



**Global Employment
Compass
MOLDOVA**

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This document provides brief answers and recommendations to readers for information purposes. The information contained in this document is general and may differ according to the circumstances. Thus, this document does not constitute legal advice. We decline in advance any responsibility should you decide to act upon any information contained in this document.





1. Summary of applicable rights for different categories of workers

	Employees (part-time or full-time)	Independent contractors/ service providers	Volunteers
Employment laws and regulations	Yes	No	No
Employees' compensation/ remuneration requirements	Yes	No	No
Minimum wage requirements	Yes	No	No
Mandatory provident fund/retirement benefit fund contributions	Yes	No	No
Immigration requirements including the right to work in your country	Yes	Yes	Yes
Personal Data (Privacy) laws and regulations	Yes	Yes	Yes
Anti-discrimination laws and regulations	Yes	Yes	Yes



2. Legal requirements/rights/ practices for different categories of workers

a. Employees

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An employee is a natural person (male or female) who performs work according to a specific specialty, qualification, or in a particular position, in exchange for a salary, based on an individual employment contract.

1 Contracts of Employment

What types of employment contracts are available? E.g. fixed term, part time, zero hour contracts, other? Are there any specific employment contracts available for non-profit organizations?

The available employment contracts in Moldova are:

- Full time (8 hours per day and 40 hours per week);
- Part time (less than 8 hours per day and 40 hours per week);
- Fixed term (maximum period of 5 years);
- Undetermined term;

Zero hours contracts are not regulated under Moldovan labor law.

Other atypical contracts available:

- Apprenticeship contracts;
- Internship contracts;





- Volunteering contracts;
- Traineeship contracts (addendum to the individual employment contract).

What are the key terms of employment contracts?

The content of the individual employment contract is determined by the agreement of the parties, taking into account the provisions of the current legislation, and must include clauses related to:

- parties' identity;
- the duration of the contract;
- the date from which the contract produces its effects;
- the specialty, profession, qualification, position;
- the duties of the position;
- the specific risks associated with the position;
- the name of the work to be performed;
- the rights and obligations of the employee;
- the rights and obligations of the employer;
- the conditions of remuneration, including the salary for the position or the tariff salary, supplements, bonuses, and material aids (if they are part of the unit's remuneration system), the forms and methods of payment of salaries, as well as the periodicity of payment;
- compensations and allowances, including for work performed under difficult, harmful, and/or hazardous conditions;
- the place of work (if the place of work is not fixed, it is mentioned that the employee may have various places of work and the legal address of the unit or, where applicable, the employer's domicile);
- the working and rest regime, including the duration of the employee's daily and weekly work;
- the probationary period, if applicable;
- the duration of the annual leave and the conditions for granting it;
- social security conditions;
- medical insurance conditions;

The individual employment contract may contain other provisions that do not contravene the current legislation.





It is prohibited to establish, through the individual employment contract, conditions for the employees that are below the level provided by the current normative acts, collective agreements, and collective labor agreements.

Is it acceptable to have a probation period for employees? If yes, for how long?

Yes.

The probationary period can last up to 6 months.

- For unskilled workers, the probationary period is established as an exception and cannot exceed 30 calendar days.
- For employees hired fixed-term:
 - 15 calendar days for a duration of the individual employment contract between 3 and 6 months;
 - 30 calendar days for a duration of the individual employment contract exceeding 6 months.

The clause regarding the probationary period must be stipulated in the individual employment contract. In the absence of such a clause, it is considered that the employee has been hired without a probationary period.

During the probationary period, the employee enjoys all rights and fulfills the obligations provided by labor legislation, the internal regulations of the unit if elaborated and approved by the employer, the collective agreement, and the individual employment contract.

Only one probationary period can be established during an individual employment contract.

Are fixed term employment contracts permissible? Are there any limitations on fixed term contracts? Are there any requirements to have a fixed term contract?

Yes, fixed term employment contracts are permissible.

Yes, there are limitations on fixed term contracts as listed below.

The individual employment contracts may be concluded for a fixed term in the following cases:

- for the period of fulfilling the work obligations of the employee whose individual employment contract is suspended (except in cases of the employee being on strike), or for the period during which they are on any of the leaves provided or for the period during which they are absent for other reasons;
- for the period of performing temporary work lasting up to 2 months;
- for the period of performing seasonal work that, due to climatic conditions, can only be carried out during a certain period of the year;
- with persons seconded to work outside the borders of the Republic of Moldova;





- with foreign citizens employed in the labor market on the territory of the Republic of Moldova, except of foreigners with the right of permanent or temporary residence for family reunification;
- for the period of internship and professional training of the employee in another unit;
- with persons studying at educational institutions on full-time courses;
- with pensioners, according to the legislation in force, for age or length of service (or who have obtained the right to retirement for age or length of service) and are not employed - for a period of up to 2 years, which, upon expiration, can be extended by the parties under the conditions imposed by the labor legislation;
- with scientific collaborators from research-development institutions, with teaching staff and rectors of higher education institutions, as well as with directors of preschool, primary, general secondary, special complementary, artistic, sports, vocational secondary, specialized middle, based on the results of the competition conducted in accordance with the legislation in force;
- at the choice, for a specified period, of employees, in elective positions in central and local public authorities, as well as in trade unions, employers' organizations, other non-commercial organizations, and commercial companies;
- with the heads of units, their deputies, and chief accountants of units;
- for the period of performing a specific task;
- for the period of implementing an investment project or a technical and financial assistance program;
- for carrying out work related to increasing the volume of production or services provided, whose temporary nature (up to one year) can be argued by the employer;
- with persons who are hired at units created for a specified period;
- with creative workers in art and culture
- with employees of religious associations;
- with employees working in the field of information technology and communications;
- in other cases provided for by the legislation in force.

Between the same parties, may be concluded a maximum of 3 successive fixed-term individual employment contracts.

Fixed-term individual employment contracts are considered successive if there is an interval of less than 3 months between them.

Do employment contracts have to be in writing? Are there any signatory requirements for employment contracts? For example, could they be signed in-person or electronically, etc.)?

As a rule, the individual employment contract is concluded in writing form.





However, if the individual employment contract has not been formalized in writing, it is considered to be concluded for an indefinite period of time and takes effect from the day the employee was admitted to work by the employer or by another responsible person within the unit authorized to hire staff. If the employee proves the admission to work, the formalization of the individual employment contract in writing will be carried out by the employer subsequently, as a mandatory requirement.

The individual employment contract can be signed by the parties:

- a) either with a handwritten signature - in two copies, one of which is handed to the employee, and the other is retained by the employer;
- b) or with a qualified advanced electronic signature - in case the parties to the individual employment contract have agreed to conclude it by exchanging electronic documents.

Do employees have to be issued with a written employment contract before they start work?

No, as shown above.

Is there an obligation for an employer to run a criminal record check to the extent that any individual they hire will be working with children or vulnerable people?

No. Checking criminal records on hiring is limited by the Law on personal data protection and may only be carried out by or under the control of public authorities, within the limits of the competences granted and under the conditions established by the laws regulating these areas.

The register of criminalistic and criminological information is maintained by the Ministry of Internal Affairs.

Can employers request references from former employers for new hires?

Yes, but the requested information can be only related with the prior professional activity and can be proceeded only with the employee's consent.

Is an employer required to set up any form of employee representative body? If so, what is the trigger for this?

No, there is no such an obligation for the employers. However, the employer is obligated to create conditions for the activity of employees' representatives in accordance with the legal provisions

Is it common to have collective agreements in your jurisdiction that apply to all employers in a particular region or sector?

No, especially in the private sector where the individual employment contract negotiations are made directly between the employer and the employee.





2 Conditions of employment

What is the minimum age requirement for employment?

The work capacity is acquired by the age of 16.

A natural person may enter into an individual employment contract at the age of 15, with the written consent of parents or legal representatives, provided that their health, development, education, and vocational training will not be endangered as a result.

It is prohibited to employ persons under the age of 15, as well as to hire individuals deprived by the court of law of the right to hold certain positions or to engage in specific activities within the respective functions and activities.

What type of work may a child undertake? For example, are there any specific restrictions?

The use of labor by individuals under the age of 18 is prohibited in works involving strenuous, harmful, and/or hazardous conditions, underground work, as well as in activities that may endanger the health or moral integrity of minors (such as gambling, work in nightclubs, production, transportation, and sale of alcoholic beverages, tobacco products, narcotic and toxic substances). Minors are not allowed to lift and manually transport weights exceeding the maximum limits set for them.

Also, the night work can be done only after the age of 18.

Wages

What is the minimum wage requirement for employees? Are there any exceptions in minimum wages for young persons or people with disabilities?

For 2024, the minimum wage requirement is 5000 Leu per month.

There are not any exceptions for young persons or people with disabilities.

In determining and paying wages, discrimination on the grounds of sex, age, disability, social origin, family situation, ethnic origin, race or nationality, political opinions or religious beliefs, membership or activity in a trade union is not allowed.

Are there any conditions which warrant a pay raise or extra pay? If yes, what are they?

The employer has the right to establish various systems of bonuses, additions, and allowances to the basic salary, as well as other incentive payments, after consulting employees' representatives. These systems may also be established through a collective labor agreement.

The manner and conditions for applying incentive and compensation payments in public sector units are determined by law and other normative acts.

In addition to the payments provided by the salary systems, employees of the unit may receive a reward based on the results of the annual activity from a fund formed by the unit's profit.





Extra pay may be warranted in case of non-standard working time (overtime, working at night or during the weekend).

When are wages due? For example, is there any obligation to pay wages weekly, or monthly?

The salary is paid periodically, directly to the employee or to a person authorized by them, based on an authenticated power of attorney, at the employee's workplace or transferred to their account opened with the payment service provider, on the working days established in the collective or individual employment contract, but:

- a) no less than twice a month for employees remunerated on a time or piece rate basis;
- b) no less than once a month for employees remunerated based on monthly salaries of the position.

Are employers obliged to provide employees with paid leave on public holidays?

Yes.

Employees remunerated based on agreement or on a time unit (hour or day), for non-working holidays, if the non-working holidays do not coincide with the weekly rest days, must be paid the average salary.

In case the non-working holidays coincide with the weekly rest days, the average salary for these days is not paid.

Are employers obliged to provide employees with annual leave?

Yes, all employees are entitled to paid annual leave, with a minimum duration of 28 calendar days, excluding non-working holidays.

For employees in certain sectors of the national economy (education, healthcare, public service, etc.), a different duration of annual leave (calculated in calendar days) may be established by organic law.

Are employees entitled to receive their usual salary during their annual leave?

During the annual leave period, the employee is entitled to a leave allowance which cannot be less than the average salary for that period.

The leave allowance is paid by the employer at least 3 calendar days before the start of the leave or at a date agreed upon by the parties, but no later than the date of payment of the salary for the month in which the respective leave was granted.

Is there a requirement to pay overtime? How is overtime compensated?





- In the case of remunerating work on a time basis (with a tariff salary or job-based salary), overtime work for the first two hours is paid at a rate of at least 1.5 times the base salary established for the employee on a time basis, and for subsequent hours - at least double.
- In the case of remunerating work in accordance with the application of the tariff salary system, for overtime work, an additional payment of at least 50 percent of the tariff salary of the respective category employee, paid on a time basis for the first 2 hours, and at least 100 percent of this tariff salary - for subsequent hours, whereas with the application of non-tariff salary systems - 50 percent for the first 2 hours and, respectively, 100 percent of the minimum wage established on a time basis - for subsequent hours.

Are there any extraordinary circumstances that could be relied on to temporarily cease paying employees for the hours worked?

No.

Are employees entitled to an end-of-year payment?

No, unless otherwise negotiated.

Are employees entitled to payments when their employment contract is terminated, such as notice or notice pay, accrued or untaken holiday and/or statutory severance?

An individual employment contract can be terminated by the employee with respecting a notice period of 14 days.

In this case, the employee is entitled to compensation for all unused annual leave days.

Upon written request, the employee may use the annual leave for one year of work, with subsequent suspension or termination of the individual employment contract, receiving compensation for the remaining unused leave days.

During the validity of the individual employment contract, unused leave days can be added to the annual leave or can be used separately (in full or fractionally) by the employee in periods established by the written agreement of the parties.

Working hours

What is considered a full time working week? If the employee is contractually required to work less than this amount are they considered a part time employee?

A full-time working week is considered the week when the normal duration of working time for employees in units consists of 40 hours.

If the employees work less than 40 hours per week they are considered part-time employees and are paid proportionally to this.





Are there fixed public/statutory holidays each year? Can employees be required to work on public/statutory holidays? Are employees entitled to any other type of leave besides public/statutory holidays?

Yes, there is a list of 13 public holidays each year.

On non-working holidays, work is allowed in units whose stoppage is not possible due to technical and production conditions (continuous flow units), work determined by the necessity of serving the population, as well as urgent repair and loading/unloading work.

Minors up to 18 years old and pregnant women are not allowed to work on non-working holidays.

Do part time employees receive any particular protection on the basis of their part-time status?

No, part-time employees enjoy the rights of full-time employees.

Working under part-time conditions does not imply limiting the rights of the employee regarding the calculation of seniority, contribution periods (except as provided by law), the duration of annual leave, or other labor rights.

In this regard the employer shall:

- Take measures to facilitate access to part-time work at all levels within the unit, including skilled and managerial positions;
- Ensure access for part-time employees to professional training aimed at enhancing their professional opportunities and mobility;
- Consider employees' requests to transfer from full-time to part-time work and vice versa, or to increase their working hours, where such opportunities arise.

To facilitate the transfers referred above, the employer informs employees of vacant full-time and part-time positions within the unit within 5 working days from the date of appearance of such positions. Information regarding vacant positions is communicated to employees and their representatives at the unit level through:

- Announcement sent via email or other means of communication accessible to each employee; and/or
- Public announcement placed on the unit's website, as appropriate; and/or
- Public announcement posted on a notice board accessible to the general public at the unit's headquarters and at each of its branches or representative offices.

Do part-time employees receive the same pro-rated terms to full time employees, e.g. in relation to pay and benefits?

Social security





What social security contributions are employers obliged to pay? Presumably, pro-rated contributions are required for part time employees?

Employers are obliged to make following deductions from the employee' salary:

- Income tax – 12 %,
- Social insurance contributions – 24 %,
- Health insurance contributions (public health insurance) – 9 %.

Are employers obliged to provide health insurance to their employees?

No, health insurance is deducted in proportion of 9 % from the employee' salary and are covered by the public social insurance system.

Are employees entitled to unemployment insurance/benefits following the end of employment?

The right to unemployment benefits is determined by territorial subdivisions.

Unemployment benefits are granted based on the application for registration as unemployed submitted to the territorial subdivision.

The right to unemployment benefits is established for individuals who cumulatively meet the following conditions:

- They do not earn income from work activities on the date the right to unemployment benefits is established, except for severance pay, salary recalculations related to severance pay, and pensions other than old-age pensions;
- They have worked and contributed to the state public social insurance system for at least 12 months in the last 24 calendar months preceding the registration date;
- They do not refuse suitable employment or participation in active labor market measures offered by the territorial subdivision according to the individual employment plan for the unemployed.

Are employers obliged to provide sick leave? If yes, for how long? How many days have to be paid by employers? Is it possible to have unpaid sick leave?

Paid medical leave is granted to all employees and apprentices based on the medical certificate.

Starting from the year 2013, the payment of the temporary work incapacity allowance due to common illnesses or non-work-related accidents shall be carried out as follows:

- The first five calendar days of temporary work incapacity shall be paid by the employer's funds, by the self-employed professional practicing in the justice sector, but not exceeding a cumulative total of 15 days during one calendar year in the case of multiple periods of temporary work incapacity. In the case of unemployed individuals, the temporary work





incapacity allowance shall be paid from the funds of the state social insurance budget from the first day;

- Starting from the sixth calendar day of temporary work incapacity, and in the case of multiple periods of temporary work incapacity - starting from the first day after the expiration of the cumulative 15 days paid from the employer's funds, by the self-employed professional practicing in the justice sector, the allowance shall be paid from the funds of the state social insurance budget.

The payment of the temporary work incapacity allowance due to tuberculosis, AIDS, oncological diseases, or the occurrence of the risk of interrupting pregnancy, as well as the payment of the temporary work incapacity allowance to pregnant women under medical care, shall be fully carried out from the state social insurance budget, starting from the first calendar day of temporary work incapacity.

Are employers obliged to provide maternity leave for employees? If yes, for how long? How many days/months have to be paid by employers? Is it possible to have unpaid maternity leave?

Insured women, spouses dependent on insured spouses, and unemployed women who have been registered in medical-sanitary institutions in the Republic of Moldova, and who are entitled to maternity leave, including prenatal and postnatal leave, are entitled to maternity allowance.

Maternity allowance is granted in full at the 30th week of pregnancy, for a period of 126 calendar days, and in the case of complicated births or the birth of two children, for 140 calendar days. In the case of pregnancies with three or more fetuses, maternity allowance is granted at the 24th week of pregnancy for a period of 182 calendar days.

In the event that the child is stillborn or dies during the postnatal leave period, maternity allowance is granted for the period specified above.

The wife who is dependent on the insured spouse is entitled to maternity allowance if, at the date of granting maternity leave, she is not employed.

Maternity allowance is calculated based on the insured income of one of the spouses, which will result in a higher amount of maternity allowance.

For the period of maternity leave overlapping with the period during which the woman earned an insured income, maternity allowance is paid.

Is paternity leave available to employees? If yes, for how long? How many days/months have to be paid by employers? Is it possible to have unpaid paternity leave?

Yes. Paternity leave is granted under the conditions provided to ensure the father's effective participation in caring for the newborn or adopted child.

The father of the newborn child is entitled to paternity leave for up to 15 calendar days. The father of the adopted child is entitled to paternity leave for up to 15 calendar days.

Paternity leave can be granted in full or divided into up to 3 fractions during the first 12 months after the child's birth. Each fraction of leave represents at least 5 calendar days. The employee is





entitled to paternity leave based on a request submitted at least 5 days before each fraction of leave, except when the periods of fractions have been previously agreed with the employer.

Paternity leave is granted based on a written request within the first 12 months after the child's birth. The request must be accompanied by a copy of the child's birth certificate.

In case of total or partial coincidence of paternity leave with medical leave, upon written request from the employee, the unused portion of paternity leave is extended.

During paternity leave, the employee is entitled to a paternal allowance, which cannot be lower than the average monthly income insured for the respective period and is paid from the state social insurance budget.

The employer is obligated to encourage employees to take paternity leave.

Cases where the employer creates situations disadvantageous to employees taking paternity leave are considered cases of discrimination by employers and are sanctioned according to the law.

Are employers liable for absence due to work-place injuries?

Yes, generally employers are liable for any injury caused to the employee due to work conditions. In case of injury to health or death of the employee as a result of a work accident or an occupational disease, the employee shall be compensated for the unrealized salary (income), as well as the additional expenses for medical, social, and professional rehabilitation related to the injury to health. In the event of the employee's death, the deceased's family shall be compensated for the expenses related to the death.

Are employees entitled to retirement benefits from the employer? If yes, what benefits?

In principle no, as Moldova is currently based on a public pensions system, which relies on the mandatory contributions of active employees. Pensions are paid from the state budget.

Are employers obliged to introduce reporting channels and legal safeguards for whistleblowers?

No.

3 Safe and supportive work environment

Broadly what measures have to be in place to ensure employers uphold health and safety? (such as fire or earthquake drills)

The employer is obligated to ensure the safety and health of workers in all aspects related to the performed activities.

As part of its responsibilities, the employer is obliged to take necessary measures for the protection of workers' safety and health, including the prevention of occupational hazards, ensuring information and training, as well as providing the organization and necessary means.

In case of a serious and immediate danger, the employer is obligated:





- to take necessary measures for providing first aid, extinguishing fires, and evacuating workers, measures adapted to the nature of the activities and the size of the unit, taking into account the presence of other individuals;
- to ensure any necessary contacts with external protection and prevention services, especially concerning providing first aid, ensuring emergency medical services, and firefighting services.
- inform as soon as possible all employees who are exposed or may be exposed to a serious and immediate danger about the risk involved and the measures taken or to be taken for their protection;
- in the event of a serious, immediate, and unavoidable danger, take action and give instructions to allow workers to cease work, immediately leave the workplace, and withdraw to a safe area;
- refrain from requiring workers to resume work if a serious and immediate danger persists at the workplace, except in well-founded cases.

Is there a requirement for an employer to issue any form of non-discrimination policies? (such as gender equality policies, equal employment opportunities, diversity, and inclusion policies, etc.)

The employer has the obligation to issue such a non-discrimination policy that will prevent any discrimination, whether direct or indirect, against an employee based on sex, age, race, skin color, ethnicity, religion, political affiliation, social origin, domicile, disability, HIV/AIDS infection, union membership or activity, as well as on other criteria unrelated to their professional qualifications.

The employer is obliged to fully compensate for the material and moral damage caused to the employee in connection with the performance of their work duties, in cases of discrimination against the employee in the workplace or as a result of the unlawful deprivation of the opportunity to work, unless otherwise provided by this Code or other normative acts.

Is there a requirement to provide employees with training designed to combat discrimination and harassment?

No, there is no such a requirement, but trainings can be used by the employer as an instrument for the implementation of non-discrimination policy in the unit.

Is there a requirement to have a data protection policy?

No.

Is it mandatory for employers to have a Child Protection Policy (CPP)? Are employees obliged to provide training on CPP to its employees?

No.





4 Tax

Which taxes are mandatory for employers to pay and deduct on behalf of their employees?

The standard taxation regime consists of:

- Income tax – 12 %,
- Social insurance contributions – 24 %,
- Health insurance contributions (public health insurance) – 9 %.

Are all employee taxes deducted from the salary that the employer pays or is there a requirement for employees to pay certain taxes directly?

Yes, please see above.

5 Remote work

Are employers required to have a registered legal entity in the jurisdiction in order to employ employees in the jurisdiction?

No.

Are employers required to provide any form of physical working space for employees working in your country?

No, the employees can work fully remote.

Please provide general instructions for employers on what to check if the employer has remote employees, including concerning employee tax liabilities.

The individual employment contract regarding remote work must contain, in addition to the clauses provided [here](#), clauses regarding:

- a) The conditions for performing remote work;
- b) The schedule during which the employer is entitled to verify the employee's activity and the method of conducting such control;
- c) The method of recording the hours worked by the employee with remote work;
- d) The conditions regarding the coverage of expenses related to remote work activities;
- e) Other conditions agreed upon by the parties.





The employer organizes the occupational safety and health of employees working remotely in accordance with the provisions of the Occupational Safety and Health Law no. 186/2008, as well as other regulatory acts in the field of occupational safety and health.

6 What to do when things go wrong

Dispute resolution

Do employees (including volunteers) need to go through any form of dispute resolution before bringing a claim to a court or tribunal?

No.

Resignation

What grounds do employees have for resignation?

Resignation does not need to be motivated in any way, employees can resign at any moment, their only obligation being to notify the employer, through a written request 14 calendar days before. For a period of 7 calendar days from the date of submission of the resignation request, the employee has the right to withdraw the request or submit a new request to cancel the first one. In this case, the employer is entitled to dismiss the employee only if, by the withdrawal (cancellation) of the submitted request, an individual employment contract has been concluded with another employee.

Termination

What grounds do employers have for the termination of employment contracts?

Termination of the individual employment contract by the employer's initiative for an indefinite period, as well as for a fixed-term contract - is allowed for the following reasons:

- Unsatisfactory result of the probation period;
- Dissolution of the unit or cessation of the employer's activity;
- Reduction of the staff positions in the unit;
- Finding that the employee does not meet the requirements of the position held or the work performed due to health reasons, according to the medical document (certificate/certificate/act, etc.), issued by the competent medical authority (institution);
- Repeatedly unsatisfactory performance over the course of a year, based on individual performance indicators. Termination can only be ordered after the prior evaluation of the employee according to the evaluation procedure established by the collective agreement, applicable collective labor contract, or, in their absence, by the internal regulations of the unit, if it is developed and approved by the employer, in accordance with the general provisions of this law, provided that the employer has given the employee appropriate instructions, has issued a written warning, and has given the employee a reasonable period of time for improvement;





- Change of unit owner (regarding the unit's manager, their deputies, chief accountant);
- Repeated violation of work obligations over the course of a year, if the employee has previously been subject to disciplinary action;
- Unjustified absence from the workplace for at least 4 consecutive hours (excluding the meal break) during the working day - for employees with a daily working time of at least 8 hours per day, or for at least half of the daily working time - for employees with a daily working time greater or less than 8 hours per day;
- Signing by the unit's manager (branch, subdivision), their deputies, or the chief accountant of an unfounded legal act that has caused material damage to the unit;
- Serious violation, even if only once, of work obligations;
- For other reasons provided by the Labor Code and other legislative acts.

How do employers have to document the termination of an employment contract?

The individual employment contract terminates on the basis of the employer's order (directive, decision, resolution), which is brought to the attention of the employee, by signature or by another method allowing confirmation of receipt/notification, no later than the date of release from service, except in cases where the employee does not work until the day of release from service (unjustified absence from work, deprivation of liberty, etc.).

The employer's order (directive, decision, resolution) regarding the termination of the individual employment contract must contain reference to the corresponding article, paragraph, point, and letter of the law.

What is the responsibility of employers for damages incurred by an employee's actions within his/her work?

The employer who, as a result of inadequate fulfillment of its obligations stipulated in the individual employment contract, has caused material damage to the employee, shall fully compensate for this damage. The amount of the material damage shall be calculated based on the market prices prevailing in the respective locality on the date of compensation, in accordance with statistical data.





b. Independent contractors/consultants*

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An independent contractor is a natural person with full legal capacity, engaging in entrepreneurial activity in their own name and at their own risk, without forming a legal entity, and registered in accordance with the law.

* The term consultant will be used to also refer to independent contractors, or any other term that would mean a person that provides goods or services under a written contract or a verbal agreement but does not work to meet the definition of employee.

1 Contracts

What types of independent contractor/consultant agreements are available? Are there any specific agreements available to NGOs?

Moldovan civil legislation regulates a main contract called a “services agreement” which is used in relationships between third party providers (consultants, sometimes through their own employees or collaborators) and beneficiaries. There are no specific agreements available to NGOs.

What are the main elements of consultant agreements?

Under the service agreement, one party (the service provider) undertakes to provide certain services to the other party (the beneficiary), and the latter undertakes to pay the agreed remuneration.

The object of the service agreement consists of services of any nature.

As this type of agreement is a purely commercial contract, the terms are subject to negotiations between the parties, on a case by case basis.

Is it possible to have probation periods for independent contractors/consultants? If yes, for how long?

No.





Is it possible to have a fixed term consultation/independent contractor agreement? Are there any restrictions around fixed term consultant/independent contractor agreements?

Yes. All terms of a contractor/consultant agreement are subject to negotiations.

Do independent contractor/consultant agreements have to be in writing? Are there any signatory requirements? For example, could they be signed in-person or electronically, etc.)?

It is not mandatory to conclude this type of contract in writing since this is not a valid condition.

However, it is recommended to use written form in case evidence of the terms is later required for example in a court of law.

With respect to signing methods, the contract could be signed either in wet ink or using a valid electronic signature.

Do all types of independent contractors/consultants have to be under contract in order to be able to work?

Yes, there must be an agreement in place, even if it is not in written form as long as it can be proved by other means.

Is there an obligation to run a criminal record check to the extent that any independent contractor will be working with children or vulnerable people?

No.

2 Conditions of work for consultants

Are there any minimum age requirements for an individual to work under a consultant/independent contractor agreement?

In this case, are applicable the provisions of civil legislation regarding the legal capacity of natural persons.

So, a consultant/independent contractor agreement can be concluded when:

- The person had reached the age of 18 years;
- The person has reached the age of 16 and is engaged in entrepreneurial activities with the consent of the parents or legal representative and in the absence of such consent, by court decision;





- The person has reached the age of 14 and has the consent of the parent or legal representative, and in cases provided by law, also with the consent of the guardianship authority.

Does a consultant/independent contractor need to obtain a license or any other permission in order to work?

This depends on the field in which the consultant/independent contractor work and whether there are special provisions in that field or not. Where a certain qualification is required to carry out a particular activity, of course, the consultant/independent contractor will need to obtain it in order to work.

Payment

Are there any minimum pay requirements for consultants/independent contractors?

No.

Are there any exceptions in minimum wages for young persons or people with disabilities?

No.

Is there any requirement to provide statutory/paid leave to consultants for statutory holidays?

No.

Is there any requirement to pay annual leave to consultant/independent contractors? If so, how is this compensated, if at all?

No.

Is there an obligation to provide consultant/independent contractors with overtime? How is this compensated if required?

No.

Are consultants entitled to an end-of-year payment?

No.





Are consultants entitled to a final payment when the contract is terminated?

No.

Working hours

Are consultants entitled to any type of leave, whether paid or unpaid?

No.

Social security

Does the end user engager need to make any social security contributions on behalf of a consultant/independent contractor? Are independent contractors entitled to health insurance from the end user engager?

No.

Are independent contractors/consultants entitled to unemployment insurance/benefits after termination of their independent contractor/consultancy agreement from the end user engager?

No.

Are independent contractors/consultants entitled to sick leave from the end user engager? If yes, for how long? How many days have to be paid?

No, any such entitlements, if any, will be based on contributions made by the contractor to the state budget.

Are independent contractors/consultants entitled to maternity leave from the end user engager? If yes, for how long? How many days/months have to be paid?

No.

Are independent contractors/consultants entitled to paternity leave from the end user engager? If yes, for how long? How many days/months should be paid?

No.

Are employers obliged to cover work-place injuries for independent contractors/consultants?

Under civil liability principles, if the injury is caused by the beneficiary, they can be held liable.





Are independent contractors/consultants entitled to retirement benefits from the end user? If yes, what benefits?

No.

3 Safe and supportive work environment

Are there any differences in terms of the regime that applies to employees?

Social protection measures for employees are recognized by law, including health and safety provisions. Individual contractors do not enjoy the legal protection of the employees, but the parties can negotiate special contract provision regarding health and safety conditions.

4 Remote work

Are end user engagers required to have a registered legal entity in the jurisdiction in order to hire independent contractors/consultants there?

No.

5 What to do when things go wrong

Resignation

Do consultants/independent contractors need a reason to terminate the contract or can they terminate it for any reason in accordance with the terms of the contract?

There are no legally specified grounds for the termination of consultant agreements. Termination grounds will depend on the terms of the contract, or on the provisions of Moldova civil law.

Termination of agreement

What grounds do end user engagers have for the termination of consultant agreements?

There are no legally specified grounds for the termination of consultant agreements. Termination grounds will depend on the terms of the contract, or on the provisions of Moldova civil law.

What is the responsibility of the end user engagers for damages incurred by a consultant's actions within his/her work?

The responsibility of the employees of the end user toward the contractor is not automatically excluded, on the basis of the principle that any liability is personal i.e. they will be responsible for any damages caused by their actions or inactions.





If the end user engagers act in a manner in which the consultant incurs a damage (e.g. they cause a personal injury to the consultant's workers or materials), they can be held liable for their actions.

If the consultant's actions are caused by incorrect instructions/guidance received from the end users' engagers, the consultant's liability can be excluded and the end user /its engagers can be held liable.





c. Volunteers

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A volunteer is any citizen of the Republic of Moldova, foreign citizen, or stateless person who, in support of civic solidarity, engages in volunteer activities organized by legal entities of public or private law without lucrative purposes.

1 Contracts

Are organizations required to sign any form of agreement with volunteers?

Volunteering can be carried out based on a contract concluded in writing between the volunteer and the host institution, under conditions of contractual freedom of the parties and in compliance with the provisions of the law. Contract should be signed in wet or using a valid qualified electronic signature.

The host institution is obliged to conclude a volunteering contract with the volunteer if they are involved in volunteering activities for more than 20 hours per month.

The volunteering contract is concluded in two copies, one of which is mandatory kept at the host institution, and the other is handed over to the volunteer.

2 Conditions of employment

Is there a minimum age requirement for volunteers?

The volunteering contract can be concluded with individuals who have reached the age of 16. Individuals who have reached the age of 14 can conclude a volunteering contract with the written consent of their legal representative.

What type of volunteering work may a child undertake? Are there any restrictions around this?

There are no special provisions in this respect but, in Moldova, the exploitation of children, their use in activities that would harm their health, morality or endanger their life or normal development is prohibited.





Payments and reimbursement

Are organizations allowed to pay stipends to volunteers?

No, volunteers are not paid under the volunteer contract, which is one of the essential aspects of this contract.

Are organizations allowed to reimburse volunteers? If yes, for what expenses (such as transportation, food, etc.).

Yes, for: transportation, accommodation, meals, optional medical insurance against risks arising from the nature of the activity, per diem.

Working hours

Are there any obligations around how many hours volunteers can work?

There are no special regulations as in the case of employees, but the volunteer contract must include information regarding the time and period of the voluntary activity.

Are volunteers entitled to any type of leave?

No.

Social security

Are organizations obliged to pay any social security contributions on behalf of their volunteers?

No, since they are not paid for performing their activity.

Are organizations obliged to provide health insurance to volunteers?

Yes, the volunteer has the right to an optional medical insurance provided by the host institution, in accordance with the law, against the risks of accidents, illness, or other risks arising from the nature of the activity.

Are organizations liable for absences of volunteers due to work-place injuries?

The organization is obliged to ensure that the activities are carried out under the direction of a volunteer coordinator, in compliance with the legal conditions concerning health and safety at work, depending on the nature and characteristics of the activity in question.





3 Safe and supportive work environment

Are there any differences in terms of the regime that applies to employees?

No, the organization is obliged to ensure that the activities are carried out under the direction of a volunteer coordinator, in compliance with the legal conditions concerning health and safety at work, depending on the nature and characteristics of the activity in question.

4 Tax

Are organizations obliged to pay taxes if they pay their volunteers stipends? If yes, what types of taxes are mandatory to pay?

No, since they are not allowed to have stipends.

5 What to do when things go wrong

What grounds do organizations have for the termination of volunteer agreements/arrangements?

The organization can terminate the volunteer contract as follows:

- mutual agreement with the volunteer;
- unilateral termination – communicated and justified in writing, with a notice period of 7 days;
- termination as a result of non-performance or improper performance of the contract.

What is the responsibility of organizations for damages incurred by a volunteer's actions within his/her work?

The organization is obligated to ensure the provision of medical services in case of accidents or illness arising from the nature of the activity. If the volunteer is not insured, the cost of medical services is fully borne by the hosting institution.





d. Non-citizen employees and consultants, including refugees and others forcibly displaced

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1 Status and the right to work

Are employers obliged to secure legal status for their employees or consultants if they are non-citizens? (such as refugee status, humanitarian visas, visas for trafficking survivors, other recognized protection statuses, etc.)

The provisions of the Labor Code apply to foreign or stateless employees, employed based on an individual employment contract, who perform work for an employer operating in the Republic of Moldova.

The employer is responsible for integrating the immigrant worker to the extent of the obligations assumed through the individual employment contract. They may cover the costs of Romanian language courses for foreigners or implement other integration measures, taking into account the needs and interests of the organization in question.

Are employers obliged to secure work permits for their employees or consultants?

Yes.

Is it always necessary to obtain a work permit?

As a general rule, yes.

The long-stay visa is granted to foreigners intending to enter the Republic of Moldova for employment purposes, to foreign workers temporarily seconded by foreign companies, to trainees or seasonal workers. Visas are also issued for athletes who are to compete for clubs or teams in the Republic of Moldova, based on an individual employment contract.

As an exception, professional sellers, providers of contractual services, and independent professionals from a European Union member state or from other states whose list is approved by





the Government may carry out activities on the territory of the Republic of Moldova without requiring a temporary residence permit.

Can asylum-seekers and other persons forcibly displaced access the right to work if they do not have refugee status or other recognized protection statuses?

The asylum seekers have the right to work, which may be temporarily granted upon request if, for objective reasons, they lack the necessary means of existence.

The beneficiary of temporary protection has the right to work, upon request, for a period not exceeding the period of temporary protection.

2 Contracts

Are employment contracts or consultant agreements for non-citizens different to those for citizens?

No.

3 Conditions of employment

Does national law regulate the quotas for the number of non-citizens within one organization? Are employers obliged to report about employed non-citizens?

No.

Are there any other differences in conditions of employment for non-citizens and citizens?

No, non-citizens that obtained the right of stay in the Republic of Moldova benefit of the same employment conditions.

Are there any specific employment terms that apply to citizens but not apply to non-citizens?

No.

4 Safe and supportive work environment

Are there any differences in a safe and supportive work environment approach for non-citizens? If yes, please elaborate here.

No.





Does the employer have additional obligations for non-citizens?

No.

5 What to do when things go wrong

Is the process of termination of an employment contract for non-citizens different than for citizens? If yes, please explain here.

No, but the termination of employment should be reported to the General Inspectorate for Immigration.

Is the process of resignation for non-citizens different than for citizens? If yes, please explain here.

No, but the termination of employment should be reported to the General Inspectorate for Immigration.

Are non-citizens entitled to the equal protection of employment laws in the event of employment-related disputes?

Yes.





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