any public services and in any interaction with the state more broadly.

The obligation to ensure the accessibility of public and private buildings is enshrined in the Law on the social inclusion of people with disability. Mainly due to restrictive financial costs, accessibility of both public and private offices continues to be problematic.

In general education, specialized services are provided to children with disabilities to facilitate access and integration. Support teaching personnel is hired and paid from the state budget to assist all those with special educational needs. Furthermore, the law asks school to organize specially designated places for children with disabilities so as to cater to their special needs and offer a space for rest and individualized learning. Issues remain regarding severely disabled children that require very special assistance.

To further assist with accessibility, the state finances jointly with the regional governments the personal assistant service that provided full time support for people with sever disability.

91. How is accessibility required in public procurement?

According to the Law No. 60/2012 on the social inclusion of people with disabilities, the design and construction of residential buildings, public or private offices, installations, complexes and communications, as well as the production or acquisition of urban public transport, information and telecommunications means is not allowed without full consideration for the needs of people with disabilities.

When purchasing and installing lifts in apartment blocks and public institutions, the responsible authorities and economic operators will consider the provision of lifts with Braille or other alternative modes of communication; when purchasing equipment and software, public institutions must consider the accessibility criteria.

SOCIAL PROTECTION

A. Main influencing factors for social protection

92. Please provide the following main economic and financial indicators (if available, according to Eurostat methodology and time span covered - 3 years):

Economic and Financial Indicators, Moldova (2018-2020)

Indicator	2018	2019	2020
Nominal GDP (in thousands Euros)	9,700,989 €	10,693,127 €	10,116,363 €
GDP physical volume index, previous year = 100	104.3	103.7	91.7
Nominal GNI (in thousands Euros)	10,167,104	11,250,346	10,750,466
Consumer price index	103.1	104.8	103.8
Average annual exchange rate (L/Euro)	19.84	19.67	19.74
Exports (in thousands \$)	\$2,706,173	\$2,779,164	\$2,467,106
Imports (in thousands \$)	\$5,760,057	\$5,842,484	\$5,415,988
Trade balance (in thousands \$)	-\$3,053,884	-\$3,063,320	-\$2,948,882
Agricultural production (in millions L)	32,637 L	34,597 L	30,061 L
in % compared to previous year, previous year = 100	103	98	73
Industrial production (in millions L)	52,718 L	56,201 L	59,333 L
in % compared to previous year, previous year = 100, 2010 = 100	103.7	102	94.5
Average gross monthly salary (L)	6,268 L	7,234 L	7,943 L
Labor force costs (in thousands L)	58,897,914 L	67,633,759 L	71,393,815 L
Investments in fixed assets (in millions L)	27,465 L	31,253 L	30,090 L
in % compared to previous year, previous year = 100, 2017 = 100	112.9	110.2	96.9

Source: National Bureau of Statistics

93. GDP: absolute in EURO; growth rate; GDP per head in PPS;

Nominal GDP, Moldova (2018-2020)

	2018	2019	2020	2021
Nominal GDP (in thousands Euro)	€9,700,989	€10,693,127	€10,116,376	€11,558,697
Nominal GDP growth rate	13.0%	10.2%	-5.4%	21.1%
Population	2,730,364	2,686,064	2,643,883	2,597,107
Nominal GDP per capita in PPS*	€3,553	€3,981	€3,826	€4,451

* Calculated based on National Bureau of Statistics data.

Source: National Bureau of Statistics

94. Social protection expenditure as percentage of GDP;

Social protection expenditure is expected to represent 13.6% of GDP in 2022.

95. Social protection expenditure as percentage of state budget.

Year	Total expenditure on social protection, bn, MDL	Status	% of the national public budget	% of state budget
2022	37	Planned	35.7	24%
2021	29	Realised	35.8	22%
2020	26	Realised	35.5	21%
2019	23	Realised	35.4	20%

96. Please provide the following main social indicators, if available:

97. Unemployment rate/long-term unemployment rate/inactivity rate (by gender); further information on vulnerable groups affected by unemployment/long-term unemployment/inactivity (young people under 25, persons with disabilities, migrants etc.) male/female;

Unemployment Rate by Age and Gender, Moldova (2016-2021)

Indicator	2016	2017	2018	2019	2020	2021
Unemployment rate, 15 years and over (%)	4.0%	3.9%	2.9%	5.1%	3.8%	3.2%
Age group:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
15-24 years	11.0%	11.9%	7.1%	10.4%	10.9%	9.2%
25-34 years	5.2%	5.0%	4.3%	5.8%	3.7%	2.9%
35-44 years	3.7%	3.8%	2.3%	5.3%	3.8%	3.1%
45-54 years	3.2%	2.6%	2.5%	4.1%	3.4%	3.0%
55-64 years	1.9%	2.0%	1.8%	3.9%	2.9%	2.7%
65+ years	0.1%	0.2%	0.3%	0.1%	0.4%	0.0%
Long-term unemployment rate, 15 years and over (%)	0.9%	0.9%	1.0%	1.0%	0.7%	0.8%
Inactivity rate by:	57.4%	59.5%	58.0%	59.9%	59.7%	58.9%
Sex	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Men	N/A	N/A	N/A	N/A	43.1%	42.4%
Women	N/A	N/A	N/A	N/A	56.9%	57.6%
Share of employed people with disabilities of the total number of registered unemployed people with disabilities	N/A	40.0%	44.0%	33.3%	23.5%	30.0%
Share of employed people with disabilities of the total number of people with disabilities	N/A	19.1%	26.2%	16.5%	13.7%	13.5%

Note: Data on unemployment rate for migrants isn't available.

Source: National Bureau of Statistics, National Employment Agency

98. Employment and labour market developments: employment rate of women; employment rate of older workers (55-64); highlight regional and sectoral differences and significances;

Employment by Age and Region, Moldova (2016-2021)

Employment Rate Indicator	2016	2017	2018	2019	2020	2021
Employment rate, 15 years and over (%)	43.0%	42.4%	44.5%	40.1%	38.8%	39.8%
Age group:						
15-24 years	18.5%	18.3%	20.9%	19.0%	16.3%	16.4%
25-34 years	51.2%	49.0%	50.3%	52.1%	50.2%	52.0%
35-44 years	62.4%	60.9%	61.7%	58.0%	57.6%	59.5%
45-54 years	64.6%	63.8%	64.8%	59.7%	58.0%	59.4%
55-64 years	44.8%	46.0%	48.5%	40.5%	40.5%	42.6%
65+ years	12.3%	12.7%	17.4%	7.6%	6.5%	5.3%
Sex:						
Men	46.1%	46.1%	48.1%	44.2%	43.1%	44.7%
Women	40.2%	39.1%	41.4%	36.5%	35.0%	35.4%
Regions:						
Chisinau	47.3%	46.2%	47.3%	52.6%	48.8%	49.2%
North	45.5%	45.6%	46.8%	42.5%	41.3%	43.3%
Center	41.3%	40.1%	44.5%	33.6%	33.8%	35.0%
South	36.2%	36.3%	37.6%	31.3%	30.3%	30.5%

Source: National Bureau of Statistics

Jobs* by Economic Sector, Moldova (2018-2020)

Economic Sector	2018	2019	2020
Total Jobs	790,766	807,763	808,538
Agriculture, forestry and fishing	49,892	48,888	49,357
Industry	138,324	143,506	145,544
Extractive industry	2,733	2,495	2,577
Manufacturing	114,409	119,706	121,982
Production and supply of electricity and heat, gas, hot water and air conditioning	11,945	12,017	11,941
Water distribution; sanitation, waste management, decontamination activities	9,237	9,288	9,044
Construction	29,892	30,425	31,438
Wholesale and retail trade; maintenance and repair of motor vehicles and motorcycles	126,610	126,451	123,217
Transportation and warehousing	46,581	48,591	49,096
Public accommodation and catering activities	16,909	17,759	18,358
Information and communications	24,045	24,496	27,162
Financial and insurance activities	16,134	16,609	17,130
Real estate	15,984	16,490	15,948
Professional, scientific, and technical services	20,913	21,203	19,031
Administrative and support services	15,293	19,100	17,026
Public administration, defense, and social security	59,273	59,940	60,518
Education	126,683	126,336	125,798
Health and social assistance	79,219	81,370	81,735
Arts, recreation, and leisure activities	17,029	17,277	17,964
Other services	7,984	9,321	9,216

* Number of jobs at the beginning of the year.

** Data isn't comparable with years prior to 2018 due to change in methodology.

Source: National Bureau of Statistics

99. Income distribution (income quintile share ration, GINI index; poverty: at risk of poverty rate and threshold,, definitions, highlight vulnerable groups);

Methodological references for poverty calculation, definitions

In the Republic of Moldova, the poverty indicators are calculated by the National Bureau of Statistics based on the Household Budget Survey (HBS) data. HBS is a selective study, which is aimed at determining the living standards of people in terms of revenues, expenditures, living conditions, and other indicators.

The poverty rates are determined by comparing household consumption with a certain poverty line.

The absolute poverty line is the monetary value of the food and non-food basket, calculated as the sum of the cost of food consumption and the household expenditure on non-food products and services, which spends on food an amount equal to necessary food consumption cost. Necessary food consumption - represents the minimum caloric consumption for a person in the amount of 2400

kcal / day established according to the Regulation on the calculation of the subsistence minimum, approved by Government Decision No. 285/2013.¹⁷¹

The extreme poverty line is the monetary value of the food and non-food basket, calculated as the sum of the cost of food consumption and the expenditure on non-food products and services made by the households, which spend a total amount equal to the necessary food consumption cost.

In 2020, the absolute poverty line in Moldova represented MDL 2174.1 (about 110 Euros), the extreme poverty line represented MDL 1753.4 (about 89 Euros). A person is considered poor if its monthly expenses are lower than the poverty line.

Starting with 2019, the Household Budget Survey (HBS) is being conducted according to a new survey plan and revised methodology. These changes have led to certain limitations in the comparability of data with previous years. In the tables, the interruption in the time series is marked with the symbol (i). The results of the HBS are extended to the number of usual resident population.

Moldova has not yet adjusted the poverty measurement instruments to the European standards. The EU-SILC (Welfare Income and Living Conditions) methodology, the social exclusion indicators, and some poverty indicators (for example "at risk of poverty rate") have not yet been implemented in

Poverty and threshold

In 2020, the level of poverty in the Republic of Moldova has increased. The absolute poverty rate is 26.8% and increased compared to 2019 by 1.6 percentage points. This means that about 700 thousand persons live below the poverty line, of which over 40 thousand became poor in 2020. A person is considered poor if the average monthly consumption expenditure is less than the absolute poverty line of MDL 2174.1 (about 110 Euro).

The extreme poverty level has been rising insignificantly. In 2020, the share of the population exposed to the extreme poverty was 10.8%, increasing by 0.1% compared to 2019. The number of persons affected by the extreme poverty increased by about 3 thousand people, remaining exposed to the risk of extreme poverty over 280 thousand of citizens. Their monthly consumption was lower than the value of the extreme poverty line of MDL 1753.4 (about 89 Euro).

¹⁷¹ Government Decision No. 285/2013, available in Romanian here: https://www.legis.md/search/getResults?doc_id=19426&lang=ro

Poverty indicators in 2014-2020 years¹⁷²

	2014	2015	2016	2017	2018	2019 ⁽ⁱ⁾	2020
Absolute poverty line (MDL)	1,558.6	1,709.8	1,819.2	1,939.3	1,998.4	2,095.1	2,174.1
Absolute poverty rate, %	29.5	25.4	26.4	27.7	23.0	25.2	26.8
Extreme poverty line (MDL)	1,257.0	1,378.9	1,467.2	1,564.0	1,611.7	1,689.7	1,753.4
Extreme poverty rate, %	12.8	10.5	10.4	11.0	8.7	10.7	10.8

GINI index & income quintile share ration

In 2020, along with the poverty rate, the level of inequality in Moldova has also increased. In 2020 the level of inequality by income (Gini index) was 0.3226, being higher compared to 2019 (0.3148). The level of inequality varies from region to region. The analysis of data by area of residence shows that, although the level of poverty in urban areas is lower than in the rural ones, the inequality in cities is higher (0.3264 compared to 0.3070), which means that incomes are more equitably distributed in rural areas than in the urban ones.

Other indicators also show an increase of inequalities. The distribution of income by quintiles shows that the income of the 20% of the poorest population are about 5.3 times lower than those of the 20% of the wealthiest population. This difference has widened compared to the previous year (5.1 in 2019). Thus, the income gap between the richest and poorest people increased, due to the pandemic.

The distribution by quintiles also indicates a higher level of inequality in urban areas compared to the rural ones: the incomes of the 20% of the poorest population in the rural areas are by 4.8 times lower compared to the incomes of the 20% of the richest population, while in urban areas – by 5.4 times lower.

¹⁷² Starting with 2019, the Household Budget Survey (HBS) is being conducted according to a new survey plan and revised methodology. At the same time, these changes have led to certain limitations in the comparability of data with previous years. In the tables, the interruption in the time series is marked with the symbol (i). The results of the HBS are extended to the number of usual resident population.

Inequality indicators by areas of residence

		2014	2015	2016	2017	2018	2019 ⁽¹⁾	2020
Total	GINI coefficient by disposable income	0.3257	0.3238	0.3314	0.3168	0.3049	0.3148	0.3226
	The ratio between the incomes of the population from quintiles I and V, times	5.7	5.5	5.8	5.3	5.1	5.1	5.3
Urban	GINI coefficient by disposable income	0.2994	0.2964	0.3062	0.2934	0.2908	0.3126	0.3264
	The ratio between the incomes of the population from quintiles I and V, times	4.9	4.6	4.8	4.5	4.4	4.9	5.4
Rural	GINI coefficient by disposable income	0.3275	0.3248	0.3326	0.3144	0.2959	0.2976	0.3070
	The ratio between the incomes of the population from quintiles I and V, times	5.5	5.4	5.7	5.1	4.8	4.6	4.8

Compared to other countries in the region, Moldova has a relatively low level of inequality, being positioned close to Iceland, Ukraine, Azerbaijan, Belarus. At the same time, the Republic of Moldova has a much lower level of inequality compared to Turkey, Bulgaria, Montenegro (<https://worldpopulationreview.com/country-rankings/gini-coefficient-by-country>).

The analysis of the income distribution by quintiles generally shows its uneven distribution and significant differences between the income in quintile V and the other quintiles. The income of the population in quintile V is higher by 2-5 times compared to that of the other categories. These differences are also preserved in the case of urban and rural areas.

At the same time, the data show that in 2020 the level of inequality has increased compared to 2019, especially for the population from quintile V. This is explained by the greater impact of the pandemic on higher-income persons, including small entrepreneurs who have been strongly affected by the pandemic. As for the other quintiles, inequality level remained the same as in the previous year or even declined. In particular, there is a decrease of inequality for the population in quintile I, which can be explained by the social policy measures for the vulnerable groups of population during the pandemic crisis.

Disposable income distribution by quintiles, %

	I	II	III	IV	V
2019					
Total	7.9	12.7	16.8	22.6	40.1
Urban	8.2	12.7	16.8	22.5	39.9
Rural	8.3	13.4	17.2	22.9	38.2
2020					
Total	7.6	12.5	16.8	22.6	40.5
Urban	7.6	12.7	16.8	22.1	40.7
Rural	8.0	13.0	17.1	22.7	39.1

Vulnerable groups

The occupation rate is a solid factor correlated to the poverty level. The poorest are the families of the workers involved in agricultural individual activities and those employed in the agricultural sector. The absolute poverty rate for these categories of households is, respectively, 37.9% and 35.4%, by 10 p.p. higher than the country average. The situation of the families who's living depends on agriculture is explained not only by the pandemic, but also by the extreme 2020 drought which affected the country's agricultural sector. The agricultural sector remains one of the most unprofitable sectors of the economy, corresponding to the lowest incomes of the population. The low productivity of agricultural activities is due to the very large number of farms with small areas (farmers' land plots), underuse of modern technologies and over-employment of the rural population in agriculture (37%).

The age is another factor determining the poverty level. Elderly people represent another category of the Moldovan society that is vulnerable from the perspective of exposure to poverty risk. The poverty rate for persons living on income obtained from pensions was 39.5%, exceeding the average country level (+12.4 pp). A whole life dedicated to work does not guarantee that elderly persons will escape poverty, pensioners' living standards remaining under the average living standard. The average old-age pension was MDL 1843 on January 1, 2020, representing only 85% of the poverty line value.

Families with children are also a group at risk of poverty. Children are exposed to a higher poverty risk as compared to the total population. The highest poverty rates are registered for households with 3 or more children. Almost half of the families in this category falls under poverty, the poverty rate representing 42.1%. These families have been affected by the pandemic crisis from 2020. The poverty rate in these households grew much intensive compared to the increase on the national level (4 p.p. compared to 1.6 p.p.). The poorest families with children live in villages/rural area. The poverty rate for households made up of a single parent with children is 27.9%, which is by 1.1 pp. above the national average poverty rate.

The education level is another poverty determining factor. Persons without studies register the highest poverty rates, while persons with higher education have the lowest ones. The highest level of poverty (78.6%) is registered in households which are headed by persons with primary education or without studies. But, their share in the structure of the poor population is small (2%). Over 1/3 of poor households are headed by persons with incomplete secondary education, with a poverty rate of 45.2%. The lowest level of poverty (6.6%) is among families headed by persons with higher education. A low poverty level is also registered for the households headed by persons with professional and vocational secondary education, about 19.1%. Hence, the poverty risk drops substantially as the education level increases.

People with disabilities are also a group at risk of poverty. The poverty level among the people with disabilities is high, representing at 35.4% in 2020, by 8.5 pp. above the national average. Compared to 2019, the risk of poverty for people with disabilities has increased in 2020 by 5 p.p. According to data from the National Social Insurance House, on January 1, 2021, Moldova registered 174.5 thousand families with disabilities, including 10.4 thousands of children 0-17 years old. People with disabilities represented 6.7% of the total resident population, children with disabilities represented 1.9% of the total number of the resident children.

The average pension for disability is lower than the poverty line. According to the National Social Insurance House data, on January 1, 2021, the average amount of the pension for disability represented MDL 1 516.4, which represents only 70% of the value of the poverty line.

Poverty rate by the main characteristics of the households, 2014-2020

	Poverty rate						Structure of poor population, %							
	2014	2015	2016	2017	2018	2019 ^(b)	2020	2014	2015	2016	2017	2018	2019 ^(b)	2020
<i>Area of residence</i>														
Urban	15.6	11.2	11.6	11.8	10.6	11.2	14.0	22.1	18.5	18.4	17.5	19.0	17.7	20.7
Rural	39.5	35.6	37.1	38.8	31.6	34.5	35.3	77.9	81.5	81.6	82.5	81.0	82.3	79.3
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Size of the household</i>														
1 person	24.9	20.8	25.2	20.9	18.2	28.0	31.0	8.5	9.1	11.1	9.1	11.6	14.6	15.5
2 persons	25.0	22.8	23.3	22.9	21.6	23.0	24.4	21.6	22.7	23.3	23.0	25.4	24.7	26.5
3 persons	21.7	20.0	24.8	22.5	16.2	21.6	22.6	15.9	17.4	20.4	16.6	15.2	19.7	17.4
4 persons	27.1	25.2	22.7	25.6	22.8	21.0	22.6	21.7	24.0	20.5	21.5	21.4	18.0	17.5
5 and more persons	49.5	39.5	40.1	49.5	39.6	38.5	39.0	32.3	26.7	24.6	29.9	26.4	23.0	23.0
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Type of the household</i>														
Single person	25.0	20.9	25.2	20.9	18.1	28.0	31.0	8.5	9.1	11.1	9.1	11.5	14.6	15.5
Family couple without children	24.9	23.6	23.6	22.9	22.6	22.4	26.1	14.7	16.3	16.0	16.6	18.7	16.8	21.5
Other households without children	25.7	23.6	24.0	25.1	20.2	31.8	29.6	21.5	25.7	24.7	24.8	24.7	22.0	15.4
Family couple with children	38.1	28.8	33.1	32.9	23.7	18.6	22.1	2.8	2.1	3.2	2.5	2.5	20.9	25.3
Single parent with children	37.5	31.6	32.2	36.7	28.4	23.2	27.9	33.4	28.2	26.6	29.3	26.1	2.4	2.9
Other households with children	29.0	24.6	25.7	29.7	25.5	30.0	30.6	19.1	18.6	18.4	17.7	16.5	23.4	19.4
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Composition of the household</i>														
Households with children	32.0	27.3	27.9	30.4	23.7	23.3	25.3	57.7	56.0	54.5	56.6	53.3	46.6	47.5
Including														

with 1 child	24.6	23.6	24.3	25.1	18.0	18.4	20.9	21.2	22.3	22.0	19.9	18.3	14.0	15.8
with 2 children	31.6	24.4	24.0	27.0	22.3	20.9	21.4	21.6	19.7	18.0	21.2	18.9	17.9	16.2
with 3 and more children	57.8	46.9	48.8	54.4	42.0	38.1	42.1	15.0	14.1	14.5	15.6	16.1	14.7	15.5
Households without children	26.6	23.4	24.8	24.8	22.1	27.2	28.4	42.3	44.0	45.5	43.4	46.7	53.4	52.5
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Sex of the head of the household</i>														
Male	28.8	26.0	26.6	28.4	22.6	24.6	25.6	65.5	70.5	66.3	68.0	64.9	66.3	63.8
Female	30.8	24.1	26.1	26.1	23.6	26.6	29.3	34.5	29.5	33.7	32.0	35.1	33.7	36.2
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Level of education of the household head</i>														
Primary education or without education	62.8	48.4	52.1	51.7	48.5	78.3	78.6	6.8	6.0	5.0	3.7	3.6	4.3	2.1
incomplete secondary education	44.6	41.1	44.8	47.9	40.1	43.0	45.2	27.7	30.4	35.5	36.8	36.7	34.4	35.2
General secondary education	31.2	26.0	27.9	29.3	25.1	27.5	27.8	19.3	19.1	18.6	20.2	18.6	18.1	15.8
Professional secondary education	32.8	28.3	28.2	29.1	25.3	27.4	28.7	33.3	30.9	28.3	28.0	29.8	29.9	31.9
Vocational secondary education	17.0	16.5	17.5	14.4	11.1	17.3	19.1	8.3	9.0	9.5	7.2	7.1	9.6	10.5
Higher education	8.6	6.6	4.3	6.6	5.2	4.6	6.6	4.7	4.7	2.9	4.1	4.2	3.7	4.6
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>The main source of income of the head of the household</i>														
Remunerated agricultural activities	51.5	50.1	51.9	42.7	39.9	43.2	37.9	10.7	12.3	12.7	11.8	12.7	12.6	8.8
Remunerated non-agricultural activities	19.5	14.9	14.6	14.9	12.0	11.9	14.5	24.2	20.0	19.1	19.1	18.8	17.9	22.0
Agricultural individual activity	46.5	44.1	46.1	54.0	42.2	38.4	35.4	15.9	16.6	17.3	16.2	13.8	14.6	11.9
Non-agricultural individual activity	22.0	19.1	19.2	21.0	17.9	22.0	25.1	5.2	5.7	5.2	5.2	5.9	6.9	7.9
Pensions	37.7	29.8	32.7	34.6	28.9	38.3	39.5	30.4	29.4	31.5	32.3	31.0	37.1	36.2
Remittances	21.7	21.2	18.9	21.9	19.7	16.1	25.3	10.7	12.8	9.9	10.2	12.7	6.6	7.6
Other	46.0	40.0	43.6	48.4	51.8	46.2	48.8	2.8	3.2	4.2	5.1	5.2	4.4	5.6
Total	29.5	25.4	26.4	27.7	23.0	25.2	26.8	100.0	100.0	100.0	100.0	100.0	100.0	100.0

100. Family structure: main trends, number of children per family; age of mother; divorce rate; percentage of one-parent families; percentage of single households.

With reference to year 2020:

- Family structure / size (number of members): families composed by one single member represented 31.2%; families with 2 members represented 33.8%, families with 3 members represented 16.0%, families with 4 members represented 12.1%, families with 5+ members represented 6.8%.
- Family type: families with one single member– represented 31.1%, family couples without children represented 25.7%, other families without children represented 12.1%, family couples with children represented 19.4%, single parents with children represented 2.5%, other families with children represented 9.2%.
- households composition: families with children represented 31.1%, of which – families with one child represented 15.2%, families with 2 children represented 11.5%, families with 3+ children represented 4.3%, families without children represented 68.9%
- With reference to year 2021:
- family structure / size (nr of members): families composed by one single member represented 32.3%; families with 2 members represented 33.1%, families with 3 members represented 15.9%, families with 4 members represented 12.8%, families with 5+ members represented 5.9%.
- family type: families with one single member represented 32.3%, family couples without children represented 26.5%, other families without children represented 10.9%, family couples with children represented 19.1%, single parents with children represented 2.0%, other families with children represented 9.2%.
- households composition: families with children represented 30.4%, of which – families with one child represented 14.8%, families with 2 children represented 11.3%, families with 3+ children represented 4.3%, families without children represented 69.6%

101. Number of Persons with disabilities disaggregated by age, gender, severity

People With Disabilities by Age, Gender, and Severity on January 1, 2022

Age Group	Disability Level						Total
	Severe		Major		Medium		
	Male	Female	Male	Female	Male	Female	
0-3	275	198	99	79	75	58	784
4-6	537	304	217	164	160	127	1,509
7-10	924	504	516	309	319	232	2,804
11-15	947	632	910	583	852	357	4,281
16-18	432	292	528	363	396	272	2,283
19-25	666	632	887	718	948	710	4,561
26-40	2,691	2,005	6,660	4,880	4,245	3,635	24,116
41-50	1,737	1,278	7,045	6,577	4,291	4,621	25,549
51-60	2,465	1,746	13,238	13,423	8,119	8,193	47,184
61-65	1,890	916	8,476	7,047	3,373	797	22,499
66-70	1,068	766	4,213	5,434	457	378	12,316
71-75	616	657	2,229	3,654	175	179	7,510
75+	332	460	1,008	1,753	69	27	3,649
Total	14,580	10,390	46,026	44,984	23,479	19,586	159,045

Source: National Social Insurance House

B. Overview of the social protection system

102. Please provide information on the general philosophy and the main principles and mechanisms of the social protection system: is the system mostly insurance-based or universal, what are the main distributional effects of the system, who is included/excluded?

The social protection system in the Republic of Moldova has the following pillars:

- Social insurance;
- Social allowances;
- Social care and services;
- Active labour market policy.

The social protection comprises social programmes, measures and tools aimed at increasing the living standards and improving the life quality, as well as protecting the population from the negative effects of social phenomena, such as: unemployment, poverty, labour force migration, inflation, pauperization, effects

that can occur at specific times as a result of different economic and social conditions.

The right to social protection is recognized in the second chapter of the Constitution as one of the fundamental rights. More specifically, article 47 states that “the State shall be bound to take actions in order that every person has a decent standard of living that would ensure him/her and his/her family members health protection and welfare including food, clothing, shelter, medical care, as well as necessary social services”. The same article also declares that “all citizens have the right to be insured in case of: unemployment, disease, disability, widowhood, old age or other situations where, due to causes beyond one’s control, one loses the source or means of obtaining the necessities of life”. Furthermore, articles 49, 50, and 51 speak of the special protection for children and the disabled. Finally, article 43 recognises the right of labour protection and protection against unemployment, while article 36 speaks of health protection and minimum health insurance.

The public social insurance system of the Republic of Moldova operates on the basis of Law No. 489/1999 on the public social insurance system,¹⁷³ Law No.156/1998 on the public pension system,¹⁷⁴ Law on the State Social Insurance Budget for the respective year,¹⁷⁵ as well as other legislative and normative acts regulating social insurance activity.

The public system of state social insurance is an integral part of the social protection system, the main objective of which is to provide monetary allowances to insured persons incapable of obtaining a wage income due to certain risk situations (temporary or permanent loss of work capacity, maternity leave, old age, unemployment, etc.). The system is based on the collection of state social insurance contributions from employers and insured persons and the distribution of payments to the beneficiaries. The public system of social insurance covers all residents of the Republic of Moldova who pay insurance contributions.

The following fundamental principles guide the functioning of the social insurance system and the pension system as a part of it:

- *the principle of uniformity*, according to which the state shall organize and guarantee the public system of social insurance based on uniform legal standards;
- *the principle of equality*, that shall ensure a non-discriminatory treatment of both contributors and beneficiaries;

¹⁷³ Law No. 489/1999 on the public social insurance system, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=125055&lang=ro

¹⁷⁴ Law No.156/1998 on the public pension system, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119386&lang=ro

¹⁷⁵ For example, see the Law on the State Social Insurance Budget for 2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129187&lang=ro

- *the principle of social solidarity*, between and inside generations, under which the public system participants assume consciously and reciprocally obligations, and enjoy the right, which prevents, limits or removes social risks, as provided by law;
- *the principle of mandatory execution*, according to which individuals and legal entities are committed under the law to participate in public system; rights to social benefits shall be exercised to the extent the obligations are fulfilled;
- *the principle of contribution*, according to which the social insurance rights are offered on the basis of social insurance contributions paid;
- *the principle of distribution*, according to which the resources of the state social insurance budget shall be redistributed for mandatory payments the public system has to make under the law;
- *the principle of autonomy*, based on self-governing (self-sustainability) of public system under the law;
- *the principle of imprescriptibility*, according to which the right to a pension does not expire;
- *the principle of inaccessibility*, according to which one cannot opt out of the right to a pension, whether totally or partially.
- The pillar of social allowances is based on the Law on State Social Allowances (1999), the Law on Social Support no. 133 (2008) and other laws and includes a system of allowances for different categories of vulnerable people. It comprises the following main instruments:
 - *social allowances* for specific categories such as disabled persons, veterans, parents;
 - *the minimum income scheme*, introduced in 2008 („Ajutorul Social” – Social Support), aimed at replacing nominative compensations, while being better targeted and providing a higher level of support than previous benefits;
 - *the winter allowance*, covering a larger number of households than the Ajutorul Social (the eligibility threshold being higher), providing a flat amount to vulnerable families during 5 cold months;
 - *the Fund for the Support of the Population*, which includes resources for conditional monetary support;
 - *the energy compensation scheme*, used during the 2021-2022 winter period to alleviate the impact of skyrocketing energy prices through compensations on natural gas and heating prices directly in the invoices; currently, the scheme is being revised to introduce a new more targeted energy vulnerability compensation mechanism.

In 2022, the minimum income scheme („Ajutorul Social”) is reformed in order to increase the coverage, especially regarding families with children, improve the targeting and stimulate job inclusion.

The social care and social services system was modernized in the past 10 years with the introduction of strategic documents on social protection, the creation of a network of community-based social workers, a de-institutionalization plan and the development of an integrated system of social services. With enhanced decentralization since 2008, it became essential to find ways to support social services, and in 2018 legislation was enacted to develop a minimum package of services across the whole country, providing resources from the central level for critical services such as personal assistants for people with severe disabilities.

In terms of labour market policy, the employment agency was created in 2003. Active labour market policies are gaining importance, although the initiatives remain relatively small compared to those promoted by other countries. However, recent developments in terms of active market policies include elements aimed at strengthening coherence and coordination within social protection programmes, such as active measures and subsidies for the employment of people with disabilities, young people, rural population and other categories.

103. Please provide information on financing of social protection:

The main sources of financing of the social protection system are:

- collection of social contributions to the state social insurance budget¹⁷⁶;
- the state budget;
- special sources (special taxes such as airport taxes or currency exchange taxes) that finance the *Fund for the Support of the Population*;
- other sources of financing, such as loans, are also possible under the law.
- The main implementing agencies for the social protection expenditures are:
 - the National Social Insurance House, which is responsible for the social insurance system under the annual State Social Insurance Budget („Bugetul Asigurărilor Sociale de Stat”), and for the payment of some non-insured allowances, such as allowances for persons with disabilities, veterans, parents at child birth, non-insured parents etc.;
 - the National Agency for Social Assistance, which is responsible for the administration of the *Fund for the Support of the Population*, providing partial financing for social services such as personal assistants for persons with severe disabilities, and some specific allowances to war veterans;
 - the Ministry of Labour and Social Protection, which is responsible for the energy compensation mechanisms and some specific programs for the refugees in the context of the war in Ukraine;

¹⁷⁶ Law on the State Social Insurance Budget for 2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129187&lang=ro

- local Social Assistance Structures under Raional Councils, implementing social services and providing some allowances such as conditional monetary support or compensations for transportation for people with disabilities;
- institutions of residential social services with financial autonomy.

104. Main financing sources of the social protection (general taxation, social contributions, other taxes or state subsidies) and institutions involved (State, para-fiscal organisations, regional authorities, NGOs, private households etc.);

The Ministry of Labour and Social Protection is responsible for the development of policies in the field of state social insurance and social assistance and submits to the Ministry of Finance, on the basis of proposals of the National Social Insurance House, forecasts on the state social insurance budget and other information necessary for the development of the medium-term budgetary framework, promotes the draft legislation on state social insurance budget, monitors and analyses the execution of the budget and submits proposals to the Government to ensure the financial stability of the public social insurance system.

The National Social Insurance House functions as an executive body with legal personality, which forecasts, administers, promotes, and manages the public social insurance system, implements social insurance policies and strategies.

The main revenue component of the state social security budget are social security contributions. The funds collected for the state social insurance budget (including surcharges and sums related to compulsory state social insurance contributions and amounts resulting from the enforcement of fines) are accumulated on the account of the Ministry of Finance - State Treasury, and transferred daily to the account of the National Social Insurance House, opened within the single treasury account of the Ministry of Finance, to be used in accordance with the law.

The main sources of financing for the state budget are taxes (including income and property taxes, taxes and duties on goods and services, and taxes on foreign trade and foreign operations), grants, such as those received from the governments of other states or from international organisations, internal loans and external loans, and other sources, including income from property, fines, etc.

The main types of social protection allowances administered by the National Social Insurance House are funded from the following sources:

- Protection in the event of temporary work incapacity – state social insurance budget (100%¹⁷⁷);
- Protection of the elderly - mixed financing (state social insurance budget 80% and state budget 20%);

¹⁷⁷ Percentages are provided as per the latest figures of the State Social Insurance Budget for 2022.

- Protection in relation to loss of breadwinner - mixed (state social insurance budget 82% and state budget 18%);
- Family and child protection - mixed (state social insurance budget 77% and state budget 23%);
- Social protection of people with disabilities - mixed (state social insurance budget 60% and state budget 40%);
- Additional support for specific categories of population (veterans, beneficiaries of Ajutorul Social – Social Support, other specific cases) - state budget (100%).

Overall, in 2022 the social protection system of the Republic of Moldova accounts for 37.1 billion MDL, which represents 13.6% of the GDP and 35.7% of the general Government's expenditure. Social contributions cover 50% of the total cost of the social protection system.

The National Social Insurance House administers 33 billion MDL, or 89% of the total value of the social protection system in the country. This is equivalent to 31.8% of the national public budget and 12.1% of the GDP. Of the total amount administered by the National Social Insurance House, 24 billion MDL are insured rights and 9 billion MDL are non-insured social protection rights financed from the state budget (allowances, Ajutorul Social – Social Support etc.). As of 2022, social contributions paid to the National Social Insurance Budget amount for 18.5 billion MDL and cover only 70% of the total insured rights – as a result, the deficit of 30% of the natural social insurance budget is transferred from the state budget.

Structure of the social protection expenditure in the Republic of Moldova

In billion MDL	2019	2020	2021	2022
Total Social Protection	23.3	26.0	29.4	37.1
Social protection as % of GDP	11.1%	12.7%	12.2%	13.6%
Social protection as % of total Government's spending	35.4%	35.5%	35.9%	35.7%
State Social Insurance Budget – insured social rights covered by social contributions	13.6	14.3	16.2	18.5
State Social Insurance Budget – insured social rights not covered by social contributions (deficit transferred from the State Budget)	2.0	2.6	2.8	5.0
Non-insured social rights administered by the National Social Insurance House, financed from the State Budget	5.9	7.1	7.8	9.1
Non-insured social rights administered by other entities, financed from the State Budget	0.8	0.8	1.2	3.1
Social protection expenditure of local budgets	1.0	1.3	1.4	1.4

105. Main financing principles for the fields of social protection (pay-as-you-go, funded financing);

The social protection system works on a pay as you go basis.

106. Financial administration of social protection: contribution rates, contribution base and tax base; is there an upper (lower) ceiling?

The social insurance contributions rates are differentiated by category of contributors as presented in the Table below.

Since 1 January 2021, employers must pay the social security contribution of 24% from their employees' gross salary to the state social insurance budget. The mandatory health insurance contribution is established at 9% and is fully borne by the employees.

There are no upper ceilings nor minimum thresholds for the social contributions. Some categories pay a different rate of social security contributions (for example, residents of IT parks), however their insured social protection rights are calculated on the basis of the actual amounts paid in order to maintain the equity of the system.

Rates of state social insurance contributions, 2022

Categories of contributors	Contribution amount
Employer – for employees working on the basis of an individual employment contract in the public sector.	29%
1. Employer - for employees working in the private sector, in higher education institutions and health care institutions	24%
Employer – for employees in the agriculture sector (employer / state).	18% + 6%
Employer - for employees working in special conditions (civil aviation).	39%
Freelancers working in the justice sector (lawyers, notaries, bailiffs, administrators), except for pensioners, people with disabilities.	24 255 lei
Individuals, self-employed, individual entrepreneurs, individuals engaged in the field of retail trade.	12838 lei/ year
Owners of agricultural land, who process the land individually (voluntary insurance)	3270 lei/ year

The voluntary insurance of individuals who do not fall under the categories of the state social security payers, on the basis of an individual contract concluded with the National Social Insurance Office.	12838 lei/ year
The contribution of the compulsory State social insurance of the residents of information technology parks is part of the single tax.	54,7%

107. Please provide an overview of allowances: benefits and services provided by social protection (coverage, qualifying conditions, level of benefits, length of provision, taxation of benefits): ¹⁷⁸

According to the Tax Code No. 1163/1997, pensions and social security entitlements paid from the state social insurance budget constitute a non-taxable source of income.¹⁷⁹

The insured allowances are as follows:

- Old-age pensions, representing 73% of the total budget of social insurance as of 2022;
- Disability pensions (10%);
- Maternity leave and child-care leave (10%);
- Survivors' pensions (2%);
- Temporary loss of working capacity – sickness leaves (4%);
- Unemployment benefits (0.2%).
- The non-insured benefits administered by the National Social Insurance House are as follows:
- Allowances for old persons, representing 50% of the total budget of non-insured social protection rights as of 2022;
- Disability allowances (18%);
- Allowances for non-insured families with children (8%);
- Minimum income allowance – Ajutorul Social (7%);
- Winter period allowance (8%);
- Allowances for veterans and other special categories (8%);
- The main social benefits are described below:

¹⁷⁸Eurostat - ESPROSS functions :

http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_and_social_policy_indicators/omc_social_inclusion_and_social_protection/overarching

¹⁷⁹ Tax Code No. 1163/1997, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=79111&lang=ro

PENSIONS

Old-age pension

Coverage: old-age pensions are payable to persons who cumulatively meet, on their date of retirement, conditions on the retirement age and the minimum period of insurance stipulated by law.

Qualifying conditions: since January 1, 2022, the standard retirement age is 60 years for women and 63 for men. The retirement age will increase by 6 months for women, until reaching the same retirement age as men in 2028.

Since January 1, 2022, the necessary number of contributory years required for a full contributory period is 33 years for women and 34 years for men. The number of contributory years for women will be gradually raised, with an increase every 6 months, until it equals the same value for men in 2024.

The minimum period of contribution for a retirement pension in the state pension system is 15 years. The person who, at the age of standard retirement age, does not have a minimum contribution period of 15 years, is entitled to an allowance under the Law on state social allowances for certain categories of citizens.

The total realized contribution period includes contributory periods – activities during which the person participates to the social insurance system, as well as non-contributory periods – periods that are assimilated in the total contribution period, which include:

- periods of military service, full or reduced;
- child care periods – the time spent taking care of a child up to 3 years by one of the parents or by the tutor in case of both parents' death;
- period during which the insured benefitted from a temporary incapacity allowance, unemployment benefit, professional integration and reintegration benefits;
- period of care for a severely disabled child under the age of 18, or of a person with severe disability by one of the parents, tutor, curator, until employment as a personal assistant;
- period of residency as part of mandatory post-university education;
- period of non-contributory service as a judge or prosecutor before 31 December 2005.
- The legislation of the Republic of Moldova provides for the granting of old-age pensions under *special conditions*, as follows:
- For women who have given birth to and raised to the age of eight, five or more children, the standard retirement age is reduced by three years;
- For those who have completed the contribution period under special conditions of work of at least 10 full years, the standard retirement age is reduced by at least 5 years (depending on the length of contribution paid

under special conditions of employment). The list of special jobs under which the right to a retirement pension is granted on favorable terms is approved by the Government.

The old-age pension under special conditions of work is calculated similarly to old-age pensions.

Starting from January 1, 2017, the conditions and the methodology of establishment of pensions for certain categories of citizens were unified (exclusion of privileged pensions and special contribution period depending on the occupied job - for deputies, members of the Government, local elected officials, civil servants, prosecutors) and these being calculated by a single formula.

Disability pension

A person is entitled to receive a disability pension if he/she is assessed a disability degree, by a decision issued by the National Council for Determination of Disability and Work Capacity.

The right to the disability pension is granted for the period for which the degree of disability was determined, the period indicated in the certificate of qualification for disability. The disability and the capacity of work, the causes, the degree and the time of their occurrence are established by the National Council for Determining Disability and Work Capacity. If the insured person qualifies to obtain several categories of pension (ex: disability or old age), he /she may opt for a single category.

The right to a disability pension is granted to an insured person who has lost, fully or partially, his/her work capacity due to a general disease, a work injury or an occupational disease.

The insured person assigned a disability degree, caused by an ordinary disease, shall benefit for a disability pension provided he/she meets the period of insurance conditions compared to age when disability was determined:

2. The age when the person was declared as having a disability	3. Insurance period
4. Up to 23 years old	5. 2 years
6. 23-29 years old	7. 4 years
8. 29-33 years old	9. 7 years
10. 33-37 years old	11. 10 years
12. 37-41 years old	13. 13 years
14. Older than 41 years	15. 15 years

When the disability was caused by a work accident or an occupational disease, the disability pension is granted regardless of the duration of the insurance period. The basis for calculating the pension is the average insured income from the entire period of activity, valued at the date of pension establishment.

The total realized contribution period includes contributory periods – activities during which the person participates to the social insurance system, as well as non-contributory periods – periods that are assimilated in the total contribution period (the same periods as for old-age pension).

The minimum disability pension amounts to:

- 75% of statutory guaranteed monthly minimum income for severe disability;
- 70% of statutory guaranteed monthly minimum income for major disability;
- 50% of statutory guaranteed monthly minimum income for medium disability.

If the pension calculated as per the law is below the minimum pension for a respective category, the difference between the amounts is covered from the state budget.

Disability pensions are indexed on 1st April each year.

Survivor's pension

Persons entitled to a survivor's pension are the children and the surviving spouse. The survivor's pension is granted regardless of the duration of the contribution period if the death of the breadwinner has occurred as a result of an accident at work or an occupational disease.

The survivor pension is granted if the deceased received an old-age or disability pension or met the conditions for receiving a disability pension.

In case of the insured or retired person's death, the surviving children and the spouse are entitled to a survivor pension provided the following conditions are met:

- To access the survivor's pension as child, the person should be below the age of 18 or pursuing studies in a legally recognized educational institution, but not older than 23.
- If at the moment or within 5 years after the insured person's death, the surviving spouse reached the standard retirement age or if survivor spouse was assigned a severe or significant disability degree, provided marriage lasted at least 15 years with no subsequent marriages.

- If caring for children below age 3 of the deceased, or during unemployment periods or child care leave for children below age 3.

This type of benefit are applied as long as conditions described above are met.

The amount of the survivor's pension is calculated 50% of the deceased's pension for the surviving spouse and 75% of the deceased's pension for children for each survivor.

The survivor pensions are indexed on 1st April each year.

D. Special pensions

The special pensions are established and paid according to the provisions of other laws than the Law nr.156/1998 of the public pension system¹⁸⁰. These pensions are regulated by the Law No. 1544/1993 on pension insurance of the military and members of the command corps and of the troops of the internal affairs bodies¹⁸¹ and the Law No. 909/1992 on the social protection of citizens who suffered from the catastrophe of Chernobyl¹⁸² and are financed directly from the state budget.

II. OTHER INSURED BENEFITS

Apart from pensions, insured persons are entitled to the following benefits provided for in the state social insurance system:

Benefits for temporary incapacity for work caused by a general disease, including sick child care

Employees in Moldova are not entitled to a particular number of days of sick leave. The employee must provide the employer with a valid medical certificate. The employer pays the employee during the first five days of sick leave, and a social security payment is available from the sixth day.

Benefits for temporary incapacity for work in case of work accident or occupational diseases, which include: benefit for temporary incapacity for work, disability benefit

¹⁸⁰ For example, see the Law on the State Social Insurance Budget for 2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129187&lang=ro

¹⁸¹ Law No. 1544/1993, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=97418&lang=ro

¹⁸² Law No.. 909/1992, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=88828&lang=ro

The benefit for temporary incapacity for work caused by an industrial injury or occupational disease is granted based on a medical certificate and investigation documents related to the work accident or a document confirming the occupational disease, issued by the competent authorities.

The amount of the indemnity for the temporary incapacity for work paid from the means of the state social insurance budget constitutes 100% of the calculation base of the social insurance indemnities. The calculation base of the indemnity constitutes the average monthly-insured income realized in the last 12 calendar months preceding the month of the insured risk, income from which, at the date of establishing the indemnity, contributions were calculated and paid.

This type of indemnity is granted regardless of the contribution period.

The maximum duration of payment is 180 days during a calendar year. The physician may extend the sick leave with 30 days (beyond the mentioned 180 days) to avoid the assessment for a partial disability.

The insured person who, as a result of an accident at work or an occupational disease, has lost at least 35% of their ability to work are entitled to a disability benefit which is granted monthly for the entire period during which they benefit from disability pension from the public social insurance system.

The amount of the disability indemnity differs depending on the degree of disability of the insured, established according to the legislation.

Maternity benefits

An expectant mother receives 70 days of leave before the estimated date of birth (112 days if she is pregnant with three or more children) and 56 days after the birth (70 days if she gives birth to two or more children).

The father is entitled to 14 days of paternity leave when his child is born. He may request the leave within 56 days of the birth and provide a copy of the birth certificate. During his paternity leave, the father may receive a social security benefit, which must be at least as large as his average salary for the length of time he takes leave. Employers must encourage fathers to take paternity leave and are prohibited from penalizing or creating difficulties for fathers who do so.

Benefit for care of a child of up to 3 years old (monthly)

Following maternity leave, either parent, or another relative who cares for the child, is entitled to take a partially paid childcare leave until the child is three years old. The adult caring for the child must submit a written application for this leave and will generally be eligible to receive a social security payment. Another year of unpaid leave is available upon written request to the employer until the child turns four years old.

Unemployment benefits

The general requirement is to confirm a total insurance period of at least 3 years or at least 9 months for the last 24 months preceding the date when the insured risk occurred.

The calculation basis is the average monthly insured income realized in last 12 calendar months preceding the month when the insured risk occurred, and from which the individual social insurance contributions were calculated.

III. NON-INSURED BENEFITS

The allowances for old persons are supplements to the public pension scheme offered to retired persons with the lowest pensions. These are progressively being replaced by the minimum pension scheme through the solidarity supplement as explained above.

The disability allowances are offered to all non-insured persons with disabilities. People with disabilities are entitled to allowance, benefits, compensation, welfare and other social assistance services, in order to minimize or eliminate the consequences of the effects of the social risks.

The Law no. 499 from 14.07.1999 on state social allowances for certain categories of citizens sets state social allowance for persons with disabilities, including children with disabilities who do not qualify for obtaining entitlement for pension from state social insurance budget.

The evidence of persons with disabilities, who are beneficiaries of social assistance, is carried out by local authorities, if the benefits are paid from the local budgets, or by the National Social Insurance House and its regional structures, if benefits are paid from the state budget.

The Law no.133 on social assistance from 13 June 2008 provides a guaranteed minimum income for families in need, including persons with disabilities, by providing social aid and aid for the cold season to disadvantaged families, including persons with disabilities.

The minimum income program Ajutor Social is the main instrument providing a safety net for poor families and lifting them from poverty. The social assistance program Ajutor Social began in 2009. It was conceived as a proxy means-tested program of cash transfers to replace benefits that were granted to those belonging to a certain category (prestații categoriale). Ajutor Social was introduced to counter the fragmentation of social protection programs and the inefficiency of public money investments in the programs.

The Ajutor Social (AS) is provided to disadvantaged families to alleviate poverty and to assist them in becoming self-reliant. To qualify for the AS program benefit, applicants have to meet three sets of criteria including having a family income below a threshold set as the guaranteed minimum income (GMI), the employment status of family members, and a family welfare confirmed through the proxy

means test. The amount of benefit is contingent on the income gap between household monthly income and the GMI threshold, which is established annually in the State Budget law. Families eligible for AS are also eligible for financial support for heating assistance during the cold winter months or APRA. However, the income threshold for receiving APRA is higher than for AS, and thus more families qualify for APRA benefits.

The AS and APRA programs continuously expanded their coverage and maintained good targeting accuracy. In 2022, a reform of the system is initiated to further expand coverage, include more families with children and tackle long-term unemployment within the system.

The funding of social assistance benefits is provided from the state budget, local budgets and extra-budgetary sources (donations, sponsorships).

108. How are the various benefits and allowances delivered to the beneficiaries? How is the accessibility and efficiency of the system ensured? Is there an IT information system coordinating the provision of social protection and do citizens have access to it to get to know their rights (e.g., accrued pension contributions)? If so, could you please describe the system briefly?

Payment of all types of pensions and other social benefits is made through the payment method selected by the beneficiary and available through the government's electronic payment service MPay. The beneficiaries of social payments have the freedom and convenience to choose any payment service provider connected to the MPay service by any legally available payment method and at any location in the country.

The information system "Social Protection" owned by the National Social Insurance House has the main objective to ensure the information needs for the performance of government tasks in the field of social protection of citizens. The system is part of the state information system and is intended for the registration of payers and state social insurance contributions, the establishment and registration of pension and social benefit payments, as well as the management of the state social insurance budget.

Citizens (beneficiaries) can access directly, on the basis of their login and password, or on the basis of their electronic signature, information from the information system about declared and paid state social insurance contributions, paid social benefits, potential pension amount.

The Ajutor Social and the allowance for the cold period of the year (APRA) are managed through a separate information system, the Social Assistance Automated Information System (SAAIS). The system assesses the eligibility of the application through available data, makes the calculations of the applicable allowances and is

used by social workers to administer the system. Beneficiaries do not have direct access to the information of this system.

109. Which of the social protection branches listed above are available to the self-employed and people with non-standard employment contracts (e.g. temporary jobs, seasonal workers)? Under what conditions?

Self-employed, owners of agricultural land, processing the land individually, and the voluntary insured pay the fixed social insurance contribution provided by the annual state social insurance budget law. They are insured for the minimum old-age pension and the death grant.

C. Pensions

110. What is the public-private mix in Moldova? What role do public, statutory funded, occupational and personal pension schemes play for income security in old age (different pillars of the systems)? Is there a universal system for the whole population? Are there any statistics on the composition of income in old age (social transfers, family support, labour income, additional private income)?

The pension system in the Republic of Moldova includes:

- The public pension system, as an integral part of the state social insurance system, in which the necessary financial resources for covering social benefits are formed from mandatory state social insurance contributions and from transfers from the state budget, as explained above (Pillar I).
- The voluntary pension system, which includes voluntary pension funds, operating on the principle of funding by capitalisation for the sole purpose of providing voluntary pensions; and occupational pension funds - to which the employer contributes for its own employees (Pillar III). The Law 198/2020 transposes the Directive (EU) of 2016/2341 European Parliament and Council of December 14, 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs). The law establishes the legal basis of organization and activities of the facultative pension funds within the facultative pension system based on the individual capitalized savings, requirements to the organization, licensing of administrators of the facultative pension funds and the activities performed by them, rules about depositaries of the facultative pension funds, and also empowers of the National commission on the financial market (further - the National commission) on the supervision of these subjects.

There are currently no registered voluntary pension funds in Moldova.

Data from 2021 from the National Bureau of Statistics indicates that the main source of income in old age was social benefits, which accounted for 47.9 percent of the households' monthly income. Wages amounted, on average, to 28.6 percent of the income, followed by individual agricultural activity at 9.1 percent. Remittances from abroad contributed another 8.2 percent to the income of elderly households.

111. Describe how are benefits calculated and indexed. What is the pensionable age and qualifying period (for men and women, if different)? Please mention if the pensionable age is being increased. Are there minimum pensions/minimum benefits for older people?

Starting January 1, 2022, the standard retirement age is 60 years for women and 63 for men. The retirement age will increase by 6 months for women, until reaching the same retirement age as for men in 2028.

The old-age pensions are payable to persons who cumulatively meet on their date of retirement the retirement age and the minimum period of insurance stipulated by law. The following steps are taken for the calculation of the pension:

1) The calculation of the minimum pension applicable to the pensioner. The amount of the minimum pension depends on whether the number of years of contributions necessary to receive a full pension is reached. The Article 42 of the Law No 156/1998 on the Pension System requires that the number of contributory years to be eligible for a full minimum pension is 34 years for men and 33 years for women.¹⁸³ For pensioners with incomplete contributory service, the minimum pension is calculated in relation to the proportion of the full service completed. From 1 April 2022 the amount of the minimum old-age pension for persons who have completed a full period of contributions is 2278,80 lei. From 1 April 2022 The amounts of the minimum disability pension are: in case of severe disability - 1709.10 lei; in the case of accentuated disability – 1595.16 lei; in the case of moderate disability - 1139.40 lei.

2) The amount of the pension is then calculated according to the pension calculation rule, based on contributions. This value is called the "calculated pension" (Article 16 of Law 156/1998). The calculation is laid down in Annex 2 to the Law No 156/1998. The indexation of the pension and pension increases based on economic growth also apply to this step.

Since 2017 the old age pensions are calculated on the basis of a new pension formula which guarantees equivalence between the contributions paid and pension benefits:

¹⁸³ Law No 156/1998 on the public pension system, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119386&lang=ro

$P = 1.35\% \times (\text{accrual rate}) \times \text{Contributory period} \times \text{Valued average monthly income}$

The valued average monthly income represents the average indexed monthly income received starting with 01.01.1999, based on the national average salary increase coefficient from the contributory periods up until the preceding year of establishing the pension. Valuation coefficient for each year is approved by the Government each year.

The valued average monthly income is calculated by multiplying the insured average monthly income realized during each year from 01.01.1999 onwards until the date of retirement with the valorisation index based on the growth of the average salary from the year when the income was earned and the year preceding the year of retirement in the country. The contributory period for the realization of the old age pension at the standard retirement age includes the periods during which social contributions were paid and the assimilated periods defined by the law.

The gross replacement rate of the old age pensions in Moldova was very low before the 2017 reform: only 25,8%. By the reform, the gross replacement rate of the new old age pensions for men with a full career (34 years) will go up from 01.07.2018 to 45,9% of the average valued monthly wage over the full career.

Recalculation of the pension for pensioners who continue to work is also available.

The disability pension formula has also changed in 2017 and is calculated as follows:

$P = 0.42$ (severe disability) or $0,35$ (accentuated disability) or $0,20$ (average disability), multiplied by the valued average monthly income plus the contributory period, divided by the potential maximum contribution period from age 18 to retirement age established in Art. 41 point. (1) (max 40 y), multiplied by valued average monthly income $\times 0,1$

3) In cases when the calculated pension is higher than the minimum pension applicable to the pensioner, the calculated pension is paid. In cases when the calculated pension is below the minimum pension applicable to the pensioner, the minimum pension is paid.

The survivor's pension is 50% of the pension of the breadwinner for each survivor. If the surviving spouse is working, she does not get a survivor's pension. For descendants referred to art. 25, par. (2) under full state support, the survivor's pension is paid in the amount of 25% of the established pension.

People with less than 15 contribution years are entitled to the state social allowance.

112. What is the coverage of the main public pension scheme (% of population)? Are there certain groups excluded from the system (coverage)? Is there a possibility of 'opting out'? If so, are there any problems caused by the exclusion of certain groups? Is the system equitable with regard to gender equality and other groups of the population?

According to the data of the National Social Insurance House from January 1, 2021 the number of pensioners amounted to 686.3 thousand people or 26.4 percent of Moldova's population. Of the total number of persons covered by the main pension scheme, about 522.8 thousand (76% of all pensioners) were old-age pensioners. Due to the higher share in the elderly population and the longevity gap between women and men, women accounted for 69.8% of the total number of old-age pensioners.

The social protection system in the Republic of Moldova covers the entire population eligible for a given category of social benefit. The Moldovan legislation does not provide for the possibility to opt out of the pension system, mandating that the right to a pension cannot be transferred in whole or in part. If citizens of the Republic of Moldova establish their residence in other countries, they can apply for the waiver of social benefits established by the Republic of Moldova and claim rights in other countries, including countries with which the Republic of Moldova has concluded social security agreements.

The system aims to achieve equity with regard to gender equality and other groups of the population. Measures to promote gender equity include a lower number of contributory years to be eligible for a full pension for women, a lower retirement age for women, and the valorisation of the period of the care of a child up to the age of 3 by a parent or guardian as non-contributory periods assimilated to the years of contribution. Other non-contributory periods of the insured person assimilated to the contribution period include the period during which the insured person has received compensation for temporary incapacity for work, unemployment benefit or an allowance for occupational integration or reintegration; the period of care of a severely disabled child under the age of 18 or a severely disabled person by a parent, guardian or curator; and the period of residency in compulsory postgraduate education.

113. Assess the financial sustainability of the system (of each pillar) with regard to demographic, economic and social changes.

In the public pension system, specific measures aim to ensuring the sustainability of the system in face of the demographic, economic and social changes in the Republic of Moldova. The proportion of people aged over 60 is steadily increasing in the country, as it is globally and in the region.

At the beginning of 2020, the population ageing coefficient was 21.8%, which corresponds to a high level of demographic ageing. In response to these trends, the

statutory retirement age will be raised gradually until it reaches 63 years for both men and women in 2028.

To ensure the financial sustainability of the pension system, the Government is implementing active labour market policies to activate adults that are able to work, as well as measures to tackle the informal sector and underdeclared wages. Currently, in order to ensure the functioning of a sustainable pension system, the priority is to strengthen the public social security system by increasing the number of contributors, broadening the tax base and encouraging people to remain in employment for as long as possible.

These reforms, coupled with other measures, should help improve the balance between the pensioners and the workers and thus improve the sustainability of pension systems.

The voluntary contributions system is still in its early stages after legislation has been passed in 2020. Over time, the system will contribute to ensuring the sustainable development of public finances and diversify the sources of retirement income.

114. Describe recent major reforms which have been implemented and their objectives.

The latest reforms in the field of social protection are:

- the review (re-examination) of disability pensions, established until 1 January 1999 to beneficiaries who have completed a contribution period of 2 years after the establishment of their pension entitlement.
- the review (re-examination) of old-age pensions, established after 1 January 1999 and up to 1 January 2019, for beneficiaries who have completed a contribution period of between 5 and 7 years after entitlement.
- the use from 1 January 2022 of the average monthly wage per country at the date of calculation of the pension for determining the average monthly income insured from 1 January 1999 for the non-contributory period of care of a severely disabled child under the age of 18 or of a severely disabled person by a parent, guardian or curator until employment as a personal assistant.
- granting the right to an early retirement pension for a long career to persons who have completed a period of contribution greater than the period required to establish an old-age pension. Thus, men will be able to retire early if they have completed 39 years of contributory service, and women - if they have completed 35 years and 6 months of contributory service.
- the indexation and increase of pensions and other social benefits on 1 April. According to Art. 13 of Law 156/1998 on the Public Pension

System, the pension indexation coefficient is the annual increase in the consumer price index for the year preceding the year of indexation, and according to Art. 131, the amount of pensions is increased annually by a fixed amount, which is determined by indexing the amount of the average pension by 50% of the increase in the gross domestic product in real terms in the preceding year.¹⁸⁴

Pensions system measures of 2021:

In 2021, the Government of the Republic of Moldova implemented a series of measures on the pensions system in order to improve the situation of the most vulnerable social categories, built around the following principles:

- The main beneficiaries of the measures should be the most vulnerable categories
- The measures should take into account the principle of social equity and fairness towards the beneficiaries who have contributed to the social security system
- Maintaining the long term sustainability of the social security system
- Measure 1) Increase of the minimum pension to 2000 lei and revision of the mechanism of application of the minimum pension

Before the reform, more than 70% of all beneficiaries of retirement pensions had their pensions under the subsistence level calculated by the National Bureau of Statistics¹⁸⁵. In order to improve the situation of the most vulnerable beneficiaries of pensions, since October 1, 2021, the minimum pension was increased by 68% to 2000 lei from the level of 1188.05 lei.

The increase in the minimum pension aimed to offer a significant support to this population, while in the same time maintaining the social equity, fairness and long term financial sustainability of the social security system.

The minimum pension is applied proportionally to the realized contributory period (i.e. 100% of the minimum pension for full contributory period, 90% of the minimum pension for 90% contributory period etc.). The difference between the calculated pension and the minimum pension is paid in the form of a „solidarity supplement”, financed from the state budget

On October 1, 2021, 308 thousand beneficiaries, or 59% of all the beneficiaries of retirement pensions, had their pensions increased as a result of the measure.

¹⁸⁴ Law No 156/1998 on the public pension system, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=119386&lang=ro

¹⁸⁵ The subsistence level for the total population for the year 2020 was calculated at 2088.4 lei by the NBS (https://statbank.statistica.md/PxWeb/pxweb/en/30%20Statistica%20sociala/30%20Statistica%20sociala_04%20NIV_NIV050/NIV050090.px/table/tableViewLayout1/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774). In September 2021, 70.4% of the retirement pensions were under this level.

As a result of the differentiated indexation of (a) the calculated pension and (b) the minimum pension, in time the induced perceived inequity¹⁸⁶ will be absorbed and the financial impact of the minimum pension scheme will be reduced, given that economic growth and increased fiscal compliance will reduce the share of calculated pensions below the minimum pension.

The minimum pension for persons with disabilities, which according to the law is set on the basis of the minimum pension, were increased by 68%. Several social allowances which are calculated in proportion to the minimum pension were also increased

The total cost of the measure for the year 2022 is estimated at 2.1 billion lei, or 0.83% of the GDP.

Measure 2) Reexamination of pensions for disabilities for those who have worked after receiving the right to the pension

Previously, the pension law allowed the reexamination of retirement pensions for the persons that worked after retirement, according to the Article 33 of the Law 156/1998 regarding the public pensions system. The reexamination of pensions is possible under a schedule that gradually introduces this right, in order to maintain the financial stability of the system. The new provisions extended the right for the reexamination of pensions to the beneficiary of pensions for disabilities under the same rules and in the same schedule as the scheme for retirement pensions. As a result, the beneficiaries of pensions for disabilities are treated in the same way as beneficiaries of retirement pensions, thus removing an element of discrimination in the public pensions system.

Measure 3) Improvement of the calculation of the pension for persons who have taken care of persons with severe disabilities

Previously, the period in which a person has taken care of another person with severe disabilities was assimilated to the contributory period with a value equivalent to the minimum wage in the country. Given that the minimum wage is unchanged since 2014 at the value of 1000 lei (10% of the average wage), the period in which a person has taken care of another person with severe disabilities had an extremely low valuation in the calculation of the retirement pension. The new provision increased the valuation of this period to the level of the average wage, in order to restore the social equity towards the persons that provided care to persons with severe disabilities.

Measure 4) Revision of the rules for the indexation of pensions to take into account economic growth and ensure a proper functioning of the minimum pension scheme

¹⁸⁶ Critics are saying that „those who contributed less to the social security system benefit more from the increase of the minimum pension”

Previously, the pensions were increased twice a year on the basis of inflation to maintain their purchasing power. Under the new regulation, the indexation system is revised to improve the predictability and introduce the factor of economic growth in the indexation and growth of the pensions.

Starting with 2022, pensions are indexed once a year on April 1st in the following steps:

- 1) The minimum wage is indexed with the CPI at the end of the previous year (December);
- 2) The calculated pensions are indexed with the CPI at the end of the previous year (December);
- 3) The calculated pensions are increased with half of the GDP growth of the previous year in a fixed amount offered to all beneficiaries of pensions (in order to decrease the gap between low and high pensions, without ever fully covering the gap);
- 4) If the calculated pension is under the minimum wage for the contributive period, the respective minimum wage is offered¹⁸⁷.

The once per year increase in pensions is more significant and better perceived by the population compared to two smaller increases offered under the previous system. The mechanism also allows for the proper functioning of the minimum pension mechanism¹⁸⁸. Also, the mechanism allows for a faster increase of lower pensions and contributes towards bridging the gap between low and high pensions.

Measure 5) Maintaining the provisions for retirement age

The Law no. 231 from 16/12/2020 has reduced the retirement age to 62 years for men and 57 years for women starting from 1st January 2022. The Law was largely criticized as being populist and not aligned to the demographic, technological and medical evolutions. It was also bringing a serious risk in terms of financial stability of the public pension system. The approved measure was to overturn the Law no. 231 from 16/12/2020 and to maintain the retirement age in the framework of the legislation applied in 2021.

As a result, a large inflow of new retired persons was avoided: the Law no. 231 from 2020 would have doubled the number of newly retired persons in 2022 compared to 2021. Due to the reversal of the Law no. 231 from 2020, the financial stability and predictability of the pension system is maintained.

Measure 6) Introduction of the anticipated retirement pension for lengthy career

¹⁸⁷ The difference between the calculated wage and the minimum wage is offered in the form of a solidarity supplement, financed from the State Budget, as explained above.

¹⁸⁸ Until now, the minimum pensions were increased at the same pace as the calculated pensions.

Many countries have introduced compensatory measures along with the increase in the retirement age. One such measure is the anticipated (early) retirement in case of a lengthy career. As of January, 1, 2022, such a mechanism is introduced in the Republic of Moldova in order to reward persons with lengthy careers in employment.

The right to retirement is offered at any age to persons that have realized a contributory period significantly longer than the full contributory period as defined by the law¹⁸⁹: the realized contributory period should exceed the full contributory period by 5 years for men, and by 3 years for women¹⁹⁰.

Only the contributory periods are taken into account for allowing the right for anticipated retirement for lengthy career. The non contributory periods assimilated to total contribution period in the pension system are not taken into account for the right and the calculation of the anticipated retirement pension for lengthy career. When the beneficiary of the anticipated retirement pension for lengthy career reaches the legal age for retirement, the pension is reexamined and recalculated according to the general rules¹⁹¹.

Overall cost of the pension system measures of 2021

The total cost of the new measures implemented in 2021 is estimated at around 1 percent of the GDP, mainly due to the new minimum pension mechanism. A significant amount (63% of the total cost) is covered from avoiding the reduction in the retirement age. In other words, the wealth that otherwise would have been distributed to newly retired persons that are generally still able to work will be provided to existing retired persons with a significant boost in revenues for the most vulnerable categories. Therefore, the total package meant an additional 0.3% GDP expenditure for the public pension system vs. previous legislation.

In the long term, the financial sustainability of the pensions system will be ensured by the gradual decrease of the solidarity supplement (offered for the minimum pension) financed from the state budget and a higher correlation between the indexation of the pensions and the economic growth. The distribution of wealth towards more vulnerable categories should increase the consumption of domestic products and stimulate the growth of the national economy.

¹⁸⁹ The full contributory period is today of 34 years for men and 32 years and 6 months for women and will be gradually increased to 34 years for women by 2024

¹⁹⁰ In the interests of demographical development, the requirement is lower for women due to the maternity leave not taken into account in the calculation of the contributory period for the anticipated retirement pension for lengthy career.

¹⁹¹ We are still assessing the technical feasibility of an automatic reexamination and recalculation vs. the reexamination and recalculation at the request of the beneficiary.

115. Please explain how the delivery of health care is organised and financed. What is the structure of the healthcare system in Moldova? What is the share of resources devoted to the primary and secondary care? Please indicate the respective parts of taxes and social contributions, the breakdown between compulsory coverage and voluntary complementary coverage and further information on out-of-pocket payments (if available). What is the level of total healthcare expenditure in % of GDP?

The health system of the Republic of Moldova is organized according to the principles of universal access to basic health services and equity and solidarity in health services financing both by the state and by individuals through mandatory health insurance mechanisms. The structure of the health system represents a series of public and private medical entities, as well as public agencies and authorities involved in the provision, financing, regulation and administration of health services.¹⁹²

Healthcare providers are primary, secondary and tertiary, depending on their degree of specialization offer the full spectrum of medical services for individuals and some services at the population level through key programs relevant for the control of specific diseases, such as TB, HIV / AIDS, diabetes, cancer and vaccine-preventable infections, etc.

Public health service providers of primary and secondary level provide services to the community and have mainly local public authorities as founders. Primary health care is based on family medicine and is provided by family medicine centers, with health centers, family doctor's offices and health offices in rural areas.¹⁹³

Secondary health services, which include specialist outpatient care and hospital care, are provided by district and municipal hospitals. In Chisinau, specialized outpatient medical care is provided by territorial medical associations, which are independent of municipal hospitals, but also include primary health care. In each district, there are also emergency care providers (ambulance services), which belong to a centralized entity - the National Center for Prehospital Emergency Medical Care.

Tertiary level medical institutions (republican hospitals) provide specialized and highly specialized medical services for the entire population of the country. Almost all these institutions are located in Chisinau and are founded by the Ministry of Health.

¹⁹²Law No 411/1995 on health protection, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=128014&lang=ro

¹⁹³ Government Decision No 988/2018 for the approval of the Rules for the organisation of primary health care, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=109177&lang=ro

Primary, secondary and tertiary health care providers are contracted directly by the National Health Insurance Company for the provision of health services within the mandatory health insurance.¹⁹⁴

The health system is funded from the following sources: mandatory health insurance funds, state budget, local budgets and other sources such as donations, grants, sponsorships, etc.¹⁹⁵

The mandatory health insurance funds revenues consist of mandatory health insurance premiums paid by taxpayers, transfers from the state budget and other revenues (fines and administrative penalties, bank interest, etc.).

The mandatory health insurance premium is a percentage contribution to salary and other rewards (9%) or a fixed amount (4056 lei), approved annually by the law on mandatory health insurance funds, which the taxpayer is obliged to pay to the mandatory health insurance fund for taking over the risk of illness.¹⁹⁶

Employee contributions in 2021 as a share in the accumulation of mandatory health insurance funds accounted for 47.5%, and the fixed mandatory health insurance premiums amounted to 1.2%.

The amount of transfers from the state budget to the mandatory health insurance funds for the categories of persons insured by the Government is established annually by the state budget law, representing the approved amount of transfers from the state budget to the mandatory health insurance funds for the previous year, with the consumer price index for the previous year. As a share of the mandatory health insurance funds' accumulations, this type of revenue constituted 49.3% in 2021.

In the system of mandatory health insurance, health services are purchased by the National Health Insurance Company by contracting and paying providers of medical and pharmaceutical services, from the funds designated for payment for the provided services (*basic fund*). In 2021, the basic fund means were allocated by types of medical and pharmaceutical care and services according to the following proportions: hospital health care – 54.6%, primary health care, including compensated drugs – 25.4%, emergency prehospital health care – 8.9%, outpatient specialized health care – 8.2%, high performance health services - 2.1% and community and home health care – 0.8%.

The public expenditures for health in the Republic of Moldova in 2021 amounted to 646.5 million Euros (13527.9 million lei) or 5.6% of GDP. The largest share of the total public expenditures is held by the mandatory health insurance fund –

¹⁹⁴ Law No. 1585/1998 on compulsory insurance health care insurance, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=128122&lang=ro

¹⁹⁵ Law No 411/1995 on health protection, available in Romanian here:

https://www.legis.md/cautare/getResults?doc_id=128014&lang=ro

¹⁹⁶ Law No. 207/2021 on compulsory health insurance funds

for the year 2022, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129189&lang=ro

85.4%, including transfers from the state budget - 43.1%, followed by the state budget – 56.5%, including the transfers to the mandatory health insurance fund – 43.1%, and local budgets - 1.2%.

Although declining, the share of out-of-pocket payments within the total health expenditures remains significant at 36.8%¹⁹⁷ (in 2019).

In 2019, the total health expenditures in the Republic of Moldova amounted to 681.6 million Euros (US \$ 763 million) or 6.5% of GDP.

116. What is the accessibility of healthcare system? Please describe existing inequalities in access (geographical, financial, social)? Are certain groups excluded from the public system for legal reasons (coverage)?

The legislation regulating the protection of health is based on Article 36 (1) of the Constitution of the Republic of Moldova, “The right to health protection,” which states that the right to health protection shall be safeguarded.¹⁹⁸

The healthcare system in the Republic of Moldova is organised in line with the principles of universal access to core medical services, equity, and solidarity. Population’s universal access to pre-hospital emergency and primary health care, public health, and vaccination shall be ensured, regardless of a person’s insurance status.

According to Law No. 411/1995 on health protection, the state safeguards the protection of the interests of all its citizens in the field of healthcare via its compulsory healthcare insurance system, by providing primary, pre-hospital emergency and hospital care, within the limits and in the established volume, observing the needs of children, persons with disabilities, and old people.¹⁹⁹ The inhabitants of the country are entitled to insurance, regardless of nationality, race, sex, social background, and religion. No people or groups are excluded from the public system or have limited access to healthcare services on legal grounds (ethnicity, religious affiliation, sexual orientation, etc.).

Geographical access. The restructuring of the healthcare system started back in the ‘2000s with the strengthening of the primary healthcare and introduction of a family medicine-based model to deliver primary healthcare services in every community of the Republic of Moldova, and by changing the healthcare system funding (healthcare insurances were established).

¹⁹⁷WHO Global Health Expenditure Database; (<https://apps.who.int/nha/database/ViewData/Indicators/en>)

¹⁹⁸ Constitution of the Republic of Moldova of 1994, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro#

¹⁹⁹Law No 411/1995 on health protection, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=128014&lang=ro

Currently, the geographical access to the primary health facilities is generally deemed to be sufficient; the majority of citizens live in the rural area, within a radius of 2km from the primary health facility and only 6% of the communities are located more than 5 km away. For the inhabitants of rural areas, the average distance up to a district hospital where admission and specialised services are available is less than 1h away or, on an average, 19.8 km. The geographic barriers are more common in the rural area compared to the urban area. Long distances and transport-related challenges impact certain categories of the population (retired people, persons with disabilities, unemployed people). The non-medical factors such as road quality and lack of a regular transport are also influencing the geographical access.

The access to some communities and regions is limited because of a drop in the total number of doctors and mid-level personnel. There is an ongoing oversupply of specialists in Chisinau and a lower number in the rural areas, in particular, of family doctors, despite the efforts of the Government to make these jobs more attractive by providing financial incentives. Thus, the healthcare facilities in Chisinau are more equipped with medical staff, with indicators comparable with the EU ones, while the burden for the doctors in other regions is higher, sometimes, and unfair, from the geographical viewpoint – family doctors from some regions cover a bigger proportion of the rural population dispersed in much more many communities and provide more services compared to other districts where the staff is sufficient.

Access and financial protection. Recent findings have shown that population's financial protection improved in the last decade, although, challenges are still there. Informal and formal payments are still valid. This limits the access to healthcare services for some groups of the population (socio-economic vulnerability).

Regarding primary and specialised healthcare, out-of-pocket expense serves as fees to reduce the waiting time and obtain a better quality of interaction. Nevertheless, the largest share of expense is related to direct payments for diagnosis tests, prescribed medicines and access to a very limited package of reimbursed medicines

Therefore, the Government has significantly increased the medical expense since 2021. Subsequently, almost 163 INNs are in the List of reimbursed medicines. These correspond to 768 brand names. Thus, insured persons benefit from the medicines included in the list, which are reimbursed fully or partly by the healthcare insurance fund for the support outpatient treatment²⁰⁰. The next immediate goal is to have at least one medicine reimbursed in each pharmaceutical group. Accordingly, one of the inequalities is the access to community-based pharmacies that dispense reimbursed medicines. Today, work has been undertaken to build e-prescription. The implementation of this module will simplify the

²⁰⁰ Ministry of Health order No 492/139/2013 on compensated medicines from compulsory health insurance funds health care, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=129700&lang=ro

procedure related to reimbursement and medicines could be dispensed in any pharmacy in the country, without visiting the family doctor.

117. Is the healthcare system sustainable from the financial point of view? Is it sustainable from the point of view of human resources?

Pursuant to the provisions of Art. 5 para. (1) of the Law No. 1585/1998, the entire population of the Republic of Moldova has the obligation to be insured in the system of mandatory health insurance.²⁰¹ Non-working individuals from 14 categories (including children, students, pensioners, pregnant women, people with disabilities, etc.) receive insurance coverage provided by the Government. Individuals who do not belong to the respective categories, have the obligation to make a premium contribution payment as a 9% deduction from monthly salary and other rewards, in case of employed persons, or insurance premium in a fixed amount, in case of self-insured persons.

In the structure of insured population, the categories insured by the Government have the largest share, constituting 1.63 million persons or 63.3% of the total of 2.57 million insured persons in 2020. Employees constituted 34.2% of this number, while only 2.5% are individually insured persons (63 thousand premiums payers)²⁰².

The revenues of the mandatory health insurance funds consist of the mandatory health insurance premiums paid by contributors, transfers from the state budget and other revenues (fines and administrative sanctions, etc.). The largest share of the revenues of the mandatory health insurance funds is held by the employees' contributions around 56% in 2020, although their number is smaller than the number of persons insured by the Government.²⁰³ The government transfers 41.4% of the sources of income from mandatory health insurance funds, and the other quotas are not representative.

Public expenditures for health in the Republic of Moldova in 2021 amount to 646.5 million euro (13527.9 million lei) or 5.6% of GDP, of which: the state budget - 365.5 million euro (7648.1 million lei), including transfers to mandatory health insurance funds - 278.8 million euro (5835.0 million lei), local budgets - 7.8 million euro (162.7 million lei), mandatory health insurance funds - 552.1 million euro (11552.1 million lei), including transfers from the state budget - 278.8 million euro (5835.0 million lei). The largest share of total public expenditure is held by

²⁰¹ Law No. 1585/1998 on compulsory insurance health care insurance, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=128122&lang=ro

²⁰² Activity report of the National Medical Insurance Company for 2020, available in Romanian here: http://cnam.md/httpdocs/editorDir/file/RapoarteActivitate_anuale/2021/Raport%20de%20activitate%20CNAM%202020.pdf

²⁰³ Activity report of the National Health Insurance Company for 2020, available in Romanian here: http://cnam.md/httpdocs/editorDir/file/RapoarteActivitate_anuale/2021/Raport%20de%20activitate%20CNAM%202020.pdf

the mandatory health insurance funds, increasing from 70% in 2004 to 85.4% in 2021.

Public funding of health care was influenced during the years 2009-2021 by existing budgetary constraints and low priority for health in the state budget, public spending on health accounting for 5.6% of GDP in 2021 compared to 6.4% in 2009. The share of the state budget allocated to health has been gradually reduced from 74.7% in 2004 to 56.5% in 2021.

The launching of the mandatory health insurance in 2004 ensured equal access to health services and was an important and successful step towards universal coverage. However, out-of-pocket payments (formal and non-formal), which amounted to 36.8% in 2019, remain a significant burden for the population with the largest share relating to procurement of outpatient medicines. Among the poorest quintiles, the share of outpatient medicines spending rose from about 78% in 2008 to 92% in 2016.

Payments made by the patients are a significant barrier to using the health services and are an important reason why people do not seek healthcare assistance.

Thus, financial protection remains one of the biggest challenges, as the Republic of Moldova is committed to removing financial barriers to accessing health services and progressing towards universal health care coverage in line with the Sustainable Development Goal 3.

Respectively, the health system of the Republic of Moldova needs more resources to ensure patients' access to health services and to provide a better quality of services, so that the health status of the population is improved.

In 2016, the Government approved the Strategy for the Development of Human Resources in Health 2016–2025, stressing the importance of human resources as a key element for ensuring a functioning and responsive health system.²⁰⁴ The Strategy defined several priority areas for action, including human resource management in healthcare; adequate, qualitative and quantitative formation of medical personnel; recruitment, retention and continuous development of the healthcare staff; sustainable funding for the training, retention and development of the healthcare workforce; effective management of the mobility of medical personnel.

According to the data of the National Agency for Public Health, in 2021 there were 12214 doctors (180 less than in 2020 and 566 less than in 2010), and the per capita availability of healthcare workers for the population was 3.45 per 1000 inhabitants. Per capita provision of HCWs per 1,000 inhabitants is slightly above the OECD average, which is 3.4 doctors per 1,000 population (2020).

²⁰⁴ Strategy for the Development of Human Resources in Health 2016–2025, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=92216&lang=ro

In 2021 there were 23954 mid-level medical employees in the Republic of Moldova (767 more than in 2020 and 3565 less than in 2010) and coverage of the population with mid-level medical staff was 6.76 per 1000 inhabitants. The coverage with mid-level medical staff per 1,000 inhabitants is above the OECD average, which was 5.17 nurses per 1,000 population in 2020.

The degree of coverage with doctors in some districts is 10.1-14.5 per 10 thousand inhabitants, compared to 24.7-26.2 per 10 thousand inhabitants in municipalities, which is a very low level. The national average for density of family doctors per 10 thousand inhabitants is 4.7, while it is as low as 2.5-3.0 in a number of districts.

At the same time, the State University of Medicine and Pharmacy Nicolae Testemitanu annually trains 320-330 resident doctors at the expense of the state budget, who are employed in public institutions with the commitment to work in the appointed medical institution for at least 3 years after graduation

Key challenges in human resources in health relate to:

- decrease in the number of employed healthcare staff;
- geographical imbalances in the distribution of healthcare workers in urban and rural areas.
- In order to improve the situation and motivate young specialists/graduates of medical institutions to work in rural health facilities, several regulations have been developed to provide financial incentives, free accommodation, connection to infrastructure services, etc., for young specialists/graduates, as follows:
 - Government Decision no. 1345/2007 on granting incentives to young specialists with medical and pharmaceutical studies, offer one-time recruitment allowance in the amount of 120 thousand lei for doctors and pharmacists and 96 thousand lei for medical and pharmaceutical staff with professional studies; the recruitment allowances are conditional on the reception of an employment offer from health authorities;²⁰⁵
 - Government Decision no. 1255/2007 on the approval of the Regulation on granting a one-time compensation for the connection to the natural gas pipeline of certain categories of rural population;²⁰⁶
 - Government Decision no. 1259/2008 on providing free housing to young specialists with higher education and postgraduate residency, assigned and employed in public (budgetary) institutions in villages (communities);²⁰⁷

²⁰⁵ Government Decision no. 1345/2007 on granting incentives to young specialists with medical and pharmaceutical studies, available in Romanian here: https://www.legis.md/search/getResults?doc_id=120493&lang=ro

²⁰⁶ Government Decision no. 1255/2007 on the approval of the Regulation on granting a one-time compensation for the connection to the natural gas pipeline of certain categories of rural population, available in Romanian here: https://www.legis.md/search/getResults?doc_id=128805&lang=ro

²⁰⁷ Government Decision no. 1259/2008 on providing free housing to young specialists with higher education and postgraduate residency, assigned and employed in public (budgetary) institutions in villages (communities), available in Romanian here: https://www.legis.md/search/getResults?doc_id=103483&lang=ro

- Government Decision no. 367/2020 on the approval of the Regulation on organization of residency studies, by which the resident doctors/pharmacists admitted to studies on the job with financing from the state budget have the obligation to work in the contracting institution for a period of at least 3 years after the graduation of the resident.²⁰⁸
- In order to motivate financially the medical staff within the public medical institutions, the Government approved a series of decisions aiming to increase remuneration in the public healthcare system.^{209,210,211}

²⁰⁸ Government Decision no. 367/2020 on the approval of the Regulation on organization of residency studies, available in Romanian here: https://www.legis.md/search/getResults?doc_id=121918&lang=ro

²⁰⁹ Government Decision Nr. 22/2020 for amending the Regulation on the salaries of employees of the institutions medical-sanitary institutions under the compulsory health care insurance, approved by Government Decision no. 837/2016, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119992&lang=ro

²¹⁰ Government Decision No. 557/2020 amending

Regulation on the salaries of employees of public medical institutions under the compulsory health insurance system, approved by Government Decision

No 837/2016, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=122490&lang=ro

²¹¹ Government Decision No 920/2020 on the amendment of the Regulation on the salaries of employees of public medical institutions under the compulsory health insurance system, approved by Government Decision No. 837/2016, available at: https://www.legis.md/cautare/getResults?doc_id=124653&lang=ro

ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES

A. Anti-discrimination

The EU acquired important new competences in 1999 to combat discrimination on grounds of racial and ethnic origin, religion or belief, age, disability and sexual orientation. These competences are set out in Article 19 of TFEU. On that basis, the Council adopted two Directives in 2000:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This Directive covers direct and indirect discrimination in the fields of employment, education, social protection (including social security and health care), social advantages, goods and services (including housing).
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This Directive covers employment discrimination on the grounds of religion or belief, age, disability and sexual orientation. It includes specific requirements on reasonable accommodation for persons with disabilities.
- The EU has also established an action programme to combat discrimination to support the transposition of the Directives and to promote a range of non-legislative activities (research, networking and awareness-raising).

118. Which is (are) the department(s) responsible for measures to combat discrimination on the grounds outlined above?

In accordance with Law no. 121/2012 on ensuring equality, the institutional framework for preventing and combating discrimination and ensuring equality consists of the following subjects with responsibilities in the field:²¹²

- The Council for the Prevention and Elimination of Discrimination and Ensuring Equality, an autonomous public authority subordinated to the Parliament;
- public authorities;
- the courts.

The following ministries and agencies in the Government are responsible for measures to combat discrimination on the grounds outlined above:

- Ministry of Justice
- Ministry of Education and Culture

²¹²Law nr.121/2012 on ensuring equality available in Romanian
https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

- Ministry of Internal Affairs
- Ministry of Labour and Social Protection and its subordinated structures
- Ministry of Health
- Interethnic Relations Agency

119. What kind of legislative and non-legislative measures exist in Moldova to tackle discrimination? Are there specific legal provisions prohibiting discrimination and providing for remedies? Does such legislation define various types of discrimination (direct, indirect, harassment and instructions to discriminate)? Does the legislation protect individuals against victimisation?

The principle of non-discrimination is applied in a cross-cutting manner and is incorporated in every legal framework governing human relations in the Republic of Moldova. Additionally, the Parliament adopted Law no. 121/2012 on ensuring equality, the purpose of which is to prevent and combat discrimination and ensure the equality of all persons on the territory of the Republic of Moldova in all spheres of life. Law No. 5/2006 on Ensuring equality between women and men also includes relevant provisions in relation to discrimination based on sex ²¹³ The Labour Code contains relevant provisions in the field of labour relations.

Specific criteria of non-discrimination under Law 121/2012 include race, color, nationality, ethnicity, language, religion or beliefs, sex, age, disability, opinion, political affiliation or any other similar criteria. The law defines direct and indirect discrimination, as well as the concepts of taking instructions to discriminate (incitement to discrimination), harassment and victimisation as follows:

- *direct discrimination* - treating a person on the basis of any of the prohibitive criteria in a less favorable manner than treating another person in a comparable situation;
- *indirect discrimination* - any seemingly neutral provision, action, criterion or practice which has the effect of disadvantaging a person to another person on the basis of the criteria set out in this law, unless that provision, action, criterion or practice is justified in objectively, through a legitimate aim and whether the means to achieve that aim are proportionate, adequate and necessary;
- *harassment* - any unwanted behavior that leads to the creation of an intimidating, hostile, degrading, humiliating or offensive environment, with the purpose or effect of harming a person's dignity based on the criteria set forth in this law;

²¹³ Law no.5/2006 on ensuring equality between women and men available in Romanian https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro

- *incitement to discrimination* - any conduct by which a person exerts pressure or displays intentional conduct for the purpose of discriminating against a third person on the basis of the criteria stipulated in this law;
- *victimization* - any action or inaction resulting in adverse consequences as a result of filing a complaint or bringing an action in court for the purpose of ensuring the application of the provisions of this law or for the purpose of providing information, including evidence, relating to the complaint or action submitted by another person; more information on victimization is available at question 127.

Art. 18 of Law 121/2012 provides for remedy for victims of discrimination. Any person who considers himself/herself a victim of discrimination has the right to bring an action before the court and request:

- to establish the fact of a violation of his or her rights;
- to prohibit further violation of his or her rights;
- to restore him or her to the situation prior to the violation of his or her rights;
- to receive compensation for the material and non-material damage caused to him or her and recovery of legal costs;
- to have determined the act which led to discrimination null and void.

Law No. 5/2006 on Ensuring equality between women and men further includes the notions of direct and indirect discrimination based on sex, as well as that of sexual harassment.²¹⁴

- direct discrimination on grounds of sex - any action which, in similar situations, discriminates against a person in comparison with another person of the opposite sex, including on the grounds of pregnancy, maternity or paternity;
- indirect discrimination based on sex - any action, rule, criterion or practice identical for women and men, but with unequal effect or result for one of the sexes, except for affirmative action;
- sexual harassment - the manifestation of physical, verbal, or nonverbal behavior that harms a person's dignity or creates an unpleasant, hostile, degrading, humiliating, or insulting atmosphere in order to induce a person to have sexual intercourse or other undesirable sexual acts committed by threat, coercion, blackmail.

The prohibition of discrimination and the equality in rights and opportunities are among the general principles of labour relations. The Labour Code also prohibits sexual harassment and requires the employer to take measures to prevent sexual

²¹⁴ Law No.5/2006 on ensuring equality between women and men, available in Romanian https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro

harassment at work, and ensure the worker who filed a complaint for discrimination faces no retaliation.²¹⁵

Acts of discrimination are liable to disciplinary, civil, criminal and misdemeanour liability, in accordance with the legislation in force.

Non-legislative measures include information campaigns, monitoring the implementation of legislation, or examining complaints, carried out as part of the mandate of the Council for the Prevention and Elimination of Discrimination and Ensuring Equality.

120. What kind of judicial remedies exist in case of discrimination in the fields of employment, education, health care, social security, housing and access to goods and services? To what courts or other tribunals could victims of discrimination take their cases?

a) Does the reversal of the burden of proof apply in cases of discrimination, i.e. does the respondent have to prove that he did not discriminate if discrimination can be presumed?

Moldovan legislation provide for the reversal of the burden of proof in cases of discrimination. Article 19 of Law No. 121/2012 on Ensuring equality prescribes that the individual filing a court claim must present facts which allow presuming the existence of a discrimination act.²¹⁶ The burden of proving that the facts do not constitute discrimination is attributed to the defendant, except when facts which give rise to criminal liability. Claims can be brought against actions of discrimination in the fields of employment (Article 7), education (Article 9), health care (Article 8 b)), social protection (Article 8 c)), housing (Article 8 g)) and access to goods (Article 8 h)).

b) What sanctions or other remedies can be applied in discrimination cases? If victims can claim compensation, does compensation cover the full extent of the loss suffered or are there any limits envisaged by the legislation?

According to art. 5 of Law No. 121 /2012 on ensuring equality, measures to remove discrimination include mediation, sanctioning the discriminatory behaviour and reparation of the material and moral damage caused as a result of the act of discrimination. Article 18 clarifies that any individual who is considered victim of discrimination has the right to initiate a law suit in court and to request the recovery of the caused material and moral damage, as well as recovery of court costs. Claims can be brought against any actions of discrimination as defined

²¹⁵ Labour Code No.154/2003, available in Romanian
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²¹⁶ Law No. 121/2012 on Ensuring equality, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

under the law, which include discrimination in the fields of employment (Article 7), education (Article 9), health care (Article 8 b)), social protection (Article 8 c)), housing (Article 8 g)) and access to goods (Article 8 h)). The statute of limitation in such cases is one year from the date of the act or from the date on which the person could have become aware of its commission.

The Civil Code of the Republic of Moldova at Article 1998 prescribes the general basis and conditions of tort liability, under which any illicit act which caused damage shall be repaired. This includes the moral damage caused by action or omission.²¹⁷

There is no envisioned limit for damage to be claimed for loss suffered in such cases.

121. Does legislation prescribe exceptions to the principle of equal treatment and positive action? If yes, please describe those exceptions, as well as the circumstances when the positive actions can be taken.

Yes, Law No. 121/2012 on ensuring equality introduces the notion of “positive measures”, which are temporary measures in favour of a person, a group or a community in order to ensure their equality in relation to others.

Law No. 5/2006 on ensuring equality between women and men provides further exceptions in this sense:

- The law introduces *affirmative action* as a temporary special actions to accelerate the achievement of real equality between women and men, with the intention of eliminating and preventing discrimination or disadvantages resulting from existing attitudes, behaviors and structures;
- Measures to ensure special conditions for women during pregnancy, lactation and lactation;
- A difference in treatment based on a sex-related characteristic for reasons relating to the nature of the special professional activity, if such a characteristic is a real and determined professional requirement, provided that the objective is legitimate and the requirement is proportionate ;
- Special notices of employment of persons of a certain sex in the workplace which refer to the nature of the special professional activity, where such a sex-related characteristic is a real and determined professional requirement, provided that the objective is legitimate, and the requirement is proportionate.

²¹⁷Civil Code nr.1107/2002, available in Romanian
https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#

122. Which bodies (such as "equality bodies") exist to promote the fight against racial and ethnicbased discrimination, and discrimination on other grounds? What are their powers? What are the guarantees for effective and independent performance of their powers?

On this dimension, it is important to mention the activity of the following public institutions with competences in the field:

1. Council for the Prevention and Elimination of Discrimination and Ensuring Equality - a collegiate body with the status of a legal person under public law, established for the purpose of ensuring protection against discrimination and ensuring equality for all persons considered to be victims of discrimination.

The Council shall act impartially and independently of the public authorities.

The Council exercises the following powers: (a) examines the compatibility of current legislation and draft laws with non-discrimination standards; (b) monitors implementation of legislation; (c) examines complaints and reinstate the rights of victims of discrimination; (d) raises awareness and inform society in order to eliminate all forms of discrimination.

The Council for Preventing and Eliminating Discrimination and Ensuring Equality is an autonomous, unbiased and independent public authority, established in 2013. The Council members are appointed by the Parliament of Moldova for a 5-year term, out of 5 unaffiliated politically members, 3 of them are representatives of the civil society.

2. Interethnic Relations Agency - the central administrative authority subordinated to the Government, which has the mission to ensure the implementation of state policies in the field of interethnic relations and the functioning of languages spoken on the territory of the Republic of Moldova.

In accordance with art. 7 of the Government Decision no. 593/2018 on the organization and functioning of the Interethnic Relations Agency, the institution exercises functions in the fields of: strengthening interethnic relations; developing intercultural dialogue and strengthening civic identity; functioning of the languages spoken on the territory of the Republic of Moldova and the promotion of linguistic diversity.²¹⁸

²¹⁸Government Decision on the organization and functioning of the Interethnic Relations Agency available in Romanian https://www.legis.md/cautare/getResults?doc_id=119160&lang=ro

B. Equal treatment of women and men

Equal opportunities (Directives 79/7, 92/85, 2004/113, 2006/54, 2010/18 and 2010/41)

123. Are direct and indirect discrimination on the basis of sex forbidden by law in the field of access to employment, training, promotion and working conditions?

Art. 5 of the Labour Code establishes the principle of equality as a fundamental principle of labour relations. This means ensuring equality for employees, without any discrimination, in terms of *promotion*, taking into account work productivity, qualifications and length of service in the speciality, as well as *training, retraining and further training*. While discrimination in relation to *working conditions* is not directly mentioned, Article 8 prohibits any discrimination in the sphere of work, which shall extend to all areas of work, including working conditions.

Direct and indirect discrimination on the basis of sex is mentioned by Law No. 121 of 25.05.2012 on ensuring equality (also called the Anti-Discrimination Law).²¹⁹ Article 7 (3) also provides that denial of *employment*, admission to advanced *training* courses or *promotion* is considered discrimination if they are unreasonable.

Also Law No. 105/2018 on the promotion of employment and unemployment insurance expressly prohibits the application of the provisions prohibiting any discrimination on grounds of race, nationality, ethnic origin, language, religion, beliefs, sex, age, disability, opinion, affiliation politics, wealth, social origin or any other criteria in the fields applicable to the law (*employment* and access to benefits).²²⁰

124. Does the legislation or case law on sex discrimination cover – and provide a definition of – direct and indirect discrimination, harassment, sexual harassment and instruction to discriminate?

The Law No. 5/2006 on ensuring equality between women and men provide the definitions of the following notions (Article 2):²²¹

- *direct discrimination on grounds of sex* - any action which, in similar situations, discriminates against a person in comparison with another person of the opposite sex, including on the grounds of pregnancy, maternity or paternity;

²¹⁹ Law no. 121 of 25.05.2012 on ensuring equality. Published: 29-05-2012 in the Official Gazette no. 103 art. 355, https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

²²⁰ Law nr.105/2018 on the promotion of employment and unemployment insurance available in Romanian https://www.legis.md/cautare/getResults?doc_id=130921&lang=ro#

²²¹ Law No.5/2006 on ensuring equality between women and men, available in Romanian https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro

- *indirect discrimination based on sex* - any action, rule, criterion or practice identical for women and men, but with unequal effect or result for one of the sexes, except for affirmative action;
- *sexual harassment* - the manifestation of physical, verbal, or nonverbal behavior that harms a person's dignity or creates an unpleasant, hostile, degrading, humiliating, or insulting atmosphere in order to induce a person to have sexual intercourse or other undesirable sexual acts committed by threat, coercion, blackmail.
- The law does not include definitions on instruction to discriminate and on harassment.

Also, Article 2 of the Law No. 121/2012 on ensuring equality, provides a definition of direct and indirect discrimination, harassment, and instruction to discriminate.²²²

- *direct discrimination* is treating a person on the basis of any of the prohibitive criteria in a less favourable manner than treating another person in a comparable situation;
- *indirect discrimination* is any seemingly neutral provision, action, criterion or practice which has the effect of disadvantaging a person to another person on the basis of the criteria set out in this law, unless that provision, action, criterion or practice is justified in objectively, through a legitimate aim and whether the means to achieve that aim are proportionate, adequate and necessary;
- *incitement to discrimination* is any conduct by which a person exerts pressure or displays intentional conduct for the purpose of discriminating against a third party on the basis of the criteria stipulated in this law;
- *harassment* is any unwanted behaviour that leads to the creation of an intimidating, hostile, degrading, humiliating or offensive environment, with the purpose or effect of harming a person's dignity based on the criteria set forth in this law.

125. Which sanctions and remedies can be applied in sex discrimination cases?

Remedies in discrimination cases based on sex are described in Law No. 121/2012 on ensuring equality, art. 5. Ways to eliminate discrimination are described in the answer of question 120, point b.

Violation of equality in employment is provided in the art. 54² of the Contravention Code²²³, that specifies that:

²²² Law no. 121 of 25.05.2012 on ensuring equality. Published: 29-05-2012 in the Official Gazette no. 103 art. 355, https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

1) Any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion or belief, sex, age, sexual orientation, disability, opinion, political affiliation or any other criterion as an effect of limiting or undermining equal opportunities or treatment in employment or dismissal, in direct activity and in vocational training, committed by:

- placement of employment notices indicating the conditions and criteria that exclude or favour certain persons;
- unfounded refusal to hire the person;
- unfounded refusal to admit certain persons to professional qualification courses;
- differentiated remuneration for the same type and/or volume of work;
- differentiated and unfounded distribution of work tasks, which results from the granting of a less favourable status to certain persons, is sanctioned:
- with a fine from 60 to 84 conventional units applied to the natural person
- with a fine from 120 to 210 conventional units applied to the person in charge
- with a fine from 210 to 270 conventional units applied to the legal person;

2) Harassment, i.e. the manifestation by the employer of any behaviour, based on the criteria of race, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other criterion, which leads to creating an intimidating, hostile, degrading, humiliating or offensive environment at work, is punishable by a fine of 78 to 90 conventional units applied to the individual, with a fine of 150 to 240 conventional units applied to the person in charge with or without deprivation, in both cases, of the right to hold certain positions or the right to carry out a certain activity for a period of 3 months to one year.

Discrimination in the field of education is provided in the Article 65¹ of the Contravention Code which stipulates that any distinction, exclusion, restriction, or preference, based on race, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation, or any other criterion, manifested:

- when offering access to educational institutions of any type and level;
- by establishing principles for admission to studies, based on certain restrictions, in violation of the provisions of the legislation in force; in the educational process, including the evaluation of the accumulated knowledge;

²²³ Contravention Code No. 218/2008, available in Romanian:
https://www.legis.md/cautare/getResults?doc_id=113262&lang=ro

- in the scientific-didactic activity, is sanctioned with a fine from 60 to 84 conventional units applied to the natural person, with a fine from 120 to 210 conventional units applied to the person in charge, with a fine from 210 to 270 conventional units applied to the legal person.

Discrimination regarding access to publicly available services and goods is provided in the Article 71¹ of the Contravention Code where is mentioned that any distinction, exclusion, restriction or preference, based on race, nationality, ethnicity, language, religion or belief, sex, age, disability, opinion, political affiliation or any other criterion, manifested in the access of persons to the services provided by public authorities, health care, medical rehabilitation and other health services, social, banking and financial protection, transport, cultural and leisure services, sale or rental of movable and immovable property, and to other services and goods available to the public, if the act does not constitute a crime, is sanctioned with a fine from 60 to 84 conventional units applied to the natural person, with a fine from 120 to 210 conventional units applied to the person in charge, with a fine of to 210 to 270 conventional units applied to the legal entity.

Infringements of the law on advertising. There are also certain penalties for infringements of the law on advertising. Art. 364 of the Contravention Code indicates that the presentation, production, or dissemination of dishonest, inauthentic, amoral, sexist or any other advertising that contravenes the law and public order by advertising agencies, is sanctioned:

- with a fine from 18 to 90 conventional units applied to the natural person;
- with fine from 120 to 240 conventional units applied to the person in charge;
- with a fine from 240 to 300 conventional units applied to the legal person.

In addition, the art. 6 of the Contravention Code, the principle of equality before the law, stipulates that the persons who have committed the contraventions are equal before the law and the public authorities and are subject to the contraventional liability regardless of race, nationality, language, religion, sex, political affiliation, wealth, social origin, or any other situation.

The Criminal Code provides for the following offenses relating to discrimination²²⁴:

- Sexual harassment is the manifestation of physical, verbal, or nonverbal behavior that harms a person's dignity or creates an unpleasant, hostile, degrading, humiliating, discriminatory, or insulting atmosphere in order to induce a person to have sexual intercourse or other undesirable sexual acts committed by threat, coercion, blackmail (art. 173). This is punishable by a fine of 650 to 850 conventional units

²²⁴Criminal Code No. 985/2002, available in Romanian:
https://www.legis.md/cautare/getResults?doc_id=129474&lang=ro#.

or unpaid community service from 140 to 240 hours, or imprisonment for up to 3 years.

- Art. 176 indicates the penalties for violation of the equal rights of citizens for any distinction, exclusion, restriction or preference in the rights and freedoms of the individual or group of persons, any allegation of discriminatory conduct in the political, economic, social, cultural and social spheres. other spheres of life, based on race, nationality, ethnicity, language, religion or belief, sex, age, disability, opinion, political affiliation or any other criteria.

126. Are there provisions on the burden of proof concerning judicial and other procedures in cases of sexual discrimination? If so, does the respondent have to prove that he did not discriminate if discrimination can be presumed?

The burden of proof, in accordance with art. 19 of Law 121/2012 on ensuring equality²²⁵ (including art. 56 of the Regulation of the activity of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, approved by Law No. 298/2012²²⁶ if the complaint is filed with the Council), states expressly that the person who files an application in court must present facts that allow the presumption of discrimination. The burden of proving that the facts do not constitute discrimination rests with the defendant, except for the facts which give rise to criminal liability.

127. Does the legislation protect individuals against victimisation?

Art. 2 of Law 121/2012 on ensuring equality²²⁷ defines victimization as any action or inaction resulting in adverse consequences as a result of filing a complaint or an action in court in order to ensure the application of the provisions of this law or to provide information, including testimonies, relating to a complaint or action brought by another person.

The finding of the existence or non-existence of discrimination must be initiated by the Council ex officio or at the request of the persons concerned, including at the request of trade unions and public associations active in the field of promotion and protection of human rights. Filing a complaint with the council is not a mandatory pre-litigation procedure.

²²⁵ Law 121/2012 on ensuring equality, available in Romanian:

https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro.

²²⁶ Law No. 298/2012 on the activity of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=120696&lang=ro.

²²⁷ Law 121/2012 on ensuring equality, available in Romanian:

https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

At the same time, art. 18 of Law 121/2012 on ensuring equality, ensures the right to protection of the victim from discrimination. Thus, any person who considers himself a victim of discrimination has the right to bring an action in court and to request:

- establishing the fact of violating his rights;
- the prohibition of the further violation of his rights;
- restoring the situation prior to the violation of his rights;
- reparation of the material and moral damage caused to him, as well as the recovery of the court costs;
- the declaration of the nullity of the act that led to its discrimination.

At the request of the victim of discrimination, the dissemination of information about privacy and identity may be prohibited. The registration, storage and use of personal information on victims of discrimination is done in compliance with the special rules of confidentiality.

The protection of persons against victimization is also provided in the Labour Code²²⁸, art. 10, letter (f³). The employer is required to take measures to prevent sexual harassment at work and persecution for filing discrimination complaints with the competent body.

128. Do institutional structures exist for the promotion of gender quality? If so, please indicate their administrative capacity and the guarantees for independent performance of their powers.

Law No. 5/2006 on ensuring equality between women and men established the institutional framework in the field.²²⁹ According to art. 15, the following authorities are empowered with attributions in the field of equality between women and men:

The Parliament is responsible for:

- the adoption of the legislative framework that ensures equality between women and men in all fields;
- monitoring the implementation of the principle of equality between women and men at all levels of state policy; and
- examining the reports of the Government and the People's Advocate Office on this topic.

The Government:

²²⁸ Labour Code, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro.

²²⁹ Law No. 5/2006 on ensuring equality between women and men, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro.

- ensures the integration of the principle of equality between women and men in policies, strategies, programs, normative acts and financial investments;
- approves national plans and programs;
- periodically submits reports to the Parliament on the situation and activities in the field; and
- set up the Governmental Commission for Equality between Women and Men.

The Government Commission for Equality between Women and Men was established in accordance with Government Decision No. 350/2006 and aims to promote equality between women and men and to coordinate the activities of the competent authorities in the field.²³⁰ The current activity and secretariat of the Commission is ensured by the Department for Equal Opportunities and Violence Prevention of the Ministry of Labour and Social Protection. The commission has a staff of 20. The commission has the following basic objectives:

- promoting equality between women and men, through a complex approach, in national development policies and plans;
- offers the support and coordination of the activities of the competent authorities; and
- improving the situation of women and men in all spheres of social life and granting women a social, economic, and political status equal to that of men.

Ministry of Labour and Social Protection has a department for equal opportunities and violence prevention with 5 staff. The competences of the department are:

- elaboration and improvement of the legislative and normative framework in the field of equality between women and men;
- conducting analytical studies in the field, in partnership with other authorities;
- elaboration of policy documents in the field;
- elaboration and development of projects in the field of equality between women and men in cooperation with civil society and international organizations;
- methodological coordination of the activity of the coordinating groups in the field of gender and gender units of the specialized central and local public authorities;

²³⁰ Government Decision No. 350/2006 on the creation of the Commission for Equality between Women and Men, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=86888&lang=ro.

- elaboration and coordination of the implementation of programs in the field of equality between women and men, organization in partnership with civil society of media campaigns, planning of studies and research;
- monitoring and evaluation of policies and programs in the field;
- coordination of the process of elaboration of the national and governmental reports on the degree of implementation of the provisions of the international treaties in the field;
- coordinating and monitoring the implementation of the recommendations in the field of reference addressed to the Government by the specialized committees and councils of the UN and Council of Europe;
- organization of the current and secretarial activity of the Governmental Commission for Equality between Women and Men; and
- establishing partnerships with the private sector and NGOs.

Gender coordinating groups of ministries and other central administrative authorities are dedicated units with 3 to 8-9 employees (gender focal points) per institution. The central public administration authorities have the competences for:

- ensuring the implementation of international treaties;
- ensuring the observance of the principle of equality between women and men in the personnel policy and creating the conditions for the prevention of any forms of discrimination based on sex and sexual harassment at work; and
- presenting reports to the Ministry of Labour and Social Protection;

The gender coordinating groups function in the specialized central public administration authorities with the aim of ensuring a complex approach to equality between women and men in policies and programs in all areas and at all levels of decision-making and implementation. The members of the coordinating group in the field of gender are the staff from various divisions that are responsible for inclusion of gender lens in elaboration, promotion and monitoring policies in their respective fields. The responsibility for ensuring that objectives of the gender coordinating groups are being met belongs to the head of the authority.

Gender units at local public administration authorities. Each city hall has a gender unit. The local public administration authorities are responsible for:

- ensuring the integration of the principle of equality between women and men in policies, programs, normative acts and financial investments at local level;
- monitoring the implementation of programs, organizing information campaigns, research and other actions;
- collaboration with non-governmental organizations, foundations, trade unions, employers and international bodies; and

- presenting reports to the Ministry of Labour and Social Protection on the situation in their communities regarding the implementation of the national policy for ensuring equal opportunities between women and men.

Council for the Prevention and Elimination of Discrimination and Ensuring Equality is an autonomous, unbiased, and independent public authority, established in 2013 in accordance with Law No. 298/2012²³¹. The mission of the council is to prevent and protect against discrimination, ensure equality and promote equal opportunities and diversity. It has a staff of 20 units. Key responsibilities are:

- examine the compatibility of current legislation and draft laws with non-discrimination standards;
- monitor implementation of legislation;
- examine complaints and reinstate the rights of victims;
- raise awareness and inform society in order to eliminate all forms of discrimination.

The Office of the Ombudsman ensures the guarantee and observance of equality between women and men as an integral part of human constitutional rights and freedoms.

The National Bureau of Statistics collects processes and generalizes statistical information disaggregated by sex.

The State Labour Inspectorate exercises the control over the labour and occupational health and safety legislation at the workplace. It has a staff of 104.

All the entities that are working on gender equality are independent and collaborate on the basis of the established principles of the legislation. The institutional mechanism has the legal guarantees for independent performance of their powers.

129. Is the principle of equal pay for equal work or work of equal value for men and women guaranteed by the Constitution, by Law, and/or by collective agreement?

The principle of equal pay for equal work is found in art. 10 para. (2), letter g and art. 128 of the Labour Code²³² and art. 10 of Law No. 5/2006 on insurance equal

²³¹ Law No. 298/2012 on the activity of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=120696&lang=ro.

²³² Code No. 154/2003. Labour Code of the Republic of Moldova, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro.

opportunities for women and men²³³. Failure to comply with this principle is considered a discriminatory action by the employer according to Law no. 5/2006 (art. 11) and Law No. 121/2012 on ensuring equality²³⁴ (art. 7, para. (2), letter d).

According to the draft law²³⁵ approved in the second reading in the Parliament on April 21st, 2022, employees will be able to request and obtain information on pay levels, based on sex, for the performance of equal work.

130. Do pay gaps exist between women and men? How is the gender pay gap defined and measured?

In most economic sectors, average monthly earnings of women were lower²³⁶ than men's earnings. The highest pay gap was in financial and insurance activities (44.6%), followed by information and communications (38%). These sectors also have higher wages overall. There are many factors behind these disparities in earnings, such as the number of hours worked, the relative wages of occupations with higher concentrations of women within these sectors, and the propensity for women to hold or be promoted into management positions with higher rates of pay.

²³³ Law No. 5/2006 on ensuring equal opportunities between women and men, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro.

²³⁴ Law No. 121/2012 on ensuring equality, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

²³⁵ Draft law for amending some normative acts (Labour Code No. 154/2003, art. 9, 421, 128, 130; Law No. 5/2006 on ensuring equal opportunities between women and men, art. 10, etc.), available in Romanian: <https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/5793/language/ro-RO/Default.aspx>.

²³⁶ Data are classified in accordance with the Classification of Economic Activities in Moldova (CAEM-2), which is fully harmonized with the Nomenclature of Economic Activities in the European Community (NACE Rev.2)

Average Monthly Earnings* Between Women and Men by Economic Sector, 2020

* Earnings are in lei

Economic Sector	Women	Men	All Sexes	Percent Female	Gender Pay Gap
All Economic Sectors	7,387	8,559	7,943	86.3%	13.7%
Financial and insurance activities	10,935	19,742	13,619	55.4%	44.6%
Information and communications	13,279	21,416	17,789	62.0%	38.0%
Health and social assistance	8,203	10,689	8,669	76.7%	23.3%
Industry	6,701	8,353	7,564	80.2%	19.8%
Real estate	5,573	6,845	6,286	81.4%	18.6%
Arts, recreation, and leisure activities	5,272	6,358	5,724	82.9%	17.1%
Wholesale and retail trade; maintenance and repair of motor vehicles and motorcycles	6,239	7,520	6,882	83.0%	17.0%
Public accommodation and catering activities	4,647	5,423	4,920	85.7%	14.3%
Construction	6,795	7,720	7,608	88.0%	12.0%
Agriculture, forestry and fishing	4,599	5,176	5,023	88.9%	11.1%
Transportation and warehousing	6,008	6,738	6,533	89.2%	10.8%
Professional, scientific, and technical services	9,278	10,169	9,698	91.2%	8.8%
Public administration, defense, and social security	9,515	10,347	9,985	92.0%	8.0%
Other services	9,650	9,530	9,601	101.3%	-1.3%
Education	7,047	6,919	7,017	101.8%	-1.8%
Administrative and support services	6,473	5,985	6,148	108.1%	-8.1%

Source: National Bureau of Statistics

Women were paid on average more than men in three sectors: administrative and support services, education, and other services. Similarly, these sectors tend to have a lower average wage, overall.

Gender pay gap (in unadjusted form) represents the share of the difference between the average gross monthly earnings of men and women in the average gross monthly earnings of men expressed as percentage.

Data is collected through the Annual Statistical Survey on Earnings and Labour Force Cost. The survey covers establishments with one and more employees from all economic sectors. The concepts and definitions are for producing the estimates in line with the national legislation on labour and earnings and recommendations and international requirements (International Labour Organization, Eurostat)²³⁷.

²³⁷ More details on the methodology of the Annual Survey on Earnings and Labour Force Cost (M3) can be found on https://statistica.gov.md/public/files/Metadate/en/Salarii_en.pdf.

131. Is there a rule established either by law or jurisprudence that there is no justification whatsoever to ask a woman about pregnancy when applying for a job of whatever kind?

Moldovan legislation does not establish a rule according to which the employer may not ask a woman about pregnancy when applying for a job of whatever kind, but the Labour Code envisions protections for pregnant women in employment.

Article 247 of the Labour Code provides employment guarantees for pregnant women and persons with children up to 4 years of age.²³⁸ Employers are prohibited to refuse employment or to reduce wages on the grounds of pregnancy or of having children up to 4 years of age.

Refusal to employ a pregnant woman or a person with a child under 4 years of age for other reasons must be justified. The employer is required to inform the person concerned in writing within 5 calendar days from the date of registration of the application for employment in the unit. Refusal of employment can be challenged in court.

132. Does the legislation ensure equal treatment as regards self-employed activity? What is the legal position of spouses of self-employed workers in terms of status, social protection and rights?

The national legal framework does not regulate self-employment activities in terms of work conditions. In terms of social protection, self-employed workers have separate regulations regarding the social insurance contributions and way of insurance for social risks. The social security and social protection regulatory framework do not contain provisions on spouses of self-employed workers in terms of status, social protection and rights.

133. Is there a general prohibition of night work for pregnant women, or measures ensuring they are not obliged to perform night work (subject to a medical certificate)?

In accordance with the provisions of Article 103(5) of the Labour Code, pregnant women, women who have recently given birth and breastfeeding women, as well as persons whose medical certificate states that night work is contraindicated, are not allowed to work at night.²³⁹

In accordance with the provisions of Article 103(5) of the Labour Code, pregnant women, women who have recently given birth and breastfeeding women, as well as persons whose medical certificate states that night work is contraindicated, are not allowed to work at night.

²³⁸ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²³⁹ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

134. Are pregnant workers protected against dismissal during the time of pregnancy and maternity leave?

Article 86 para. (2) of the Labour Code prohibits the dismissal of employees during maternity leave, partial paid leave for the care of a child up to the age of 3 and during the additional unpaid leave for the care of a child between 3 and 4 years of age.²⁴⁰

Additionally, Article 251 of the Labour Code prohibits the dismissal of pregnant women and women.

135. Do the law or collective agreements forbid the exposure of pregnant or breastfeeding women to agents and working conditions which would jeopardise their safety or health?

Minimum requirements approved by the Government in accordance with Article 248 of the Labour Code forbid the work of pregnant women, women who have recently given birth and breastfeeding women in underground work in mines, as well as in any other activities that present risks to their safety or health or that may have repercussions on their pregnancy or breastfeeding.²⁴¹

Article 250 of the Labour Code states further that in cases when an assessment of occupational risks shows that the work performed by a pregnant woman, a woman who has recently given birth or a woman who is breastfeeding presents risks to her safety or health or may have repercussions on her pregnancy or breastfeeding, the employer shall take the necessary measures to exclude the influence of the risk factors on the persons in question by temporarily modifying the working conditions. If the employer cannot modify the working conditions for objective reasons, so as to avoid exposure to the risk factors identified in the assessment, he/she shall offer them another job where the employee shall receive the average wage of the previous job.

136. Does the employer have to assess the risks to the safety and health within the workplace and to ensure that exposure is avoided?

Article 13 of Law No 186/2008 on safety and health at work obliges the employer to be in possession of an occupational risk assessment which shall also cover specific risk-sensitive groups.²⁴² On the basis of the risk assessment, the employer

²⁴⁰ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²⁴¹ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²⁴² Law No 186/2008 on occupational safety and health, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=124963&lang=ro

shall, where the nature and degree of occupational risk so requires, draw up an annual protection and prevention plan including technical, health, organisational and other measures to be applied in accordance with the specific working conditions of the establishment. According to Article 10 of Law No. 186/2008, the employer has the obligation to replace hazardous aspects of work by those non-hazardous or less hazardous.

137. Does the legislation provide for a continuous period of maternity leave of at least 14 weeks allocated before and/or after confinement, and includes compulsory maternity leave of at least two weeks allocated before and/or after confinement? Are the rights connected with the employment contract and a payment or adequate allowance ensured?

According to Art. 124 of the Labour Code, female employees and apprentices, as well as dependent spouses of employees, are granted maternity leave including prenatal leave of 70 calendar days or 14 weeks. In case of pregnancies with 3 or more children, 112 calendar days or 22,4 weeks of prenatal leave are envisioned. National legislation envisions 56 calendar days or 11,2 weeks for postnatal leave. In case of complicated births or births of two or more children this is increased to 70 calendar days or 14 weeks.²⁴³

Pregnant women, women on maternity leave and women on paid leave for the care of a child up to the age of 3 and during the additional unpaid leave for the care of a child between 3 and 4 years of age may not be dismissed.

Law No. 289/2004 on temporary incapacity benefits and other social security benefits provides that a maternity allowance is paid in full after the 30th week of pregnancy for 126 calendar days or for 140 calendar days for complicated births or births of two children. In case of pregnancies with 3 or more children, the maternity allowance is granted at 24 weeks of pregnancy for 182 calendar days. The monthly amount of the maternity allowance is 100% of the average monthly income during the previous 12 calendar months.

138. Do the law or collective agreements give an individual right to parental leave of at least 4 months? Is at least one month of parental leave granted on an individual non-transferable basis to both parents? How is this treated/implemented in both public and private sector?

The Labour Code of the Republic of Moldova allows both parents to take childcare leave for a period of up to 3 years.²⁴⁴

²⁴³ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

²⁴⁴ Labour Code 154/2003, available in Romanian here:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

In accordance with Article 124 para. (2) of the Labour Code, after the expiry of their maternity leave and upon written request, female employees and apprentices, as well as dependent spouses of employees are granted partial paid leave for the care of a child up to the age of 3. According to para. (4) of the same article, partial paid childcare leave may be granted on the basis of a written request to the father of the child.

The grandparent, another relative directly involved in the child's care, or the child's guardian are also eligible for paid leave for childcare. When the female employee, apprentice or dependent spouse does not take partial paid childcare leave until the age of three, partial paid care may also be granted to the guardian.

During 2021, maternity benefits were granted to 18 936 beneficiaries and paternal benefits to 4 602 beneficiaries. While disaggregated data on the public and private sectors are not available, employees in both sectors are entitled to partial childcare and parental leave.

139. What provisions on parental leave grant parents the right to return to the previous or equivalent job, protection against dismissal or any less favourable treatment, and the maintenance of acquired rights?

The equality of employees, without any discrimination, in terms of advancement in service, is a fundamental principle governing labour relations. Law No. 121/2018 on the Equality of Opportunities further prohibits at Article 7 any distinction, exclusion, restriction or preference which has the effect of limiting or undermining equality of opportunity or treatment in the employment or dismissal of a worker.²⁴⁵ Under the provisions of the Labour Code, female employees and apprentices, as well as dependent spouses of employees shall maintain their jobs during maternity leave, paid child care leave, and unpaid child care leave.²⁴⁶ In the absence of the previous position, they shall be given another equivalent job.

According to the provisions of Article 251 of the Labour Code, it is prohibited to dismiss pregnant women, women who have children under 4 years of age and persons who use childcare leave.

Under Article 18 of Law No. 121/2018, any person who considers him/herself a victim of discrimination has the right to bring a claim before a court of law and seek the restoration of the situation prior to the violation of his/her rights, compensation for the material and non-material damage caused to him/her, and ask that the act leading to his/her discrimination is declared null and void.

²⁴⁵ Law No. 121/2012 on the Equality of Opportunities, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=106454&lang=ro

²⁴⁶ Labour Code 154/2003, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

140. Please provide information on:

141. the activity rates of women and men;

Economic Activity Rate by Gender, Moldova (2016-2021)

	2016	2017	2018	2019	2020	2021
Economic activity rate, 15 years and over (%)	44.8%	44.1%	45.9%	42.3%	40.3%	41.1%
Men	48.7%	48.3%	49.9%	47.0%	45.1%	46.5%
Women	41.3%	40.4%	42.4%	38.2%	36.1%	36.4%

Source: National Bureau of Statistics

142. the employment rates of women and men;

Employment Rate by Gender, Moldova (2016-2021)

	2016	2017	2018	2019	2020	2021
Employment rate, 15 years and over (%)	43.0%	42.4%	44.5%	40.1%	38.8%	39.8%
Men	46.1%	46.1%	48.1%	44.2%	43.1%	44.7%
Women	40.2%	39.1%	41.4%	36.5%	35.0%	35.4%

Source: National Bureau of Statistics

143. the unemployment rates of women and men;

Unemployment Rate by Gender, Moldova (2016-2021)

	2016	2017	2018	2019	2020	2021
Unemployment rate, 15 years and over (%)	4.0%	3.9%	2.9%	5.1%	3.8%	3.2%
Men	5.2%	4.5%	3.4%	5.8%	4.3%	3.8%
Women	2.7%	3.2%	2.4%	4.4%	3.2%	2.5%

Source: National Bureau of Statistics

144. educational attainment of women and men (upper secondary school, 20-24).

In 2020, 55.8% of men had a secondary education (secondary and professional schools) compared to 30.7% of women. The share of women with a higher education (bachelor's degree and higher), however, is higher than men – 20.3% for women versus 15.8% for men.

145. What other measures are put in place to encourage the reconciliation between professional and private/family life of both women and men?

Over the last few years the Government of Republic of Moldova has put in place several measures that encourage the reconciliation between professional and family life of both women and men:

1. Parents or one of the grandparents or relatives have the right to a paid childcare leave until the age of three (Labour Code, art. 124)²⁴⁷.

2. In order to support work and life balance, Law No. 289/2004 on temporary disability benefits employment and other social security benefits²⁴⁸, art. 18 provides the right to combine work with child care while simultaneously enjoying wage and childcare allowance. At present, parents can opt for two basic options as to how child care can be used:

- In the first option, the beneficiary can claim the child care leave benefit until the child reaches the age of three. In this case the child care allowance will be the equivalent of 30% of the average monthly insured income earned during the last 12 calendar months.
- In the second option, the beneficiary can claim the allowance until the child reaches the age of two years and two months. Until the child reaches the age of one year the monthly allowance will be 60% of the average monthly insured income earned during the last 12 calendar months.

3. Fathers can benefit from paternity leave (Labour Code art. 124¹) with the aim of ensuring the right of fathers to effectively participate in child care and unpaid care work. The new regulations established the granting of this type of leave to the father, lasting 14 calendar days, based on a written request in the first 56 days after the birth of the child. The parental leave is paid to 100% of the average monthly insured income earned. The law also provides the parents with children aged up to 12 years old, with the right to benefit from days off to employees in the case suspension of the educational process due to pandemic or other emergencies with the payment of an indemnity equal to at least 50% of the basic salary of the employee (Labour Code, art. 78¹).

4. The introduction of flexible working arrangements can be agreed by both the employer and the employee, according to the Labour Code (art. 100¹). Along with that, employers are encouraged to create child care services at the place of work (Labour Code, art. 10 and art. 252²) in order to expand work and life opportunities for men and women employees.

²⁴⁷ Labour Code nr.154/2003, available in Romanian:

https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro

²⁴⁸ The Law nr. 289/2004 on temporary disability benefits employment and other social security benefits, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=115077&lang=ro#

5. Government Decision nr. 730/2018²⁴⁹ provides the framework regulation on the organization and functioning of the day care centers for children aged 4 months to 3 years.

6. The Labour Code, art. 78¹ provides days off to employees in case of suspension of the educational process in the regime of physical presence. Thus, in case of suspension, in exceptional situations, of the educational process with physical presence in the educational institutions, together with the disposition by the competent authorities of special measures regarding the security, protection of life and health of the population, with the consent of the employer, days off are granted to one of the parents or guardian for the supervision of the children throughout the suspension of the educational process, with the payment of a compensation equal to at least 50% of the basic salary of the employee. The relevant provisions apply to:

- parents or guardians of children up to the age of 12 enrolled in an educational institution;
- parents or guardians of children with disabilities enrolled in an educational institution.

7. The regulation of remote work (art. 292¹-292⁵ of the Labour Code of the Republic of Moldova) provides the opportunity for employees to perform their duties specific to their employment, position or profession elsewhere than the location of the employer.

8. At present, both the Government and the Parliament are finalizing a set of legal amendments aimed at strengthening and expanding choices for working parents. These amendments will consolidate the right for flexible working arrangements; more flexibility to use the child care leave; more incentives for equitable use of child care leave and a further expansion of paternal leave from 14 days to 30 days.

146. Are there any legal provisions in place covering occupational social security schemes? If so, do such schemes already exist in Moldova?

The Law No 198/2020 on Voluntary Pension Funds transposes Directive (EU) 2016/2341 regulating the field of voluntary (occupational) pension funds.²⁵⁰

There are no registered voluntary (occupational) pension funds in Moldova, and accordingly, there are no participants who have joined a voluntary (occupational) pension fund. At the same time, according to national legislation (art. 3 para. (1) of Law No 198/2020), a pension fund must have at least 15 participants.

²⁴⁹ Government Decision nr. 730/2018 on the approval of the framework regulation on the organization and functioning of the day care centers for children aged 4 months – 3 years, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=128886&lang=ro.

²⁵⁰ Law No. 198/2020 on voluntary pension funds, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=124466&lang=ro

147. Is there a general social security scheme covering the working population in Moldova? If so, does the legislation ensure equality of treatment in matters of social security? Does it contain differences in the pensionable age for men and women, or in the survivor pension benefits available to men and women? If there is a general social security scheme, does it also apply to civil servants (including the police and armed forces) or is there any specific scheme/rules for civil servants?

The Law No 489/1999 on the public social insurance system provides the legal framework for the general social security scheme covering the working population in Moldova.²⁵¹ The persons working under individual employment contracts are compulsorily insured by law. The principle of equality is a basic principle of the functioning of the public social security system (Article 3(b) of the law). The principle of equality ensures non-discriminatory treatment of all participants in the public system - contributors and beneficiaries - with regard to the rights and obligations laid down by law.

The right to pensions in the public social insurance system is regulated by Law No 156/1998 on the public pension system.²⁵² Old-age pensions are payable to all persons who cumulatively fulfil, on their date of retirement, the following conditions: retirement age and minimum period of insurance stipulated by law. Starting January 1, 2022, retirement age is 60 years for women and 63 for men. The retirement age will increase by 6 months for women, until reaching the same retirement age as men in 2028.

Law No 1544/1993 on pension insurance for military personnel and members of the command corps and troops of the internal affairs bodies regulates the pensions of some categories of civil servants.²⁵³ Under the law, military personnel serving under contract, members of the command corps and troops of the internal affairs and penitentiary system bodies, protection officers and collaborators of the state security bodies and the National Anti-Corruption Centre are entitled to a special pension, benefit from differentiated treatment in terms of retirement age and the method of calculating the pension.

The pension for military personnel who have served under contract, for persons in the command corps and troops of the internal affairs bodies, as well as for civil servants with special status in the penitentiary administration system, and in the General Inspectorate of Carabinieri and their families is calculated from their salary.

The right to a pension under Law No. 1544/1993 is not granted on the basis of the criterion of payment of social security contributions to the state social security

²⁵¹ Law No 489/1999 on the public social insurance system, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=121297&lang=ro

²⁵² Law No 156/1998 on the public pension system, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=119386&lang=ro

²⁵³ Law No 1544/1993 on pension insurance for military personnel and members of the command corps and troops of the internal affairs bodies, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=97418&lang=ro

budget. The granting of a pension to military personnel and civil servants with special status is determined by length of service and salary income obtained in the last 12 months of service prior to retirement. Military pensions are paid from the state budget.

Until 1 January 2017, the legislation of the Republic of Moldova provided for special conditions for determining pensions for certain categories of citizens (prosecutors, local elected officials, civil servants, etc.). In 2016, the pension system was reformed²⁵⁴ with the objective to bring the conditions for granting special pensions more in line with the principles of organisation and operation of the public pension system. Military and civil servants with special status were integrated into the public state social insurance system as of 1 January 2017, becoming compulsorily insured persons and being obliged to pay state social insurance contributions, which entitles them to all short-term benefits through the public social insurance system

²⁵⁴ Law No. 290/2016 on the modification and completion of certain legislative acts, available in Romanian here: https://www.legis.md/cautare/getResults?doc_id=105768&lang=ro

ANNEX

Main EU Directives in the field of health and safety at work:

- **Directive 89/391/EEC**²⁵⁵ of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work;
- **Council Directive 89/654/EEC**²⁵⁶ of 30 November 1989 concerning the minimum safety and health requirements for the **workplace** (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2009/104/EC**²⁵⁷ of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC);
- **Council Directive 89/656/EEC**²⁵⁸ of 30 November 1989 on the minimum health and safety requirements for the use by workers of **personal protective equipment** at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) amended by **Commission Directive 2019/1832**²⁵⁹ of 24 October 2019 amending Annexes I, II and III to Council Directive 89/656/EEC as regards purely technical adjustments; **Council Directive 90/269/EEC**³⁴ of 29 May 1990 on the minimum health and safety requirements for the manual handling of **loads** where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/270/EEC**²⁶⁰ of 29 May 1990 on the minimum safety and health requirements for work with **display screen equipment** (fifth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/37/EC**²⁶¹ of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to **carcinogens or mutagens** at work (sixth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC) as amended by **Directive 2014/27/EU**²⁶² of the European

²⁵⁵ OJ L 183, 29.6.1989, p.1.

²⁵⁶ OJ L 393, 30.12.1989, p.1.

²⁵⁷ OJ L 260, 3.10.2009, p. 5.

²⁵⁸ OJ L 393, 30.12.1989, p.18.

²⁵⁹ OJ L 279, 31.10.2019, p.

^{35 34} OJ L 156, 21.6.1990,

p.9.

²⁶⁰ OJ L 156, 21.6.1990, p.14.

²⁶¹ OJ L 229, 29.6.2004, p.23.

²⁶² OJ L 65, 5.3.2014, p. 1.

- Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, **Directive (EU) 2017/2398**²⁶³ of the European Parliament and of the Council of 12 December 2017 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, **Directive (EU) 2019/130**²⁶⁴ of the European Parliament and of the Council of 16 January 2019 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, **Directive (EU) 2019/983**²⁶⁵ of the European Parliament and of the Council of 5 June 2019 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, and **Directive (EU) 2022/431**²⁶⁶ of the European Parliament and of the Council of 9 March 2022 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work;
- **Directive 2000/54/EC**²⁶⁷ of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to **biological agents** at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC) amended by **Commission Directive (EU) 2019/1833**²⁶⁸ of 24 October 2019 amending Annexes I, III, V and VI to Directive 2000/54/EC of the European Parliament and of the Council as regards purely technical adjustments, and **Commission Directive (EU) 2020/739**²⁶⁹ of 3 June 2020 amending Annex III to Directive 2000/54/EC of the European Parliament and of the Council as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans and amending Commission Directive (EU) 2019/1833;
- **Council Directive 92/57/EEC**²⁷⁰ of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile **construction sites** (eight individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/58/EEC**²⁷¹ of 24 June 1992 on the minimum requirements for the provision of safety and/or health **signs** at work (ninth

²⁶³ OJ L 345, 27.12.2017, p. 87

²⁶⁴ OJ L 30, 31.1.2019, p. 112.

²⁶⁵ OJ L 164, 20.6.2019, p. 23.

²⁶⁶ OJ L 88, 16.3.2022, p. 1.

²⁶⁷ OJ L 262, 17.10.2000, p.21.

²⁶⁸ OJ L 279, 31.10.2019, p. 54.

²⁶⁹ OJ L 175, 4.6.2020, p. 11.

²⁷⁰ OJ L 245, 26.8.1992, p.6.

²⁷¹ OJ L 245, 26.8.1992, p.23. 47 OJ L 65, 5.3.2014, p. 1.

individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) as amended by **Directive 2014/27/EU**⁴⁷ of the European

- Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;
- **Council Directive 92/91/EEC**²⁷² of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in **the mineral-extracting industries through drilling** (eleventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/104/EEC**²⁷³ of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in **surface and underground mineral- extracting industries** (twelfth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 93/103/EC**²⁷⁴²⁷⁵ of 23 November 1993 concerning the minimum safety and health requirements for work on board **fishing vessels** (thirteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 98/24/EC**³⁶ of 7 April 1998 on the protection of the health and safety of workers from the risks related to **chemical agents** at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) as amended by **Directive 2014/27/EU**⁵¹ of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;
- Commission Directives establishing indicative exposure limit values:
- **Commission Directive 91/322/EEC**²⁷⁶ of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work,
- **Commission Directive 2000/39/EC**³⁸ of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of

²⁷² OJ L 348, 28.11.1992, p.9.

²⁷³ OJ L 404, 31.12.1992, p.10.

²⁷⁴ OJ L 307, 13.12.1993, p.1.

²⁷⁵ OJ L131, 5.5. 1998,
p.11. 51 OJ L 65, 5.3.2014,
p. 1.

²⁷⁶ OJ L177, 5.7. 1991, p.22.

Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work,

- **Commission Directive 2006/15/EC**²⁷⁷ of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC;
- **Commission Directive 2009/161/EU**²⁷⁷ of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC;
- **Commission Directive (EU) 2017/164**²⁷⁸ of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU;
- **Commission Directive (EU) 2019/1831**²⁷⁹ of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Commission Directive 2000/39/EC;
- **Directive 1999/92/EC**²⁸⁰ of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from **explosive atmospheres** (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2002/44/EC**²⁸¹ of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from **physical agents (vibration)** (sixteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2003/10/EC**²⁸² of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from **physical agents (noise)** (seventeenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2013/35/EU**²⁸³ of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of

²⁷⁷ OJ L 338 of 19.12.2009, p. 87.

²⁷⁸ OJ L 27, 1.2.2017, p. 115.

²⁷⁹ OJ L 279, 31.10.2019, p. 31.

²⁸⁰ OJ L 23, 28.1.2000, p.57.

²⁸¹ OJ L 177, 6.7.2002, p.13.

²⁸² OJ L 42, 15.2.2003, p.38.

²⁸³ OJ L 179, 29.6.2013, p. 1.

Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC;

- **Directive 2004/40/EC**²⁸⁴ of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (electromagnetic fields)** (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC),); as amended by Directive 2008/46/EC²⁸⁵
- **Directive 2006/25/EC**²⁸⁶ of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from **physical agents (artificial optical radiation)** (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Council **Directive 92/29/EEC**²⁸⁷ of 31 March 1992 on the minimum safety and health requirements for improved **medical treatment on board vessels amended by Commission Directive (EU) 2019/1834**²⁸⁸ of 24 October 2019 amending Annexes II and IV to Council Directive 92/29/EEC as regards purely technical adaptations;
- **Directive 2009/148/EC**⁶⁵ of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to **asbestos** at work;
- **Council Directive 2010/32/EU** of 10 May 2010 implementing the Framework Agreement on prevention from **sharp injuries** in the hospital and healthcare sector concluded by HOSPEEM and EPSU (Text with EEA relevance).
- **Directive 2014/27/EU**⁶⁶ of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Soft law in the area of social protection:

-Council Recommendation (2019/C 387/01) of 8 November 2019 on access to social protection for workers and the self-employed *OJ C 387, 15.11.2019, p. 1–8*
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019H1115%2801%29>
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²⁸⁴ OJ L 184, 24.5.2004, p.1.

²⁸⁵ OJ L 114, 26.4.2008, p. 88

²⁸⁶ OJ L 114, 27.4.2006, p.38.

²⁸⁷ OJ L 113, 30.4.1992, p.19.

²⁸⁸ OJ L 279, 31.10.2019,

p. 80. ⁶⁵ OJ L 330,
16.12.2009, p. 28-36 ⁶⁶ OJ

L 65, of 5.3.2014, pp.1-7.

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