

## Committee on the Application of Standards

Date: 9 June 2025

**Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.**

### ► Information on the application of ratified Conventions supplied by governments on the list of individual cases

#### Republic of Moldova (ratification: 1996)

##### Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Government has provided the following written information.

The Government of the Republic of Moldova thanks the Committee on the Application of Standards and the Committee of Experts for their continued attention to the application of Convention No. 98. We also express our appreciation to the National Trade Union Confederation for bringing the matter to the attention of the Committee. We are committed to a constructive process that strengthens social dialogue and upholds the rights enshrined in international labour standards.

With this in mind, the Government submits the following information for the Committee's consideration, as part of our shared effort to reach a fair and positive outcome for all parties involved.

By ratifying International Labour Organization (ILO) Convention No. 98, the Republic of Moldova (hereinafter Moldova) reaffirmed its commitment to guaranteeing trade union freedoms and a functioning system of social dialogue. This commitment is embedded in the Constitution, which guarantees the right of every employee to join a trade union and engage in collective bargaining, while recognizing the binding nature of collective agreements. These principles are operationalized through Moldova's Labour Code and complementary legislation governing trade unions, employers' associations, and mechanisms of social dialogue.

A key instrument reinforcing these commitments is the Tripartite National Collective Agreement No. 20, adopted on 29 July 2022. Jointly developed with social partners, this agreement outlines clear responsibilities for fostering social dialogue, establishing consultation and negotiation platforms at national, sectoral, and territorial levels, and building an institutional framework for effective collective bargaining and dispute resolution.

The Tripartite Agreement includes commitments to strengthen institutional capacity – particularly the role of the State Labour Inspectorate. Reflecting this commitment, in 2023,

Moldova adopted legal amendments to align the mandate and practices of the Labour Inspectorate with ILO Conventions Nos 81 and 129. These reforms introduced unannounced inspections in cases of undeclared work and labour exploitation. Additional amendments related to occupational safety and health are under review in 2025. The Government is further supported in this effort through a project funded by the European Union (EU) and implemented by the ILO.

Moreover, through Agreement No. 20, the Government reaffirmed its essential role in safeguarding the autonomy of trade unions and employers' associations by removing administrative and financial barriers to their formation. To this end, in July 2023, the Parliament approved amendments abolishing state registration fees for trade union and employers' organizations at all levels – ensuring that the fundamental right of both workers and employers to organize and associate is fully respected.

The main national platform for dialogue is the National Commission for Consultations and Collective Bargaining, which convenes regularly to discuss a broad range of social and economic policies proposed by each of the social partners. These include proposed amendments to the Labour Code, as well as consultations on key financial legislation such as the state budget, the state social insurance budget and the mandatory healthcare insurance funds. The tripartite dialogue also covers the annual revision of the minimum wage and the mechanism for determining its adequacy – a topic under review in every tripartite session, aligned with the principles of adequacy outlined in Directive 2022/2041. Further topics include the potential ratification of pending ILO conventions or the regulation of non-standard forms of work (for example, temporary agency work and platform work). Collective bargaining issues are addressed through this framework at all levels. As a result of collective bargaining efforts, the national minimum wage increased by 87 per cent between 2021 and 2025. As well, as a result of tripartite efforts, Moldova ratified ILO Convention No. 190 on Violence and Harassment at work in 2024, which entered into force on March 19, 2025. Discussions are ongoing regarding the ratification of Convention No. 156 on Workers with Family Responsibilities.

Social partners are fully engaged in Moldova's EU accession process, including the screening of relevant chapters and legal approximation. On 26 January 2024, we signed a joint Declaration in support of Moldova's EU integration path. Social partners have contributed to Moldova's Bilateral Screening process with the EU, participating in all internal screening simulations and attending the bilateral screening meetings with the European Commission. Moreover, both trade union and employers' representatives are members of the Working Group no. 19: Social Policy and Employment. In-depth consultations are underway for the transposition of several EU Directives, including Directive 2022/2041 on adequate minimum wages, due for transposition in 2025. This engagement contributes to strengthening social dialogue at all levels and supports the effective application of European labour standards and policies in Moldova.

Despite progress, challenges remain. Among main issues is the limited capacity among social partners to negotiate and conclude collective agreements, especially due to the absence of active social dialogue structures at sectoral, territorial, and enterprise levels. Moreover, awareness among key stakeholders remains limited in some sectors. Therefore, the coverage with collective bargaining remains low. As of 2024, Moldova had 4,275 collective labour contracts in force, covering approximately 241,094 union members – equivalent to 38.5 per cent of the country's total salaried workforce. The Government is actively scaling up efforts to expand social dialogue across all levels and build the institutional capacities necessary for effective implementation of international labour standards.

With the ILO's support, Moldova delivered a broad training programme in 2022–2024 aimed at strengthening the capacity of social dialogue structures across all levels. Focus areas included wage-setting, non-discrimination, gender pay equity, dispute resolution, and local labour market analysis. Territorial commissions in all 20 districts and multiple branch-level platforms were trained.

The Government is also taking concrete steps to improve legislation and practice in the field of social dialogue and collective bargaining. In close cooperation with social partners and with support from the ILO, it has developed a comprehensive road map covering over 15 proposals to strengthen collective bargaining frameworks in Moldova.

The implementation of the Decent Work Country Programme 2025–2027, in partnership with the ILO, is a key priority for Moldova. The programme was developed jointly by the Government of the Republic of Moldova and the social partners. Strengthening social dialogue is the programme's first strategic priority. Its immediate objectives include: (i) better alignment of labour legislation with international labour standards and relevant EU acquis; (ii) stronger social partners with expertise in policy and social dialogue; and (iii) a more robust system of social dialogue and effective collective bargaining. One of the key performance indicators for this priority is the adoption of a National Action Plan to promote social dialogue and collective bargaining, along with the implementation of at least 50 per cent of the planned activities with ILO support – including technical assistance, training and logistical support.

### **Safeguards to protect workers' organizations**

Trade unions benefit from constitutional and judicial protection against any discriminatory actions aimed at limiting their freedom of association or the lawful exercise of their activities. The Constitution of Moldova, the Law on Trade Unions, the Labour Code and the Contraventions Code lay out the protections and the remedy mechanisms in case of violations:

#### **Protections against potential acts of interference by the public authorities**

Article 6 of Law No. 1129/2000 on Trade Unions establishes that trade union membership shall not entail any restriction of human rights and freedoms guaranteed by the Constitution, national legislation, or international treaties to which Moldova is a party. It prohibits any form of discrimination in employment, including hiring, promotion, or dismissal, based on a person's affiliation with a particular trade union or their decision to join or leave a union. Furthermore, the article forbids influencing individuals – through threats, bribes, or promises of improved work, service, or study conditions – with the aim of forcing them to leave a union, join another or dissolve their union.

Article 9 states that public authorities are prohibited from any form of interference that would limit or interrupt the exercise of trade union rights, as defined by law and union statutes.

The law penalizes any obstruction of employees' rights to form or join trade unions as a means to defend their professional, economic and social interests. Such actions are considered a contravention under article 61 of the Contraventions Code and are subject to fines.

Article 38 of Law No. 1129/2000 lays out the procedure for handling complaints related to violations of the trade union law, related normative acts or union statutes. Courts are the designated authority to examine such complaints, which may be submitted by relevant trade union bodies. Court decisions (rulings, conclusions or sentences) can be appealed in accordance with applicable legislation.

Additionally, based on article 73 of the Civil Procedure Code and article 21 of Law No. 1129/2000, trade unions may initiate civil actions to defend the rights and interests of their members or other persons.

### Steps taken in the concrete case

Concerns have been raised regarding the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in a sector-specific case concerning trade union rights in the health sector, particularly at the Public Medical Institution “National Center for Pre-Hospital Emergency Medical Care.” In response to the case, the Government of the Republic of Moldova has taken a series of targeted institutional and procedural steps aimed at promoting dialogue, clarifying facts and supporting the resolution of the situation in question.

On 13 August 2024, the Ministry of Labour and Social Protection convened a high-level meeting with the participation of senior representatives of the Ministry of Health, the National Trade Union Confederation of Moldova, and the ILO. During this meeting, the Government reaffirmed its willingness to provide a platform for structured dialogue, including access to the employer concerned, and proposed the creation of a joint fact-finding mechanism to impartially examine the allegations and contribute to rebuilding mutual trust among the parties.

As part of its institutional follow-up, the State Chancellery issued a formal request on 17 October 2024 to all competent institutions to submit explanatory notes concerning the reported events, with the objective of establishing an accurate and comprehensive understanding of the circumstances and responsibilities involved. In parallel, the Ministry of Labour and Social Protection has continued to monitor developments closely and to maintain open channels of communication with all relevant stakeholders, including trade unions and employer representatives.

As mentioned earlier, the Government – together with social partners and with ILO support – is working on a comprehensive road map containing over 15 proposals to strengthen social dialogue and collective bargaining mechanisms.

Further steps are under examination. The Government of the Republic of Moldova reaffirms its full commitment to upholding the principles enshrined in Convention No. 98 and to working transparently, in good faith and in close cooperation with the ILO and national social partners. We view this process as an opportunity to deepen our democratic and institutional maturity in line with international labour standards.