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**Moldova labour inspection audit**  
**Joint outcome on labour inspection**

**Dialogue**  
**SafeWork**  
**December 2008 - February 2009**

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## Foreword

This audit of the labour inspection system in Moldova was carried out in December 2008 at the request of the Ministry of Economy and Trade, which has responsibility for labour inspection in the country. The purpose of the audit was to establish jointly with the government an action plan for improving, reinvigorating and modernizing the labour inspection system in Moldova within the framework of the already-ratified labour inspection Conventions. Furthermore, the audit should be seen as an important step towards the achievement of the outcomes of the recently launched Decent Work Country Programme for Moldova 2008-2011.

The audit was undertaken utilizing the ILO's participatory labour administration-related methodology, which includes interviews with the main governmental bodies concerned with labour inspection and the social partners. Visits to regional inspection services were also carried out and initial feedback was provided to the government.

This audit report contains a number of important recommendations for consideration by the Moldovan government and, where appropriate, the social partners. These recommendations relate to such areas as the updating of labour legislation; decentralization of labour administration; structure and organization of labour inspection services; human resources and career development of staff; organization of visits; registries and work accident reports; sanctions and administrative procedures; and cooperation with other partners. Other suggestions and recommendations may be considered in the context of the participatory approach adopted by the ILO.

This audit is particularly timely as a precursor of the forthcoming inter-regional technical cooperation project on Enhancing Labour Inspection Effectiveness, to be financed by the Government of Norway. The valuable support provided by this project will enable the action plan to be implemented.

I would like to take this opportunity to thank the government and social partners in Moldova for their very positive engagement in this endeavour and for their overall commitment to the achievement of the goals of the Decent Work Country Programme for Moldova. I would also like to thank my colleagues, Ms Maria-Luz Vega of the Social Dialogue Branch, and Ms Annie Rice of the Safework Programme, for their technical contribution, and Ms Ala Lipciu, National Coordinator for Moldova, for her guidance and support.

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## I. Main socio-economic and political elements

The Republic of Moldova is located in Eastern Europe, bordering Romania in the southwest and Ukraine in the northeast. It covers a surface of 33,842 square kilometers. The capital is Chisinau.

Moldova gained independence from the former Soviet Union in August 1991. It subsequently became a member of the Organisation for Security and Co-operation in Europe (OSCE) and of the United Nations, and has ratified most international human rights instruments. The current Constitution, adopted in 1994, set the foundation for a democratic republic.

The region of Transnistria in eastern Moldova (next to Ukraine) gained de facto independence following a short civil war in 1992, and a security zone was established with the involvement of UN peacekeeping forces. A mediation process has been in place since 1995. The de facto independence of this region has a direct impact on the national economy, as heavy industries and the main national energy provider are located there.<sup>1</sup>

The population of Moldova is 4,324,450, according to estimates made in July 2008. Although it is the second smallest member of the Commonwealth of Independent States (CIS) in terms of population, it has the highest population density, at just under 130 people per square kilometer.<sup>2</sup> Life expectancy is 66.81 years for males and 74.41 years for females.

There are five main ethnic groups: Moldovans/Romanians (78.2 per cent), Ukrainians (8.4 per cent), Russians (5.8 per cent), Gagauz (4.4 per cent) and Bulgarians (1.9 per cent). The official language is Moldavian, which is virtually identical to Romanian. The predominant religion is Eastern Orthodoxy.<sup>3</sup>

The Republic of Moldova is mainly rural, with only 40 per cent of the population living in urban areas. Emigration is high, mainly to Russia and to the European Union; since gaining independence in 1991, the population has shrunk because of emigration. Estimates made in November 2004 showed that 400,000 Moldavians work abroad, and remittances from those immigrants constitute a main pillar of economic growth, representing close to 30 per cent of the Moldovan GDP.<sup>4</sup>

The food processing and beverage industries are the most important components of the Moldovan economy. Agriculture accounted for around 18 per cent of the GDP in 2007 and comprises the main part of the workforce. Light industries, in particular the

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<sup>1</sup> Political information taken from: European Neighborhood and Partnership Instrument, Republic of Moldova, Country Strategy Paper 2007-2013, on: [http://ec.europa.eu/world/enp/documents\\_en.htm#2](http://ec.europa.eu/world/enp/documents_en.htm#2).

<sup>2</sup> European Intelligence Unit country profile on the Republic of Moldova, basic report, on: <http://www.eiu.com>.

<sup>3</sup> Information on population and geographic details taken from CIA World fact book Moldova, at: <http://www.cia.gov>

<sup>4</sup> See European Neighborhood and Partnership Instrument, Republic of Moldova, Country Strategy Paper 2007-2013.

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garment and textile sectors, have become the most important industrial exporters after food processing.<sup>5</sup>

In addition, mainly because of remittances sent by emigrants, the construction industry, particularly the private housing sector, is of increasing significance. In 2007, the value of construction work rose by 19 per cent to 823 million USD.<sup>6</sup>

Moldova ranks 111th in the 2007/2008 Human Development Report.<sup>7</sup> It has been classified as a low-income country by the World Bank. Unemployment fell from eight percent in 2004 to three percent in 2008; however, it is suggested that this is a consequence of the high emigration level.

The majority of the population live below the poverty line. Although wage levels have risen strongly in recent years, the monthly average wage is still low, at only 2,446 lei (270 USD). Consumer price inflation is high (12.3 per cent in 2007), which is due to the significant increase in energy and food prices in 2007-08. Moldovans therefore depend on further sources of income, including work in the informal economy and remittances by emigrants.

Moldova continues to suffer from a high trade deficit, up to 53 per cent of the GDP in 2007. This was due, among other factors, to the narrow export base consisting only of food and beverage products. Furthermore, Moldova strongly depends on energy supplies and other main goods, mainly from Russia.<sup>8</sup>

The National Confederation of Employers of the Republic of Moldova (CNPM) is the only cross-sectoral employers' organization at the national level. The most important sectoral employers' organization is the National Federation of Employers in Agriculture and Food Industry (FNPAIA).

The representative organization for workers at the national level is the National Confederation of Trade Unions in Moldova.

## II. Legislative framework of the labour inspectorate

The Republic of Moldova has ratified ILO Convention Nos. 81 and 129 on labour inspection.

The Constitution of the Republic of Moldova (29 July 1994), art. 43. "Right to work and labour protection", stipulates in paragraph (2): *workers are entitled to labour protection. Protective measures refer to occupational safety and health, working regime for women and youth, determination of the minimum wage per economy, weekly rest, paid holiday, work in hard conditions, as well as other specific situations.*

The functions and duties of labour inspectors are mainly set out in the Labour Inspection Law of 29 June 2001. Furthermore, the Labour Code of 2003<sup>9</sup> contains

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<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*

<sup>7</sup> See Human Development Report 2007/2008 on: <http://hdr.undp.org/en>

<sup>8</sup> Information on economy taken from: EIU country report (see above) and country strategy paper (see above).

<sup>9</sup> Art 391 (3)



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provisions pertaining to labour inspection, reflecting the bundle of obligations, rights and duties set out in the ILO labour inspection Conventions. Other regulations and laws reflected in this text also elaborate on the functions related to labour inspection activities.

Moldova's labour inspectorate is set up as an independent authority under the Ministry of Economy and Trade (Annex II).<sup>10</sup> It ensures compliance with legislation and collective agreements with respect to working conditions, wages, labour relations and child labour; moreover, it is involved in the training of workers and approves the safety of work equipment and technical devices before these go into production.<sup>11</sup> It also monitors compliance with labour-related legislation within the central and local public administration.<sup>12</sup> However, the issuance of permits to open business premises as well as investigation of occupational illnesses are within the competence of the Ministry of Health.

Besides the labour inspectorate, there are specialized inspection services under the Ministry of Health, notably the State Sanitary and Epidemiological Service (Preventive Medicine Services), a service inspecting electric and thermal installations, and a unit in charge of radiation protection and nuclear safety.<sup>13</sup>

Trade unions are also empowered to conduct inspections. According to article 386(1) of the Labour Code, they have the right to carry out labour inspections on the basis of the corresponding provisions authorized by national or sectoral bodies (not yet promulgated). Article 375 of the Code states that the labour inspection service should cooperate with other bodies, including trade unions, with the forms of cooperation established by agreement between the parties.

According to article 5 of the Labour Inspection Act, the labour inspectorate cooperates with trade unions; for this purpose, the labour inspectorate concludes a cooperation agreement with certain trade unions.<sup>14</sup> Cooperation takes place in the form of joint inspections and joint investigations in cases of work-related accidents and following complaints.<sup>15</sup> The scope of cooperation is set out in a cooperation framework agreement. Employers' organizations also sign a cooperation framework agreement with the labour inspectorate.

### **III. Organisational structure of the labour inspection service**

According to law, the labour inspectorate is a central specialized body under the Ministry of Economy and Trade. It exercises state control over the observance of legislative acts and other normative acts pertaining to the right to work, collective

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<sup>10</sup> This Ministry took the competencies of the former Ministry of Labour and Social Protection which was dissolved in 2005.

<sup>11</sup> Art. 374, Labour Code.

<sup>12</sup> Art. 1, Labour Inspection Law of 29 June 2001.

<sup>13</sup> Art. 383 ff, Labour Code.

<sup>14</sup> Governmental report on the application of Convention No. 81 for the year 2003.

<sup>15</sup> *ibid.*

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conventions and collective labour contracts in all undertakings, including the central and public authorities.

The labour inspectorate has the following major functions:

- a) supervises the observance of the provisions of legislative and normative acts regarding: individual and collective labour contracts; work record cards; working time and rest time; labour remuneration; labour discipline; work of minors and farmers; labour protection; other working conditions;
- b) investigates occupational accidents in the manner established by Government.

The labour inspectorate is authorized to impose fines in cases of violation of the provisions of legislative acts and other normative acts on working conditions and employees' protection.

There are also territorial labour inspectorates (subordinated to the labour inspectorate), which are not juridical entities.

#### **IV. ILO Conventions ratified by Moldova and major comments of the Committee of Experts**

The Republic of Moldova has ratified forty ILO Conventions (Annex I).

The ILO Conventions which have been ratified and which relate the most to labour inspection are the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No.129), as well as the Protocol of 1995 to the Labour Inspection Convention, 1947, and the Labour Administration Convention, 1978 (No. 150). Also worth mentioning are the Conventions dealing specifically with occupational safety and health, notably the Occupational Safety and Health Convention, 1981 (No. 155) and the Safety and Health in Agriculture Convention, 2001 (No. 184), which both touch upon labour inspection.

The ILO Conventions on labour inspection were ratified in 1996. In its comments on the application of labour inspection Conventions in Moldova, the Committee of Experts mainly expressed concern with respect to appropriate equipment in the local inspection offices, the appropriate number of inspection staff, and tools for the performance of specific labour inspection activities. In particular, in the field of agriculture, the Committee of Experts recently raised questions as to the nature of training to prepare labour inspectors to conduct inspections in agriculture, and to the availability of means of transportation to remote agricultural undertakings.

Moreover, the Committee of Experts raised questions with respect to the prosecution of labour legislation violations, the conduct of legal proceedings and how discretionary powers are used when deciding whether or not to prosecute. The lack of collaboration and obstructions from employers during inspection activities were also recently cited.

Also highlighted as a point of continuing concern is the scope and manner of cooperation between the labour inspectorates and other supervisory bodies and trade unions in practice. In particular, questions were raised as to the extent of coordination exercised by the central authority, the practical arrangements made for cooperative

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activities, and how the distribution of workplaces for inspection was made among the supervisory bodies.

## **V. Tripartite structures**

The Republic of Moldova ratified ILO Convention No. 144 in 1996.

The main tripartite structures are the Commission for Consultation and Collective Negotiation at the national, branch and territorial level, all recently created statutory bodies. The commissions have a tripartite structure and are consulted on socio-economic issues; they furthermore seem to serve as a platform for the negotiation of collective agreements. In addition, the National Commission for Consultation and Collective Negotiation has to be compulsorily consulted when drafting laws in the social and economic field and in the domain of labour; it is even consulted on fiscal policies and budgetary matters.<sup>16</sup>

There is no specific tripartite body in the field of occupational safety and health at the national level.

## **VI. Labour inspection: Main features and developments**

### **General description**

The labour inspectorate was created in 2001 by law (L. 140 XV of May 2001). It is the main instrument of the central public administration which exercises control functions on behalf of the state over the implementation of the legislative and normative acts pertaining to enterprises, institutions and organizations, irrespective of the type of ownership or legal form of organization, local and regional authorities (article 1 of Labour Code).

The law states that the labour inspectorate shall ensure the application of legal provisions relating to working conditions and the protection of workers, wherever work activities are being carried out. Inspectors carry out inspections (art 1.2 of L. 140 XV) in any premises, institution, or body, and in any structure of the public administration at the central and local levels, as to compliance with Labour Code provisions, safety and hygiene regulations and other related legislation. However, occupational health matters (involving work-related diseases) are under the scope and competency of the Ministry of Health.

In practice, the labour inspectorate oversees issues connected to the existence of individual or collective contracts, illegal and migrant work, work duration and resting time, payments and payroll, labour discipline, work provided to minors and women, aspects related to safe work processes and investigation of work accidents, controlling working conditions and the safety of workers (called labour protection). It may issue

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<sup>16</sup> Governmental report on the application of ILO Convention No. 144 for the period 12 August 2004 to 12 August 2006, art. 22 ILO Constitution; First Report on the application of ILO Convention No. 150, received by ILO Normes on 23 October 2008.

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labour permits and impose penalties on those enterprises that have been conducting illegal activities.<sup>17</sup>

The new law on safety and health at work (Law No. 186 of 10.08.2008, in effect as of January 2009) grants the labour inspectors the competence of supervising the different provisions of the new text (art. 8) and emphasizes preventive actions in relation to occupational safety and health. This gives also de facto occupational safety *and* health inspection competences to the inspectorate. This new competence has led to some confusion concerning the role of the Ministry of Health in prevention activities in the field of health that were attributed to it until now by the protection law and the Labour Code (previous law).

In 2006 a public reform strategy was put in place and the labour inspection authority underwent internal organizational changes, changing the territorial distribution and attribution of labour inspection competence and reducing the number of territorial entities and inspectors. Previously, there were 35 districts (plus an autonomous territory) with at least one inspector. Now the regional structure consists of ten “rayons” or territorial units, each serving several districts. The total number of inspectors has been reduced by around 30, with at least an inspector in charge of one district, including the autonomous region of Gagauzia. The central authority set in Chisinau coordinates districts inspectorates through general ordinances and instructions.

It needs to be pointed out that the labour administration system is not decentralized, with the exception of the labour inspection service and the employment service distributed in these 10 territorial structures. The administrative structure is similar for all public administration services in the country and in fact they also have general coordination structures (committee of all public administrations) in the 10 territorial divisions.

The Ministry of Defense, the Ministry of Internal Affairs, the Intelligence Service, the State Security and Protection Service, the Border Service and the Department for Penitentiary Institutions of the Ministry of Justice have specialized services which carry out labour inspection activities within their own structures.

Several laws (some of them former USSR laws) are still in force because they have not yet been formally abrogated. There is no clear definition of the legal corpus to be applied. There are many laws at different levels still applicable that neither the inspectors nor the social partners can identify; moreover, the text of the laws is not available.

The laws promulgated in the last eight years do not contain any list of provisions abrogated, resulting in some overlapping and confusion in relation to competencies and as to which provisions and laws are in force.

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<sup>17</sup> Labor Code (No.154-XV of 28.03.2003) Law on the Labour Inspectorate (No.140-XV of 10.05.2001) Decision of the Government of RM (No.1481 of 27.12.2001 regarding the reorganization of the State Inspectorate for Labor Protection belonging to the Ministry of Labor and Social Protection.

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## Organization

### *Structure of the labour inspectorate*

The labour inspectorate was organized in 2002 around a central administration, with a director, a deputy director and 14 civil servants with functions at the central level. The central authority has two divisions:

- division for monitoring the application of labour legislation and labour protection regulations (6 inspectors)
- division for inspection technologies, logistics and accounting (6 inspectors).

In 2007 there were 81 labour inspectors in the ten territorial labour inspectorates across the country (Chişinău, Bălţi, Cahul, Călăraşi, Căuşeni, Cimişlia, Drochia, Edineţ, Orhei, UTA Găgăuzia), covering 536,038 enterprises. On average there are seven inspectors per inspectorate, except in Balti which has 12. Chisinau has 21 inspectors and covers three districts plus the capital (15 inspectors in Chisinau and the rest in the three districts). The Chisinau inspectorate covers around 110,495 enterprises (including small household workplaces, mainly in the rural sector). Orhei has seven inspectors and covers three districts (80,095 enterprises and entities).

Each territorial unit also has a director and a deputy director. Most are structured following the two divisions established at the central authority (labour relations and labour protection). In some districts such as Orhei, joint inspections are carried out by two inspectors (one OSH specialist and a labour relations inspector). Administrative support is non-existent (except at the central level which has a secretary), and the inspectors must also carry out administrative tasks (telephone, registry, typing).

The central authority has established functional and administrative coordination with the 10 territorial units, first by periodically issuing general ordinances concerning the tasks of the territorial units in specific branches or areas, and secondly through periodical meetings with the regional directors. Other meetings are also called every two months on average for the exchange of work experiences.

In 2007 a regulation was issued which established the main responsibilities and functions of labour inspectors at the territorial level, as follows:

- visit freely, at any time of day or night, the workplaces, service and industrial premises without prior notification to the employer;
- request and receive from employers documents and data necessary for control;
- demand and receive declarations from employers and workers;
- demand immediate or within a prescribed period, the elimination of revealed infringements of the provisions of the legislative and other normative acts concerning the working environment and the protection of workers;
- produce the minutes of administrative contraventions in the field of labour and labour protection;
- order the suspension of functioning (sealing up) of enterprises, workshops, sections, buildings, constructions and technical equipment, and also cessation of work and

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technological processes not corresponding to the norms of labour safety and presenting imminent danger of accidents.

The new Safety and Health Law No. 186, as mentioned above, gives inspectors new functions related to prevention, incorporating the provisions of ILO Convention No. 155 and the EU Framework Directive 391/89/EEC. This requires strengthening the training and advisory capacity of inspectors.

The tasks carried out daily by labour inspectors are increasing, but the number of inspectors has decreased. With no administrative support, they are also in charge of maintaining the registries, planning and conducting visits, reporting, and initiating administrative procedures in cases of sanctions. They also act as defender of the public administration during appeal processes in court, and at the territorial level, act as legal advisers on social/labour questions at the request of other public authorities.

In 2007, the labour inspectorate conducted 6,362 inspections of enterprises and institutions (nearly 80 inspections per year per inspector). Of these, 3,415 dealt with compliance with legislation on labour relations and the rest on OSH regulations. 63,728 cases of violation were registered and the inspectors prescribed the corrective measures to ensure compliance with regulations. In order to prevent potential accidents at work, inspectors suspended operations in 849 facilities. In 2008, 262 operations were suspended, and 12 structures were closed down.

The inspectors also conduct visits following complaints (2,563 complaints examined in 2008) from workers or other authorities, in order to investigate work accidents, or following previously established inspection plans (mainly thematic and quarterly plans). In many territorial inspection services a designated inspector is available for consultation and advice, including through a hotline.

In 2007, 9,397 inspector days were spent in inspections. On average an inspection lasts one-and-a-half days and the average number of premises visited per month per inspector is around 9-10. In November 2008 alone, labour inspectors in the country visited 705 premises, resulting in 2,753 contraventions registered.

Other than carrying out inspections, labour inspectors also attend meetings and seminars (calculated at 10 per cent of their working time). They are also in charge of maintaining a registry of enterprise-level collective contracts, while those at branch and national levels are registered by the Labour Relations Division of the Ministry of Economy and Trade.

As prescribed by law, the labour inspection service collaborates with other authorities as well as with the media as regards awareness-raising campaigns, e.g., special campaigns against illegal work and child labour. For example, as a result of the ILO-IPEC technical cooperation work, a special unit was created to coordinate the activities of multidisciplinary teams aimed at eradicating child labour (now operational in five districts). These teams involve several authorities and bodies, with a central labour committee chaired by the Minister of Economy.

In practice, child labour focused campaigns start with a general ordinance of the central inspection authority in relation to the control of seasonal rural work (associated with much child labour). According to this ordinance any "territorial authority" can issue instructions (in the form of a visit plan) on child labour and all inspectors are

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required to prepare reports (including statistics) on their findings. These reports are summarized and presented on a monthly and yearly basis to the central authority.

Inspectors are being trained in child labor matters (mainly in the districts which already have teams), and the plans of several areas of activities, particularly in certain periods, are focused on controlling and eradicating child labour and especially hazardous forms of child labour.

Labour inspection services suffer from a dire lack of equipment and other material resources, (aside from mobile phones, which all inspectors have). Only 30 per cent of the 35 units have access to a computer (one computer in Chisinau for five persons) and there is no software available for enterprise registries, sanctions processing, etc. Reports are handwritten in a notebook.

In the whole country there are only 26 vehicles (three in Chisinau and three in Orhei) available to labour inspectors. Although inspectors can request reimbursement for travel expenditures if they use personal vehicles or public transportation, many do not bother because the claims procedure is too complicated.

### **Work with other authorities**

The labour inspection cooperates to a greater or lesser extent with several bodies, including the Ministry of Health, which is responsible for State control over occupational health; central public authorities such as the public prosecutor's office, the Social Insurance House and fiscal inspection; and with the employers' and workers' organizations. On the territorial level, the labour inspection cooperates with local public authorities: for example, in Orhei Territory, monthly meetings are held of representatives of all Ministries to discuss issues and complaints in the territory. Working groups can be formed to remedy situation. There is cooperation with the sanitary and epidemiological services of the National Centre for Preventive Medicine.

The Labour Code lay down the responsibilities of the Ministry of Health in the field of OSH. The Ministry and its National Scientific and Applied Centre for Preventive Medicine are charged with:

- carrying out medical examinations of workers in special conditions (hazardous) workplaces and occupations,
- treatment and prevention of occupational diseases,
- development of normative acts in the field of labour hygiene,
- sanitary authorization for enterprises to get operating licences (at start-up and every five years thereafter),
- monitoring (measuring) of working environment.

Work inspection activities (mainly on diseases) are carried out by labour hygiene divisions within the 36 preventive medicine centers throughout the country. These comprise 52 occupational health doctors and 49 assistants on the operational side. The Central level structure comprises laboratory and research work.

Traditionally, the Ministry of Health dealt with health and hygiene issues and the Ministry of Economy and Trade with safety and work accidents. The division of

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competencies between the two Ministries was clear. However, along with the adoption of the new OSH law, health issues have also been entrusted to the Ministry of Economy and Trade, and the division of tasks in the area of OSH became obscure. The new law is based on the responsibility of the employer to carry out a risk assessment as a preventive means. Until now risk assessment was the domain of the Ministry of Health. The OSH law was drafted by the Ministry of Economy and Trade and was submitted for review before adoption, and the Ministry of Health gave comments (although it says its comments were not taken into account).

The National Centre for Preventive Medicine and its local centres are fairly well-equipped in basic measuring equipment for monitoring the working environment. However, there is now the problem of ageing equipment; and the competent authorities are not able to make the necessary investments. As these preventive medicine centers are responsible for monitoring the work environment the labour inspection is not equipped with measuring equipment. If an inspector sees a situation which merits monitoring he or she will call in the local preventive medicine services to make a control. There are no planned joint inspection visits to enterprises. In cases of severe occupational diseases, intoxication for example, a joint investigation will be carried out by representatives of the labour inspection services and the preventive medicine services and a minute will be issued. Such joint activities amount to an average of 3-4 per year.

Concerning sanitary authorization of enterprises, which fall within the competency of the Ministry of Health, there are two types of authorization: conformity of products to national sanitary standards and accreditation concerning OSH standards. There is no obligation on the part of the Ministry of Health and the preventive medicine centers to inform the labour inspection. This is up to the employer to communicate. Information on authorizations is also available on the National Centre for Preventive Medicine's website, accessible to the public.

There are no joint Ordinances establishing procedures for cooperation between the labour inspection and the Ministry of Health (although there are for cooperation between the Ministry of Health and the Ministry of Agriculture and Industry and the Ministry of Ecology and Natural Resources). The Labour Code establishes the procedure for investigation of work accidents. It states that in the case of an accident the head of the enterprise has to contact both the Labour Inspectorate and the National Center for Preventive Medicine. Joint activities with labour inspection usually take the form of publications, seminars and events, and there is informal communication between the two structures and personal communication between specialists. The inspectorate submits reports on work accidents to the Ministry of Health, and the National Centre for Preventive Medicine submits annual reports on occupational diseases to the inspectorate. Formally, the Ministry of Health has received no request for monitoring from the inspectorate. However, cooperation is taking on added importance since the adoption of the OSH Act, which emphasizes prevention aspects. The preventive aspect is not well understood in OSH in Moldova. The Ministry of Health is shifting from treatment to prevention, but the attitude change takes time.

An example of territorial level cooperation, at Orhei, during 2007, 25 cases of occupational disease were suspected, of which nine were confirmed as occupational diseases. Main risk factors include noise, extreme temperatures, physical overload,



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poor lighting and outmoded machinery. Work environment measurements by the local preventive medicine services show 16.3% of workplaces in the territory do not conform to the requirements of the work environment provisions; 14% to lighting requirements; and 9% dusts. The rate of temporary incapacity to work has decreased from 2004 to 2007.

Cases of occupational accidents or incapacity to work are investigated jointly with the labour inspection services, the preventive medicine services and the trade union at the enterprise concerned. If the inspector suspects a workplace accident or disease on a routine visit, he/she will contact the enterprise safety engineer, the trade union representative and the preventive medicine services to investigate the case. Any control by the labour inspector will result in a minute. (for example, in the case of an obviously noisy machine, the inspector will ask to see the authorization for the machine as done by the preventive medicine services, and will then make a minute. and close down the machine). The inspector will also make recommendations to remedy the situation, and a representative of the preventive medicine service will determine if the work environment has been remedied or not.

If there is need for an accident investigation, there are no formal rules on how to cooperate. If there has been an injury then the inspector will probably inform the health services verbally or in an informal note. There is no communication of the final opinion, that being the responsibility of the employer as the holder of the final opinion.

In the case of occupational diseases, the preventive medicine service does not inform the labour inspection service.

Training by the territorial preventive services focuses on training for employers on labour hygiene, how employees can look after themselves by using barrier cream, washing hands, etc. Concerning advisory services, labour inspectors can give employers on-site technical advice on how to reduce risks from noise, vibration, etc. The employer often contacts the inspection services for advice. The labour inspectorate can also advise on the requirements to set up an enterprise

According to the representatives of the Ministry of Health there is no clear correlation between the numbers of occupational diseases and exposure to adverse working conditions, and the system for diagnosis of occupational diseases has to be improved. Any worker found to be suffering from a disease has to be diagnosed at a Republican hospital. The local preventive medicine service investigates at the enterprise if the work environment could have led to the disease. The minute comprises information only on the investigation – description of the workplace, measures of protection used, monitoring measurements, etc. – and is sent to the hospital, which then takes the decision if the disease is occupational or not. In serious or complicated cases where it is difficult to define the risk factors, the case will be decided by a Council of doctors in the Occupational Diseases Centre.

Serious cases are discussed with the head of the enterprise, the persons responsible for OSH and the trade union representatives at the enterprise. The labour inspection can only have access to such information concerning the occupational health status of workers from the enterprise, not from the preventive medicine services.

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## Human resources and career development

All labour inspectors have the status of civil servants. They are selected through a competition process, generally based on their CVs; examinations are not given. There are only three categories of employees: director, deputy-director, and inspector. While the status of labour inspectors is regulated by the Law on Public Service and Public Servants' Status No. 158-XVI of 4 July 2008, there could be clearer descriptions of functions, post classifications, promotion system and seniority steps with respect to labour inspectors, reflecting the variety of posts and functions fulfilled within the labour inspection service. The probation period is six months.

They are covered by the same rules and regulations applicable to all civil servants. Disciplinary processes are initiated by the central authority based on reports from the territorial units, but there are no cases of corruption registered.

There is no national or territorial training plan. Inspectors receive only general introductory instructions from a specialist from the central authority. Practical training is gained from experience and guidance from senior officials.<sup>18</sup> However, the ILO's "Tool Kit for Labour Inspectors"<sup>19</sup> (which has been published in Moldovan) is used as a guide for conducting inspections.

The logistics, accounts and IT unit in the central authority helps to prepare programmes and inspection plans. They also produce a manual of procedures for labour relations questions (though not for labour protection).

Based on a yearly central plan, each of the ten territorial units develops a quarterly and monthly plan following the central authority criteria. They produce an annual report of activities based on monthly and quarterly reports (by activity, number of workers, etc.). The annual Labour Inspectorate Activity Report, published in the Official Monitor (official gazette) of the Republic of Moldova, includes statistical data on occupational accidents. Regional labour inspectorates issue monthly reports transmitted to the central authority. As well, performance reports on the bases of target and quality of the work (monthly and yearly) are produced.

## Visits

Inspections of enterprises are performed, as a rule, in conformity with the activity plan of the territorial labour inspectorate, as well as following up direct complaints. On receipt of the plan and individual complaints, the director registers the cases and assigns them to the inspectors for follow up.

Any inspection is preceded by a survey undertaken by the inspector on the profile of the undertaking and the activities carried out within the enterprise. Observance with

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<sup>18</sup> Nevertheless, there is the Labour Protection Training Center, a state enterprise, which provides services to employers on training and retraining of specialists in the area of labour protection. The curricula for training include theoretical and practical topics (about 80 hours), and retraining courses (organized once in three years) comprise at least 40 hours of training. Annually, about 900 enterprise leaders, 1,600 managers and 270 specialists in labour protection attend these courses.

<sup>19</sup> Rice, A. *A tool kit for labour inspectors: A model enforcement policy, A training and operations manual, A code of ethical behaviour*, available at: <http://www.ilo.org/public/english/region/eurpro/budapest/download/osh/toolkit.pdf>

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normative acts is also checked. In some cases the absence of a registry makes it necessary to conduct a first visit to the enterprise for information gathering.

The inspector travels to the target enterprise by public transport if there is no car available. In planned visits (not in cases of complaints, which are not announced), the inspector informs the head of the enterprise in advance (1-3 days) as to the purpose of the visit. During the actual visit, he or she must present the order of inspection issued by the head of the territorial inspectorate. The inspection is performed in the presence of a technical labour inspector from the branch trade union, accompanied by the chief engineer, and a specialist for labour protection. The inspectors have powers to freely enter day or night. They can carry out tests and examinations, interrogate and request any documents or necessary information.

The labour Code provides the labour inspector with the discretionary power to visit an enterprise. However, Regulation No. 395 of 1 April 2003, currently applicable, prohibits control of a workplace more than once a year. Based on this provision, planned inspections are announced to the employers in advance. This regulation is in conflict with ILO Convention No. 81. Nevertheless, any visit related to a complaint can still be done even if the enterprise has been visited before (but the visit concerns only the complaint and the inspector must limit his or her inspection to this).

### **Registries and work accidents reports**

The labour inspection service advises enterprises that undertake dangerous activities to provide accident insurance for their employees. By regulation, accidents must be reported immediately to the employer or other line managers, and, when necessary, first aid must be given. The employer is then obliged to immediately notify by phone (or by any other means of communication) the labour inspectorate, the National Office for Social Insurance, and when necessary, the superior forum, branch or inter-branch trade union, the agencies in charge of technical supervision, and the territorial Center for Preventive Medicine (in case of serious intoxication). In cases of fatal or very serious accidents, the employer is obliged to notify additionally the police station located in the district where the accident happened.

Work accidents are investigated by the labour inspectorate. Following an accident, the employer should take all necessary measures to preserve the accident site for checking by a labour inspector. If the employer delays reporting a work accident, or tries to conceal it, he will be subject to administrative penalties.

A record of a workplace accident must be kept in the enterprise where the accident occurred, or, in the case of a self-employed person, by the local public administration authority where the individual labour contract was registered.

Data on occupational accidents is sent to the National Bureau of Statistics (while data on occupational diseases are handled by the Ministry of Health). This is responsible for the compilation of statistics on occupational accidents nationwide and submits it to the central public administration authorities, including the central labour inspectorate. The latter uses the data to set its objectives for the subsequent period.

In the first quarter of 2007, the labour inspectorate registered 28 workplace accidents (seven deaths, 21 grave accidents). Of more than 1,446 inspections

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undertaken by the labour inspectorate, 14,227 violations were found (see [www.interlic.md/news/234-romhtml](http://www.interlic.md/news/234-romhtml)).

Data on occupational diseases is not directly communicated to the labour inspectorate. Information on the health status of workers is kept at the territorial level; there is no national register of individual cases. Only statistical data is available at the national level. The statistical data are analysed (causes and circumstances – a description of working conditions, risk factors, length of exposure, etc., and recommendations for future prevention measures (see the National Centre for Preventive Medicine website) by the National Centre for Preventive Medicine and reported to the Ministry of Health. Reports are also submitted to the labour inspectorate (which uses the reports in its submissions to the ILO) and other ministries and departments.

There is no computerized information archive. All registries and minutes are manual (complaints received are written in a notebook), and there is no registry of enterprises, which would enable the provision of initial information to the inspectors before a visit.

### **Sanctions and other administrative procedures**

Violations of legislative and normative acts on labour protection and labour relations that are revealed during inspections are described in the Inspection Minutes, drafted at the end of the visit and signed by the inspectors and by the director of the enterprise. Two copies are made *in situ*, one kept in the territorial labour inspection and the other with the enterprise. A term limit of X days can be set for the elimination of any infringements and no sanctions are issued during this period. This minute (description of facts) can be appealed at the Central Directorate, or in civil court.

Labour inspectors have discretionary power to give warnings prior to the imposition of sanctions (see art. 22 report on Convention No. 81 of 2001, 2003), but there is no legal provision which explicitly states this right. The new Safety and Health Law gives other powers in relation to training and education that clarify this aspect.

A separate Inspection Minute on the proposed administrative sanction is produced and addressed to the director of the enterprise if the changes requested (in the minutes of the visit) have not been effected within 20 days following the inspection. The sanction is approved or annulled by the chief of the territorial division within 15 days; if approved, he sets the amount of the fine and formalizes the sanction. The employer can appeal in court within 15 days and the court should confirm the sanction immediately. During the appeal process the inspector is called as a technical expert on behalf of the administration. In 2008, inspectors were present in 97 appeals in the criminal court in Orhei.

In 2007, 1,154 reports on administrative infringements of law were drawn up; of these, 78 were related to delays in payment of wages and other benefits. In 2008, of 1,400 inspections, 200 sanctions were issued (15 per cent of the visits).

Labour inspectors may impose administrative fines (art. 374 para. 2, Labour Code; art. 4 para. 2, Labour Inspection Act, Act on Administrative Offences). Money deriving from the application of fines is wholly transferred to the local budget. In 2007 the fines imposed for violation amounted to 1,520,000 lei (approximately 109,000

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Euros). Fines in labour legislation are established between 100 euros and 300 euros maximum (which do not seem very dissuasive).

There are also penal sanctions which apply in cases of infringements of labour protection laws and in cases of non-payment of fines. If the inspector does not receive notice of payment of the sanction, they report it to the police and address a request to the Chamber of Commerce to cancel the business licence. In serious cases the prosecutor's office is also notified.

There are administrative penalties for obstructing labour inspections (art. 381, labour Code), but this is not a frequent infringement.

## **Relations with the social partners**

### *Employers' Confederation*

The labour inspection seems to receive much support from the Employers' Confederation. A cooperation agreement has been adopted which means that the Employers' Confederation receives reports from the inspectorate which give a clear idea of inspection in different branches of the economy and helps the Confederation to intervene with its members when it sees too many violations or accidents. The social partners also receive all draft Acts and regulations for review and comment and participate in discussions when the laws are in the process of adoption, although it often happens that comments are not taken into account.

The Confederation has several concerns about the LI:

- It was recently informed that some organizations would like to take over some responsibilities of the LI, such as the Ministry of Internal Affairs would like to be responsible for monitoring of immigrants. The Confederation supports the idea of coordination of roles rather than taking over and splitting of responsibilities.
- The labour inspectorate is in an induction stage so needs to develop its professionalism through training.
- The reduction in the numbers of inspectors: there are insufficient numbers to reach all enterprises and apply all regulations. Although it is not likely that the numbers of inspectors will be increased, the territorial level structures should be improved.
- The inspectorate is not ready to cover the prevention aspects they will be responsible for under the new OSH law (effective January 2009).
- The inspectorate presently operates on the basis of identifying violations and penalizing; the Confederation would like to see development of the prevention aspect through information and advice to employers. With the huge number of laws the inspectors have to control they are bound to find some violation on any visit.

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### *Trade Union Confederation (CNSM)*

The Confederation was established in 2007 by the merger of two trade union confederations. It has 32 branch unions. It participates in national social dialogue as a member of the National Committee for Consultation and Collective Bargaining. It has participated in a number of collective agreements on working hours, etc, and is now working on an agreement on OSH. It is present in all tripartite structures, such as the National Employment Agency, the National Insurance House.

The CNSM has a cooperation agreement with the labour inspectorate. It has the right to form its own labour inspectors to control application of labour law, according to Article 386 of the Labour Code. One of the unions before the merger in 2007 had developed a draft relating to trade union inspection, setting out the goals, rights and responsibilities and the way the controls were to be carried out, based on legitimation allowing entry to enterprises where there is a trade union presence, but it was put aside during the merger process. The present Confederation has included the resolution of this issue in the five-year workplan of the union, to be resolved by the end of 2009. They would also like to see funding from the budget to install union inspectors who receive the same training and authorization as the state inspectors. The only difference envisaged would be not having the powers of sanctions and to close the enterprise.

The trade unions cooperate with the inspectorate in investigations of occupational accidents. A representative of the trade union at the enterprise will participate in an investigation and will receive a copy of the minute in order to help control that required measures are applied. The local trade union representatives can call in an inspector. In cases of severe injuries or fatalities the State central inspection is involved and also the branch or national level trade union. A new regulation is being drafted on OSH committees at the workplace as an implementing regulation for the new OSH Act. This would allow for the setting up of joint committees in workplaces of 50 or more employees. The parity principle applies, starting with two members of each side.

The cooperation agreement calls for reports on work accidents to be put on the union website but this has not happened. More transparency is needed. The Confederation also has concerns that there are no regulations to implement the new law on OSH, effective in January 2009. There is a need to review and streamline old texts inherited from the Soviet era.

## **Findings**

### **General comments**

1. During the mission, the lack of clarity in the labour/social law framework in Moldova was noted. Several laws (some of them former USSR laws) are still in force because they have not been formally abrogated. There is no clear definition of the legal corpus to be applied and there is some confusion in relation to labour inspection functions (in particular the prevention role in some health matters). In fact there is a large number of laws at different levels still applicable that neither the inspectors nor social partners can really identify; in some cases the text of such laws is not available.
2. The laws promulgated in the last ten years do not contain a detailed list of provisions of other laws abrogated using in general the principle of “*lex posterior derogat anterior*”.

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The latest example is the Law 186 /2008 on safety and health that could raise problems concerning competence of inspectors in regards to prevention in occupational health matters.

3. The entire labour administration system is not decentralized. Presently only the employment service and the labour inspection service are decentralized and this affects not only the development of a coherent and coordinated public administration system at all levels but also contributes to overcharging the inspection service with some tasks that at the central level are developed for specialized services (i.e. the labour relations unit in relation with collective agreements register).
4. However Moldova has an organized and rationally structured labour inspectorate with a good network of relationships with other public administration services. It is a coordinated labour inspection system, with a clear role for the central authority. Labour inspection planning is done at the central and territorial levels (annual, quarterly and monthly). It has potential for good collaboration with the social partners (bipartite agreements), as well as procedural guidelines for carrying out compliance inspection. All these form a good basis for building a modern and more effective inspection service although some problems (stated below) can affect this progression. Last but not least, inspectors are motivated and no problems of ethics have been detected.
5. There is no inherent or structural barrier to operating an effective and efficient labour inspection service but there is room for improvement in some areas. In some cases this can be accomplished by rationalizing, streamlining and consolidating some procedures and structures. In particular, additional funding is needed to increase the number of inspectors and provide them with at least minimum logistical support.
6. The new OSH Law which becomes effective in January 2009 will require a completely different approach to OSH in enterprises and at the national level. The emphasis on prevention and risk assessment and new responsibilities for employers to provide a safe and healthy working environment is a break from the previous focus on experts ensuring protection for employees, and requires a far-reaching attitude change. Training for the inspectors and social partners in the new approaches to prevention has not yet started.

### **Labour inspection structure and organization**

7. The labour inspection service is understaffed. An increasing number of competences is being delegated to them and quality inspection could be affected. The number of planned visits and complaints visits reflected in the report shows their incapacity to fulfill the requests. In 2007 6,362 controls were done by 81 inspectors (approximately 80 controls per inspector/year). The number of complaints and work accidents to be followed up makes it difficult to undertake unannounced visits – which are very important in fulfilling the real goal of the inspection.
8. Inspections structures at the local and central level do not have any administrative support. Inspectors do not have any secretarial support and are in charge of the technical and clerical work from the moment the telephone rings until the minutes proposing sanctions are sent to the second instance. This situation duplicates work. Other insufficiencies include the transport service (not enough cars and it seems that

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the use of public transport is not reimbursed), office facilities (lack of computers, fax equipment), registers and appropriate software for registering inspection visits.

9. The development of new integrated approaches such as multidisciplinary teams for child labour improves effectiveness, collaboration and motivation. This could be a good element to explore particularly in dealing with illegal work. Joint inspection arrangements in the framework of these teams provide visibility, and focus priorities and actions.
10. A more integrated or collaborative approach would also be beneficial in regard to OSH. Joint investigations by the labour inspector and a representative of the Preventive Medicine Services are carried out in cases of serious occupational poisoning; the labour inspector can call the Preventive Medicine Services to measure ambient factors in a workplace suspected of not being in compliance with exposure limits. However, this is not the case at present, as no joint preventive inspections are done. The labour inspection services communicate information concerning occupational accidents to the Preventive Medicine Services, but information concerning work-related diseases is not reciprocal. Although informal communication is common, a formal agreement for collaboration does not exist. The latter should be reconsidered in the light of the new OSH Act.

#### **Human resources and career development**

11. Although inspectors have the status of public civil servants, there is no real human resources strategy for their career development. Job descriptions, a selection process and examinations for recruitment, and a policy of promotion or seniority are non-existent. Salaries and incentives are not attractive.
12. There is no national training plan/programme. The only training available consists of informal on-the-job training. Although there are some institutions dealing with subjects such as labour protection, no linkages for training have been developed.
13. Planning and organization is good, but the insufficient level of staff and support makes it difficult to increase the number of planned visits that are necessary.
14. At the level of evaluation and performance, the system (for all civil servants) appears to be efficient and regular

#### **Visits and functions**

15. Visits are performed in conformity with the central/territorial programme and also at the request of individuals and other authorities. Inspectors prepare the visit with the territorial director, looking for enterprise information but in some cases they need to make a first visit to collect data and information. However, Regulation No. 395 of April 2003 limits planned inspections to one per year, creating problems with Convention No. 81. In fact planned inspection is the main tool to apply Convention No. 81.
16. The planned visits are communicated in advance to the enterprise/employer. This could have a negative effect because the control loses the “surprise” factor.
17. Visits are drawn up following written instructions (Ordinance issued by central authority). However, inspectors do not have enough materials to assist them in carrying



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out the varied and complex inspection procedures. Checklists and other support materials can be useful, in particular as regards the OSH aspects of the inspection.

18. The use of a prevention culture as a labour inspection tool is not really applied, as opposed to levying sanctions. The present system is particularly weak in the task of promoting the prevention of occupational accidents and diseases, but this should take on more importance with the coming into effect of the new OSH Law in January 2009. Given the existing constraints, the focus needs to be increasingly shifted to the prevention of occupational accidents and diseases, including so-called “new hazards”, and the severe macro- and microeconomic losses they incur.
19. There is a clear need for more collaboration with safety and health authorities in disease and accident prevention. The new OSH Act means that the Ministry of Economy and Trade is responsible for overall coordination of OSH, whereas in the past the Ministry of Health was traditionally responsible for occupational health and monitoring (measuring) of workplace ambient factors. This has given rise to confusion, with no clear delineation of tasks and cooperation between the Ministries of Economy and Trade and of Health, as well as between the labour inspection services and the Preventive Medicine Services.

#### **Registries and reporting of accidents/diseases at work**

20. Successful planning depends on an up-to-date master register of establishments at headquarters and in the field offices. At present these do not exist. The lists of establishments must be entered into this register and updated regularly, including all relevant details and information on previous inspections.
21. There is an urgent need to develop a proper system to maintain and update this register at the various district offices; the list should be sent periodically to headquarters in order to update the master register. This list can be computerized at headquarters and in the districts; computer training should be provided to district labour office staff. In district offices where computer facilities are not available, they should be compiled in a register with a hard cover. The master register could be a useful tool for planning and for follow-up of inspections. Data are not segregated by gender
22. This list will allow effective planning and the use of scarce resources to target new establishments not inspected before and direct attention to those establishments which are found to regularly violate legislation. Those establishments found regularly complying with the law can be temporarily given low priority. The list will also facilitate grouping inspections together for the same area, for both routine inspections and follow-up inspections.
23. The reporting procedure and channels of communication between the labour inspection services and the Preventive Medicine Services for occupational diseases is presently not very effective for prevention purposes. As there is no formal agreement concerning communication between these two services, communication is mainly informal and the burden is on the employer to keep records and inform the labour inspector of any occupational diseases at the enterprise.

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### **Sanctions and administrative processes**

24. Efficiency could be increased by thoroughly revising, streamlining and homogenizing the current inspection minutes. It would be useful to review the inspection forms and procedures in order to facilitate interdepartmental information exchange and enhance the value of inspection visits.
25. The fines do not appear to be deterrent and it could be useful to revise the amount in the current revision of the labour Code.
26. Even with good involvement and collaboration, active steps should be taken to raise the profile of inspectors amongst employers, trade unions and the general public. Labour inspectors can make valuable contributions to labour relations and consequently to stability within the labour market. By emphasizing the positive roles that they play, their status within the broader community will improve, and this could positively impact the present low levels of morale.

### **Social dialogue, labour inspection and the social partners**

27. It is important for the social partners that their concerns and opinions are taken into account, as provided for in Convention No. 81. The employers' confederation, in particular, is concerned about the costs employers will incur as a result of several regulations presently being drafted in order to implement the new law on OSH. They propose a grace period for implementing them, especially concerning outmoded technology, and suggest that initial leniency would be appreciated from the inspectors concerning sanctions while the laws are introduced.
28. The idea of trade union labour inspectors who can enter enterprises where there are trade unions for the purposes of controlling labour protection is legally viable and is being taken up by the trade unions. This is quite different from the concept of "prevention officers" or "safety representatives" who are employees elected to monitor OSH at their workplace, whether they belong to a trade union or otherwise. However, this raises concerns about independence and non-compatibility with Convention No. 81 (which has been ratified by Moldova).

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## Recommendations

### General recommendations

1. An update of labour legislation in force should be undertaken. Clarification on the provisions abrogated is needed to plan any future actions.

*ILO suggestion: A national consultancy to prepare a comparative legislation table under ILO technical supervision could be prepared. It would also be a great tool for the revision of the Labour Code that has been undertaken.*

2. Revision of the labour administration system in line with the recently ratified Convention No. 150 would be useful. Decentralization of the different services of the Ministry of Economy and Trade related to social matters could improve the effectiveness of labour inspection.

*ILO suggestion: As was requested and proposed, a labour administration audit completing and actualizing the 2003 audit could be undertaken by ILO specialists. This can provide a solid basis for actions in line with the recently ratified Convention No. 150 (also with implication for Convention Nos. 81 and 129).*

### Structure and organization

3. Budget support at central State level for increasing the number of staff and some immediate and minimum administrative support are necessary. Tools, vehicles, computers and technical support means are minimum requirements for effectiveness

The Ministry should take steps to improve the number of inspectors at central and territorial level and provide better tools and support structure (see below). Increasing both human (technical and administrative support, at all levels) and material resources is essential in order to enhance the number and quality of inspections. Administrative support structures should be provided in all offices, as well as transport services, office equipment such as computers and other office facilities (fax machines). This is an urgent need.

4. As illegal work is becoming a major challenge, some multidisciplinary pilot activities could be undertaken

*ILO suggestion: A multidisciplinary programme based on IPEC experience can be established to deal with new challenges.*

### Human resources and career development

5. The successful implementation of a modern system of labor inspection will require determined HRD efforts to rationalize and strengthen the labor inspection system and career. Vacancies need to be filled quickly; the government should provide budget resources to increase the number staff members.
6. Aside from the need for appropriate qualifications and training of newly recruited officials in the inspection services, it is also necessary to train existing officials, including refresher, on-the-job (in-service) or specialist training. A general and national training plan should be established and their sustainability ensured.

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7. In addition to the concern regarding staff vacancies at the technical level, a serious problem is poor motivation due to low salaries and limited career prospects. Personnel policies need to be redesigned to ensure that inspectors do not end their careers in the same grade. There is a need to use existing performance appraisals to motivate high performers; more stringent entry qualifications and requirements (including examinations) for the recruitment of new officials should be put in place. Managers need to be trained to use the new performance appraisal system and ensure that it is used to access training needs as well.

*ILO suggestion: These activities could be planned and developed with ILO support and in the framework of a technical cooperation project. DIALOGUE is working with the Turin Centre to produce a new training programme (introduction programme plus an advanced course) that could be used for this purpose.*

### **Visits**

8. The limit of planned inspections to one per year should be abrogated, as should the practice of announcing the visits in advance.
9. Internal procedures should be improved and inspection forms and procedures reviewed with a view to facilitating interdepartmental information exchange and enhancing the value of inspection visits. Checklist should be drawn up for use during inspections.
10. The inspectorate should promote a national preventive culture for a safe and healthy working environment at all levels. This would require the use of all available means to increase general awareness, knowledge and understanding of hazards and risks in the workplace and how these may be prevented or minimized. Inspectors should receive better training in preventive culture and risk assessment to enable them to monitor employers' compliance with the new requirements of the new OSH law.
11. Before inspections take place, inspectors should check the following: files, records, location of the establishment, contact person, number of workers, previous violations, employers' general attitude, work accidents, complaints letters, trade union presence, etc. To facilitate the monitoring of non-compliance by sector and by locality, it is useful to establish a file and registry system. This will facilitate computerization in the future.

*ILO suggestion: These activities could be planned and developed with ILO support and in the framework of the technical cooperation project.*

### **Registries and work accident reports**

12. A simple and accessible national level register on enterprises should be implemented. Forms and registration sheets should be prepared and IT support at the national level should be put in place.
13. A national-level register on occupational accidents and work-related diseases should be developed on a sex-disaggregated basis (maintaining personal confidentiality), to allow for better analysis of trends, as well as for planning visits and organizing campaigns for prevention purposes.

*ILO suggestion: These activities could be planned and developed with ILO support and in the framework of the technical cooperation project.*

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### **Sanctions and administrative procedures**

14. It would be necessary to simplify the minutes, the processes and the sanctions process, all in the context of the Labour Code reform.

*ILO suggestion: set up a working group with ILO cooperation to prepare practical proposal*

### **Cooperation with other partners**

15. Concerning the trade union development of a plan for trade union inspection, it is advisable for the union to approach the ILO for assistance, in particular ACTRAV, in developing the regulation.
16. In the objective of prevention under the new OSH Law, training and the use of tools such as self-evaluation forms should be considered to encourage employers to take on responsibility for self-evaluation and risk assessment.

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## **Action plan**

CONCLUSIONS    RECOMMENDATIONS    MINISTRY ACTIONS    ILO ACTIONS

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## Annex I

- C. 11 Right of Association (Agriculture) Convention, 1921 (No. 11)** 4.04.2003
- C. 29 Forced Labour Convention, 1930 (No. 29)** 23.03.2000
- C. 47 Forty-Hour Week Convention, 1935 (No. 47)** 9.12.1997
- C. 81 Labour Inspection Convention, 1947 (No. 81)** 12.08.1996  
*Has ratified the Protocol of 1995*
- C. 87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)** 12.08.1996
- C. 88 Employment Service Convention, 1948 (No. 88)** 12.08.1996
- C. 92 Accommodation of Crews Convention (Revised), 1949 (No. 92)** 12.12.2005
- C. 95 Protection of Wages Convention, 1949 (No. 95)** 12.08.1996
- C. 97 Migration for Employment Convention (Revised), 1949 (No. 97)** 12.12.2005
- C. 98 Right to Organise and Collective Bargaining Convention, 1949 (No. 98)** 12.08.1996
- C. 99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)** 4.04.2003
- C. 100 Equal Remuneration Convention, 1951 (No. 100)** 23.03.2000
- C. 105 Abolition of Forced Labour Convention, 1957 (No. 105)** 10.03.1993
- C. 111 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)** 12.08.1996
- C. 117 Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)** 12.08.1996
- C. 119 Guarding of Machinery Convention, 1963 (No. 119)** 4.04.2003
- C. 122 Employment Policy Convention, 1964 (No. 122)** 12.08.1996
- C. 127 Maximum Weight Convention, 1967 (No. 127)** 9.12.1997
- C. 129 Labour Inspection (Agriculture) Convention, 1969 (No. 129)** 9.12.1997
- C. 131 Minimum Wage Fixing Convention, 1970 (No. 131)** 23.03.2000
- C. 132 Holidays with Pay Convention (Revised), 1970 (No. 132)** 27.01.1998  
*Length of holiday specified: 24 working days. Has accepted the provisions of Article 15, paragraph 1(a) and (b).*

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**C. 133 Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)** 12.12.2005

**C. 135 Workers' Representatives Convention, 1971 (No. 135)** 12.08.1996

**C. 138 Minimum Age Convention, 1973 (No. 138)** 21.09.1999  
*Minimum age specified: 16 years*

**C. 141 Rural Workers' Organisations Convention, 1975 (No. 141)** 4.04.2003

**C. 142 Human Resources Development Convention, 1975 (No. 142)** 19.12.2001

**C. 144 Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)** 12.08.1996

**C. 150 Labour Administration Convention, 1978 (No. 150)** 10.11.2006

**C. 151 Labour Relations (Public Service) Convention, 1978 (No. 151)** 4.04.2003

**C. 152 Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)** 22.01.2007

**C. 154 Collective Bargaining Convention, 1981 (No. 154)** 14.02.1997

**C. 155 Occupational Safety and Health Convention, 1981 (No. 155)** 28.04.2000

**C. 158 Termination of Employment Convention, 1982 (No. 158)** 14.02.1997

**C. 181 Private Employment Agencies Convention, 1997 (No. 181)** 19.12.2001

**C. 182 Worst Forms of Child Labour Convention, 1999 (No. 182)** 14.06.2002

**C. 183 Maternity Protection Convention, 2000 (No. 183)** 28.08.2006  
*Period of maternity leave: 126 calendar days*

**C. 184 Safety and Health in Agriculture Convention, 2001 (No. 184)** 20.09.2002

**C. 185 Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)** 28.08.2006

**Denunciation (as a result of the ratification of Convention No.185)**

C. 108 Seafarers' Identity Documents Convention, 1958 (No. 108) 23.03.2000  
Denounced on 28.08.2006



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**Denunciation (as the result of the ratification of Convention No. 183)**

C. 103	Maternity Protection Convention (Revised), 1952 (No. 103) 14.02.1997 Denounced on 28.08.2006
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**Annex II**

o r g a n i g r a m a  
 Ministerului Economiei și comerțului al Republicii Moldova  
 (cu efectivul-limită 150 unități, conform HG nr.570 din 10.06.2005)

