####  Republic of Moldova

**PARLIAMENT**

**LAW** no. 105
from 14-06-2018

**on the promotion of employment**

 **and unemployment insurance**

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*AMENDED*

[*LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21*](https://www.legis.md/cautare/getResults?doc_id=122538&lang=ro)

**Chapter I**

**GENERAL PROVISIONS**

**Article 1**. The purpose of the law.

This law aims to prevent and reduce unemployment and its social effects, reduce the risk of unemployment and ensure a high level of employment and adaptation of labour force to the requirements of the labour market.

**Article 2.** Object and scope of regulation.

(1) The provisions of this law regulate the policy of promoting employment and labour migration, the labour market, the institutional employment system, the employment measures, as well as the legal relations that appear when implementing the employment measures.

*[Art.2 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(11 ) This law regulates the conditions of labour intermediation and employment abroad of the citizens of the Republic of Moldova, as well as ensures the protection of the citizens of the Republic of Moldova who are looking for a job abroad or who work abroad.

*[Art.2 al.(11) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) The provisions of this law apply to the citizens of the Republic of Moldova, to natural and legal persons who carry out their activity in the Republic of Moldova or abroad, as well as to the categories of aliens specified in art. 2 par. (1) lit. a), d) –g) of Law no. 274/2011 on the integration of foreigners in the Republic of Moldova.

(3) This law does not apply to immigrant workers, except as provided in art. 45 para. (3).

(4) When applying the provisions of this law, any discrimination based on race, nationality, ethnic origin, language, religion, beliefs, sex, age, disability, opinion, political affiliation, wealth, social origin or any other criterion is prohibited.

**Article 3.** Main notions.

For the purposes of this law, the following main notions are defined:

*labour market* – economic space in which the demand for labour, expressed by the owners of capital, as buyers, and the labour supply, represented by the owners of the labour force, as bidders, meet, confront and negotiate freely;

*job application* – real need for paid employment that is formed at a given time in a market economy and is expressed by the number of vacancies offered by employers in a given period, at a certain level of salary;

*job offer* – the work that members of society can submit on salary terms and is expressed by the number of able-bodied persons or the population available in a period, minus the number of those who do not wish to engage in any activity, existence or have other concerns;

*job –seeker*  – person who takes concrete actions to find a job by his own means or by registering at the National Employment Agency or another employment service provider;

*employment measures* – measures to reduce the imbalance between the labour supply and demand, which include measures to promote employment and passive employment measures (unemployment insurance);

*measures to promote employment* – measures aimed at increasing the employment opportunities of jobseekers, as well as stimulating employers to employ the unemployed and to create new jobs, which include active employment services and measures;

*unemployment insurance* – passive employment measure which has the role of insuring, in case of unemployment, a person insured in the public social security system, fit for work, but who, for reasons provided by law, cannot perform a job according to the training and is made available through the unemployment benefit to the unemployed for a certain period of time;

*corresponding job* – job, including a fixed-term job, which cumulatively meets the following conditions:

a) corresponds to the training or professional experience of the person;

b) corresponds to the person's state of health;

c) it is located in the locality where the person has his domicile or outside it at an accessible distance. The criteria for identifying the accessible distance and the distance considered as accessible are established by the Government;

*workplace adaptation*– all actions taken by the employer to facilitate the exercise of the right to work and increase the workplace performance of the disabled person by equipping them with equipment, devices and access technologies, taking into account the individual needs of that person;

*assisted employment*  – service provided free of charge to the persons specified in art. 23 para. (3) lit. c) by private providers of assisted employment services in order to ensure access, obtaining and maintaining a paid job on the labour market;

*[Art.3 the notion in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*emigration for work*– voluntary travel of Moldovan citizens abroad in order to carry out temporary work activities;

*emigrant worker* – citizen of the Republic of Moldova, with permanent residence or temporary residence in the territory of the country, who is employed, is to be employed or has been employed in order to perform a remunerated activity on the territory of the country of destination;

*[Art.3 the notion in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*private employment agency (hereinafter - private agency)*– private provider of employment services, which carries out recruitment and placement activities in the country and / or abroad by providing labour intermediation services.

*[Art.3 the notion of "foreign intermediary" excluded by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*employment intermediation contract*  – contract concluded between the private agency and the migrant worker, whereby one party (the private agency) undertakes vis-à-vis the other party (the migrant worker) to act, as an intermediary, in establishing employment relations by providing intermediation services;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*unlicensed intermediary* – natural or legal person carrying out the labour intermediation activities, similar to a private agency, without holding an activity license;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*foreign beneficiary*  – employer, natural or legal person or intermediary of the country of destination to employ or otherwise place the migrant worker on the labour market of that country;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*self-employed* – migrant worker who carries out his economic activity in the territory of the country of destination as an authorized natural person, individually and independently, or as a proprietor of an individual enterprise or other legal form of organization, under the conditions provided for by the law of the country of destination;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*seasonal migrant worker*  – migrant worker working in the territory of the country of destination for the period of carrying out seasonal work which, due to climatic conditions, may take place during a certain period of the year;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*temporary migrant worker*  – migrant worker employed for a specified period in the country of destination, on the basis of a contract, whose activity is not influenced by seasonal aspects of work;

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*young NEET*  – young people aged 15–29, who are not part of the employed population, do not study in the formal education system and do not participate in any courses or other training outside the formal education system.

*[Art.3 the notion introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 4.** Labour market

(1) In the Republic of Moldova, every person is guaranteed the right to freely choose their profession and job, as well as the right to unemployment insurance.

(2) The labour market in the Republic of Moldova is free and constitutes the framework for affirming the rights to work and social protection of persons able to work.

(3) At national and territorial level, the labour market situations and developments are monitored using a system of statistical indicators on:

a) working age population;

b) labour force;

c) employed population;

d) jobseekers;

e) unemployed persons;

f) vacancies;

g) unemployment benefit;

h) out of the unemployed population by occupation and by leaving the labour market;

i) unemployment rate.

(4) The system of statistical indicators and their calculation methodology are established by the National Bureau of Statistics, jointly with the Ministry of Health, Labor and Social Protection.

(5) The National Employment Agency keeps statistics based on its own indicators.

(6) The National Employment Agency creates and manages the information system of the labour market, which includes primary documents and its own databases, information of the participants on the labour market.

**Article 5.**Classifier of occupations in the Republic of Moldova

(1) The Classifier of Occupations in the Republic of Moldova (hereinafter - Classifier of Occupations) is a system for identification, ranking, codification of occupations in the economy, developed by the Ministry of Health, Labor and Social Protection, based on the International Standard Classifier of Occupations (BIM, ISCO -08), in collaboration with the ministries and other central administrative authorities and interested institutions.

(2) The structure of the Classifier of Occupations is approved by the Government.

(3) The content of the Classifier of Occupations and any update thereof is approved by order of the Minister of Health, Labour and Social Protection, at the request of those concerned or by law, and is published in the Official Gazette of the Republic of Moldova. (4) The rules for maintaining and modifying the Classifier of Occupations are approved by the Minister of Health, Labour and Social Protection.

(5) The use of the Classifier of Occupations is mandatory when completing official documents.

**Chapter II**

**ELABORATION, COORDINATION, IMPLEMENTATION**

**AND CONTROL OF THE POLICY IN THE FIELD OF PROMOTION**

**OF EMPLOYMENT AND LABOUR MIGRATION**

*[Chapter II name in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 6**. Policy in the field of promotion of employment of the labour force.

(1) The state ensures the promotion, adoption and implementation of strategies and other policy documents, normative acts of all categories in order to protect people at risk of unemployment, as well as in order to ensure a high level of employment and adaptation of the labour force to the labour market requirements.

(2) The aim of employment promotion policy is to increase employment and reduce social exclusion on the labour market.

(3) Policies in the field of employment promotion have the following tasks:

a) correlation of labour demand and supply;

b) increasing the employment opportunities for the jobseekers;

c) supporting the job creation;

d) reducing the inequalities on the labour market.

(4) Policies to promote the employment aim to achieve the following objectives:

a) preventing unemployment and combating its social effects;

b) employment or re-employment of jobseekers;

c) supporting the employment of people belonging to certain categories of the population who need additional support on the labour market;

d) ensuring equal opportunities on the labour market;

e) stimulating the unemployed to find a job;

f) encouraging employers to hire the jobseekers;

g) improving the employment structure by economic branches and geographical areas;

h) increasing the labour mobility in line with structural changes in the national economy and labour market requirements;

i) protection of persons through unemployment insurance.

**Article 7.**The institutional system for promoting the employment of the labour force.

(1) The institutions involved, according to their competences, in the elaboration, coordination, approval and control of the implementation of the policy in the field of employment promotion are:

a) Government of the Republic of Moldova;

b) Ministry of Health, Labour and Social Protection.

(2) The institutions involved in implementing the policy in the field of employment promotion are:

a) National Employment Agency;

b) other administrative authorities subordinated to the ministries.

(3) Other subjects involved in the implementation of the policy in the field of employment promotion are:

a) local public administration authorities;

b) social partners;

c) non-profit organizations;

d) employers;

e) social enterprises and insertion social enterprises.

*[Art.7 al.(3), lit.e) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 8.** Duties of the Government of the Republic of Moldova.

In the field of employment promotion, the Government of the Republic of Moldova has the following specific responsibilities:

a) ensures the promotion of employment through the elaboration, approval, within the limits of competences, through the implementation and control of the implementation of the approved policies and actions in the field;

b) integrates the needs of the labour market in the state's socio-economic development policy;

c) coordinates the activity of ministries and other public administration authorities regarding the promotion of employment;

d) provides the necessary funding for the implementation of state policies in the field of employment promotion.

**Article 9.** Duties of the Ministry of Health, Labour and Social Protection.

(1) In the field of employment promotion, the Ministry of Health, Labour and Social Protection has the following basic responsibilities:

a) develops and promotes the normative and political acts in the field of employment promotion;

b) coordinates, analyzes and evaluates the policies in the field of employment promotion;

c) in collaboration with other central public administration authorities, institutions and other specialized entities in the field of research, develops mechanisms for analysis and continuous forecasting of labour market needs, the evolution of labour demand and supply;

d) plans and ensures the management / distribution of the financial means allocated for the implementation of the policy in the field of employment promotion;

e) sets the annual employment activity targets;

f) coordinates, monitors and controls the activity of the National Employment Agency.

(11) In the field of labour migration, the Ministry of Health, Labour and Social Protection has the following basic responsibilities:

a) develops and promotes the policies and regulations in the field of labour migration;

b) coordinates, analyzes and evaluates the labour migration policies;

c) collaborates with the central and local public administration authorities, as well as with the foreign competent authorities, in order to manage the labour migration;

d) initiates, negotiates and concludes international treaties in the manner established by Law no. 595/1999 on the international treaties of the Republic of Moldova.

*[Art.9 al.(11) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) Ministries and administrative authorities subordinated to the ministries, within the limits of the competences assigned to them by the normative acts in force, participate in the elaboration and implementation of the policy in the field of employment promotion.

**Article 10.** National Employment Agency.

(1) The National Employment Agency (hereinafter - National Agency) is an administrative authority, subordinated to the Ministry of Health, Labour and Social Protection, with the status of a legal entity, responsible for implementing the policy in the field of employment promotion.

(2) The activity regulation, as well as the structure and the limit staff of the National Employment Agency are approved by the Government.

(3) The National Employment Agency carries out its activity in the territory through the territorial employment subdivisions (hereinafter - territorial subdivisions).

(4) The territorial subdivisions are structures without legal personality, which operate under the leadership and control of the National Agency. The regulations for the organization and functioning of the territorial subdivisions are approved by the National Agency.

(5) The National Employment Agency has the following basic attributions:

a) participates in the policy development in the field of employment promotion and labour migration;

*[Art.10 al.(5), lit.a) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

b) ensures the implementation of employment measures and regulations in the field of labour migration, according to the provisions of this law;

*[Art.10 al.(5), lit.b) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

c) organizes, coordinates and controls the activity of the territorial subdivisions;

d) ensures the appropriate use of the financial means provided for the implementation of employment measures;

e) monitors the labour market and forecasts its changes at national level;

f) develops and administrates the information system of the labour market;

g) assesses the impact of employment measures;

h) approves the annual plan of employment measures, implemented by the territorial subdivisions, monitors and controls its implementation;

i) formulates proposals for measures aimed at reducing unemployment and increasing the level of employment, which it submits to the Ministry of Health, Labour and Social Protection for approval and promotion;

j) ensures the publication on the official website of the National Employment Agency of information, registers, documents, according to the provisions of this law;

k) elaborates and presents to the Ministry of Health, Labour and Social Protection the budget proposals;

l) monitors the activity of private agencies in accordance with the procedure established by the Government;

*[Art.10 al.(5), lit.l) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

m) notifies the State Labour Inspectorate in case of detecting violations and risks based on the labour intermediation process carried out by the private agencies;

*[Art.10 al.(5), lit.m) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

n) publishes the annual statistical report on the activity of private agencies;

*[Art.10 al.(5), lit.n) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

o) collaborates with national and international competent authorities to ensure compliance with labor migration legislation.

*[Art.10 al.(5), lit.o) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(6) The National Agency has access to the information systems of the relevant public institutions for the accomplishment of its attributions, based on the institutional agreements, respecting the provisions of Law no. 133/2011 on the protection of personal data.

(7) At the local level, the territorial subdivisions have the following attributions:

a) implement employment measures by providing services on the labour market, by carrying out active employment measures, by establishing and granting unemployment benefits, according to this law;

b) register the jobseekers and job vacancies;

c) cooperate with the employers to identify job vacancies and implement the measures to promote employment;

d) monitor the retention of employees following the implementation of active employment measures;

e) monitor the registered unemployed persons;

f) elaborate and propose to the National Employment Agency for approval the annual plan of employment measures;

g) record the information regarding the dismissal of employees, presented by the employers;

h) report to the National Agency on the results of the implementation of measures to promote employment and implement its indications within the limits of its competences;

i) collaborate with local public authorities, social enterprises and social insertion enterprises, non-profit organizations, social partners, institutions, international organizations in order to achieve the employment measures;

*[Art.10 al.(7), lit.i) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

j) monitor the labour market.

**Article 11.**Attributionsof local public administration authorities.

In the field of employment promotion, the local public administration authorities (town halls) have the following attributions:

a) participate at the elaboration of action plans of the territorial subdivisions;

b) collaborate with the territorial subdivisions in order to support them in carrying out the employment measures;

c) monitor the labour market developments at the territorial level.

**Article 12.** Social partnership on the labour market.

(1) The elaboration and implementation of policies in the field of employment promotion is carried out through the participation of trade unions, employers within the tripartite councils.

(2) Tripartite councils are set up at the National Agency and at each territorial subdivision, based on the principle of parity, with an advisory role.

(3) The composition of the tripartite council for the National Agency is approved by the Minister of Health, Labour and Social Protection. The Council operates on the basis of regulations approved by the Minister.

(4) The composition of the tripartite council attached to the territorial subdivisions is approved by the Director of the National Employment Agency. The Council shall act on the basis of a regulation approved by the Director of the National Employment Agency.

(5) The National Agency collaborates with the sectoral committees for professional training in issues related to the functioning of the labour market.

**Article 13.** Competences of social enterprises and social insertion enterprises, non-profit organizations.

*[Art.13 title modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(1) Representatives of social enterprises and social insertion enterprises, non-profit organizations, other organizations representing the interests of job seekers may participate, in an advisory role, in the activities of tripartite councils.

*[Art.13 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) Social enterprises and social insertion enterprises, non-profit organizations have the right to formulate the proposals to improve employment policies and to participate in their implementation.

*[Art.13 al.(2) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) The National Agency may contract social enterprises and social insertion enterprises, non-commercial organizations or other entities specialized in the implementation of employment measures, financed from the state budget or other financial means, according to the normative acts in force.

*[Art.13 al.(3) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(4) The contracting procedure and the principles of selection of social enterprises and social insertion enterprises, non-commercial organizations for the purpose provided in par. (3) shall be established by the Government.

*[Art.13 al.(4) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 14.**Employer participation in policy implementation in the field of employment promotion**.**

(1) Employers contribute to the implementation of employment policies by:

a) creating conditions for the qualification, requalification and improvement of employees;

b) informing, in writing, by fax, by e-mail of the territorial subdivision in whose radius it has its legal address or in whose radius it is the address of the job, about all the jobs that have become vacant, within 5 working days from the date where they have become vacant, according to the model approved by the National Agency;

*[Art.14 al.(1), lit.b) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

c) the written information, obligatory, within 3 days, of the territorial subdivision on the employment of the unemployed at the vacant jobs about which it was informed under the conditions of letter b).

(2) Job offers and announcements do not include discriminatory elements based on criteria of race, nationality, ethnicity, language, religion, beliefs, sex, age, disability, opinion, political affiliation, wealth, social origin or any other criteria.

**Chapter III**

**LABOUR MARKET INFORMATION**

**Article 15.** Labour market monitoring.

(1) The National Agency monitors the labour market in order to collect updated information on labour demand and supply, which will also serve as early warning tools for labour market blockings and imbalances.

(2) The labour market monitoring is done through:

a) registration of jobseekers, the unemployed and job vacancies;

b) labour market analysis and forecast;

c) assessing the impact of employment measures.

(3) The procedure for monitoring the labour market is established by the Minister of Health, Labour and Social Protection.

**Article 16.** Records of jobseekers, the unemployed and the job vacancies.

(1) The National Agency keeps the registration of jobseekers, the unemployed and job vacancies by keeping and updating the records.

(2) The access to the registers of vacancies and of the persons looking for a job, including the unemployed, is made respecting the provisions of Law no. 133/2011 on the protection of personal data.

(3) The register of jobs is public, it is placed on the official website of the National Agency, with free access. The National Agency ensures the daily updating of the information in the register.

(4) The structure, the manner of holding it, the information regime in it and the way of access are approved by the Minister of Health, Labour and Social Protection. **Article 17.** Labour market analysis and forecast.

 (1) The National Agency performs the analysis and forecast of the labour market based on:

a) the statistical data on jobseekers, the unemployed and job vacancies;

b) the results of the employers' labour market survey;

c) analyzes of the national economic situation and existing economic forecasts;

d) the results of the assessment of the impact of employment measures, in particular employment promotion measures;

e) the demand forecasts on qualifications and skills of the labour force;

f) the labour market statistics, collected by the National Bureau of Statistics;

g) the results of scientific research.

(2) The National Agency performs annually the analysis on employment and the situation on the labour market in the Republic of Moldova. The analysis report sets out the latest trends in employment and the situation on the national labour market, as well as the future needs and objectives.

(3) In collaboration with the Ministry of Health, Labour and Social Protection, the National Agency conducts other analyzes and research on the situation and evolution of the labour market, which is published on the official website of the National Agency. In order to carry out the research, the National Agency may contract the service providers specialized in the field.

(4) The contracting procedure of the service providers under par. (3) is established by the Government.

**Article 18.** Assessment of the impact of employment measures.

(1) The National Agency evaluates the impact of employment measures according to the methodology approved by the Ministry of Health, Labour and Social Protection.

(2) The results of the impact assessment of the employment measures are published on the official website of the National Agency.

**Article 19**. Using the results of the labour market monitoring.

The results of labour market monitoring are used for:

a) developing a policy to promote employment, vocational training, socio-economic development and regional development;

b) elaboration of objectives regarding the implementation of the employment promotion policy;

c) identifying the employment measures necessary to achieve the objectives of employment promotion policy and estimating the need for financial means to achieve them;

d) identifying, developing and promoting of the programs in the field of employment promotion;

e) evaluation of the activity of the National Agency.

**Chapter IV**

**UNEMPLOYED STATUS**

**Article 20.** Unemployed status.

(1) Unemployed is considered the person looking for a job, who cumulatively meets the following conditions:

a) is between the age of 16 years and the age established for obtaining the right to an old-age pension or to another category of pension, according to the legislation in force, except for persons exercising the right to a survivor's pension and a disability pension, to whom is recommended the employment in accordance with the certificate of employment in the degree of disability;

*[Art.20 al.(1), lit.a) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

b) is able to perform a work;

c) does not have a job;

d) does not study in a form of full-time education;

e) is actively looking for a job both individually and through the territorial subdivision and is available to start work;

f) is registered as unemployed at the territorial subdivision.

(2) The person who did not find a job in the first 12 months from the registration of the unemployed status is considered long-term unemployed and benefits from support for the identification and employment of a job, according to the provisions of this law.

(3) The unemployed persons have the right to benefit, under the conditions of this law, from all employment measures.

(4) The person registered with the unemployment status, at the risk of losing this status, is obliged to comply with the following conditions:

a) to be present monthly, as scheduled, to the territorial subdivision in which the person is registered, as well as at its request, in order to receive support for employment;

b) to participate in interviews with employers in connection with employment prospects, organized by the territorial subdivision or on its own initiative;

c) to participate in active employment measures;

d) to accept the appropriate job;

e) to inform the territorial subdivision where he/she is registered about any change of the conditions that determined the granting of the status of unemployed, within 3 working days from the appearance of the change.

(5) The registration of the unemployed status is made based on the request of the person looking for a job, by the territorial subdivision to which the person addressed.

*[Art.20 al.(5) in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*[Art.20 al.(6) abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(7) The citizens of the Republic of Moldova who meet the conditions established in par. (1) lit. a) –e) and are domiciled in the localities on the left bank of the Dniester and in the municipality of Bender may be registered as unemployed in case of addressing to one of the territorial subdivisions located on the territory effectively controlled by the Republic of Moldova.

**Article 21.** Deregistration of an unemployed person.

(1) Registered persons with unemployment status are removed from the register, losing their unemployment status, in case:

a) failure to meet the conditions established in art. 20 par. (1);

b) establishing the old-age pension or another category of pension, with the exception of the survivor's pension and the disability pension;

c) finding the total loss of working capacity;

d) the application of pre-trial detention or house arrest;

e) the execution of the court decision of sentencing to imprisonment or the application of coercive measures of a medical nature;

f) acquiring or trying to get the status of unemployed and unemployment benefits by fraud;

g) unfounded absence at the territorial subdivision, where he is registered, more than 60 calendar days from the date of the last visit;

h) death;

i) the start of maternity leave;

j) the beginning of the fulfillment of the military duty;

k) confirmation by the unemployed person of going abroad for work;

l) the unfounded refusal of two corresponding jobs, offered by the territorial subdivision in which he is registered;

m) unfounded refusal to participate in active employment measures;

*[Art.21 al.(1), lit.m) in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

n) expiration of the residence permit on the territory of the Republic of Moldova;

o) enrollment in a form of full-time frequency education;

p) non-compliance with the obligation specified in art. 20 par. (4) lit. e).

*[Art.21 al.(1), lit.p) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(11) The unemployed persons receiving unemployment benefits during the period of temporary employment, up to 3 months, are not removed from the register.

*[Art.21 al.(11) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) It is considered justified not to appear at the territorial subdivision for more than 60 calendar days if it took place for the following reasons:

a) medical leave, according to the confirmatory certificate;

b) the death of first and second degree relatives;

c) force majeure situations.

(3) In case of finding the reasons mentioned in par. (2), the persons removed from the register shall be repeatedly registered, upon request, in accordance with the present law and with the normative acts for the implementation of the present law.

(4) The persons removed from the records for the reasons provided in par. (1) lit. f), g), l), m) and p) have the right to repeatedly submit an application for registration of unemployment status only after the expiration of 3 months from the date of their removal from the register.

*[Art.21 al.(4) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(5) The persons removed from the record for the reason provided in par. (1) lit. i) have the right to submit a repeated application for registration of the status of unemployed after the expiration of the duration of maternity leave.

(6) The persons removed from evidence for reasons other than those specified in par. (4) and (5) shall be registered repeatedly when a new application for registration of unemployment status is submitted.

(7) The procedure for registering as unemployed and cancellation of the registration of the unemployed is determined by the Government.

**Chapter V**

**EMPLOYMENT MEASURES**

**Article 22.** Employment measures.

(1) In order to prevent the unemployment, increase the employment opportunities for jobseekers, stimulate employers to employ the unemployed and create new jobs, as well as to implement strategies and policies developed to protect people at risk of unemployment, ensuring a high level of employment, adapting the labour force to the requirements of the labour market, the National Employment Agency implements the employment measures.

(2) Employment measures include:

a) measures to promote employment:

– employment services;

– active employment measures;

b) employment facilitation programs;

c) unemployment insurance.

(3) The employment measures are provided from the means of the state budget and the state social insurance budget, as well as from other financial sources in accordance with the normative acts in force, which are granted according to the provisions of this law.

**Article 23.** Beneficiaries of employment measures.

(1) The employment measures are intended for both jobseekers and the unemployed to support them in order to acquire the status of employed person, as well as for the employers and are provided by the National Agency through the territorial subdivisions.

*[Art.23 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) In order to facilitate the integration on the labour market of some categories of unemployed, the National Agency implements the measures according to this law, in accordance with the policies approved by the Government or with the annual activity plans of the Ministry of Health, Labour and Social Protection, based on the labour market needs and priorities.

(3) The unemployed persons, who need additional support on the labour market are:

a) young people aged between 16 and 24 years: from disadvantaged families, orphans, children without parental care, under guardianship or trusteeship;

*[Art.23 al.(3), lit.a) in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

b) people who do not have a profession / trade;

c) people with disabilities;

d) long-term unemployed;

e) people aged 50 and over;

f) persons released from detention;

g) victims of trafficking in human beings, after psychological and social rehabilitation;

h) people who struggle with drug use or psychotropic substances, after social and psychological rehabilitation;

i) victims of domestic violence;

j) other categories subject to the risk of social exclusion established by law or by the Government.

**Section 1**

**Employment services**

**Article 24.** Employment services.

(1) Employment services are intended for jobseekers and are services that ensure the connection between the labour supply and demand, at local and national level, in order to promote and support the employment.

*[Art.24 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) The National Agency provides the following employment services:

a) information regarding the labour market;

b) career guidance;

c) labour intermediation;

d) pre-dismissal services;

e) vocational rehabilitation of people with disabilities;

f) assisted employment;

*[Art.24 al.(2), lit.f) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

g) identification of NEET youth.

*[Art.24 al.(2), lit.g) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) Access to employment services is free and unconditional.

**Article 25.** Information regarding the labour market.

(1) The territorial subdivisions provide employers and jobseekers with information on:

a) job demand and supply, registered at the National Employment Agency;

b) employment services and measures;

c) conditions of access to services and employment measures;

d) the qualifications and skills of jobseekers registered at the territorial subdivisions;

e) vacancies registered at the National Agency and the conditions for filling them;

f) job search methods;

g) the situation and occupational trends on the labour market.

(2) The labour market information is provided at the request of jobseekers and employers, as well as from the office.

(3) The professional information from the office is made by placing the information indicated in par. (1) on the official website of the National Agency, by conducting information campaigns, by editing and distributing information materials.

(4) For the purpose of complete and complex information regarding the information indicated in par. (1), the territorial subdivisions register the vacancies and the conditions of their occupation, as well as the persons looking for a job.

(5) The procedure for registering vacancies and jobseekers is approved by the Director of the National Employment Agency.

**Article 26.**Career guidance.

(1) Career guidance aims to support the person looking for a job in identifying educational and professional opportunities.

(2) Career guidance includes:

a) information on professions and the specifics of the labour market;

b) self-knowledge;

c) consulting in the development of personal marketing tools;

d) career decision consulting.

(3) Information on professions and the specifics of the labour market aims to support the person in order to correlate the professional interests with the demands of the labour market.

(4) Self-knowledge consists in supporting the person in the evaluation and self-evaluation of the personality in order to correlate the abilities, aptitudes, studies and experience with the professional interests.

(5) Consulting in the development of personal marketing tools includes support and information in the development of the curriculum vitae, letter of intent and for holding an interview for integration into the workplace.

(6) Career decision counseling involves supporting jobseekers to make their own career decision.

(7) The career guidance procedure is established by the director of the National Agency.

**Article 27.** Labour mediation

(1) The labour mediation consists in the mediation, by the territorial subdivisions, between the eventual employees and employers in order to satisfy the demands of both parties and to establish some labour relations.

(2) The labour mediation is achieved by:

a) providing information on vacancies and conditions for filling them by publishing, displaying, organizing the job fairs;

b) pre-selection of candidates according to the requirements of the jobs offered and in accordance with their training, skills, experience and interests;

*[Art.27 al.(2), lit.c) abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

d) electronic intermediation aimed at automatically matching job applications and offers through information technologies.

(3) The mediation procedure is established by the director of the National Agency.

**Article 271.**Obtaining the license for the activity related to the employment of the citizens in the country.

(1) The license for the activity related to the employment of the citizens in the country is granted by the licensing body, based on the application (declaration) for obtaining the license and the documents attached to the application, under the conditions of Law no. 160/2011 on the regulation by authorization of the entrepreneurial activity.

(2) The license for the activity related to the employment of the citizens in the country is issued if the following conditions are met:

a) the administrator, the associates and the employees of the private agency are citizens of the Republic of Moldova with permanent residence or temporary residence on the territory of the Republic of Moldova;

b) the administrator and the employees of the private agency have higher education diplomas;

c) the administrator, the founder, the associates, the employees of the private agency and the legal person have no criminal record;

d) the private agency has space (non-residential rooms) easily accessible to all categories of citizens and equipped with telephone / fax, electronic means of communication (computer, internet, official website) to be contacted online by e-mail and other communication software;

e) the administrator drafted in the state language and coordinated with the National Agency the draft of the contract of labour intermediation.

(3) License applicants shall attach the following documents to the application (declaration) for obtaining the license:

a) a copy of the document certifying the right of ownership, loan or lease of the building intended for the activity;

b) the draft of the contract of labour intermediation in the state language;

c) copies of the higher education diplomas of the administrator and the employees of the agency;

d) criminal record of the administrator, the founder, the associates, the employees and the legal person.

(4) The license for the activity related to the employment of the citizens in the country is suspended in accordance with Law no. 160/2011 regarding the regulation by authorization of the entrepreneurial activity and with Law no. 235/2006 on the basic principles for regulating the entrepreneurial activity. As a ground for suspension of the license serve:

a) the provision of labour intermediation services at an address other than that indicated in the license;

b) license holder's request.

(5) The term of suspension of the license may not exceed 2 months.

(6) The license for the employment of citizens in the country is withdrawn in accordance with Law no. 160/2011 regarding the regulation by authorization of the entrepreneurial activity and with Law no. 235/2006 on the basic principles for regulating entrepreneurial activity. As a ground for withdrawal of the license serve:

a) non-compliance with the labour intermediation procedure, established by the Government;

b) provision of labour intermediation services without concluding labor intermediation contracts;

c) non-reparation of the damages caused to the job seeker as a result of the violation of the labour intermediation procedure, established by the final court decision;

d) failure to eliminate the situation as provided in par. (4) lit. a).

*[Art.271 introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 28.** Pre-dismissal services.

(1) Pre-dismissal services are provided to the persons notified in connection with the liquidation of the unit, the reduction of the number of staff and consist of:

a) providing information on:

– legal provisions relating to unemployment insurance, services and active employment measures, as well as their granting;

– registered vacancies;

b) job search training;

c) providing vocational training opportunities.

(2) In order to facilitate the process of carrying out pre-dismissal services, the employer is obliged, within the deadlines established by the Labor Code, to inform, in writing, the territorial subdivision in whose constituency the unit is based about the possible dismissal of each employee.

(3) In the case of a court decision on the declaration of insolvency, the employer is obliged to inform, in writing, no later than 5 days from the date of issuing the judgment, the territorial subdivision in whose constituency the unit is located about the personnel to be fired.

(4) The employer is obliged to ensure the necessary conditions for the provision by the territorial subdivision of pre-dismissal services according to the established procedure.

(5) The pre-dismissal services may be provided, upon request, to other persons at risk of unemployment.

(6) The procedure for granting the pre-dismissal services is established by the director of the National Agency.

**Article 29.** Vocational rehabilitation of people with disabilities.

(1) Vocational rehabilitation services are offered to people with disabilities in order to restore, recover or compensate their work capacity.

(2) Vocational rehabilitation is provided within specialized vocational rehabilitation institutions and centers, at the direction of territorial subdivisions, in accordance with the recommendations contained in the Individual Program for rehabilitation and social inclusion of persons with disabilities, developed by the National Council for Determining Disability and Work Capacity.

(3) The National Agency contracts vocational rehabilitation services from specialized service providers, under the conditions of the normative acts in force.

(4) The procedure of vocational rehabilitation of people with disabilities is established by the Government.

**Article 291.** Assisted employment.

(1) Assisted employment services are provided to the unemployed specified in art. 23 par. (3) lit. c), directed by the territorial subdivision to the providers of assisted employment services.

(2) Providers of assisted employment services are private providers of social services, accredited in the manner established by the Government.

(3) The National Agency contracts assisted employment services from the providers of assisted employment services.

(4) The assisted employment procedure and the quality standards for the accreditation of providers of assisted employment services are established by the Government.

*[Art.291 introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 292.** Identifying young NEETs.

(1) Providers of NEET youth identification services are private providers of social services, accredited in the manner established by the Government.

(2) The National Agency contracts NEET youth identification services from NEET youth identification service providers.

(3) The procedure for the identification of young NEETs and the quality standards for the accreditation of the providers of identification services for young NEETs are established by the Government.

*[Art.292 introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Section 2**

**Active employment measures**

**Article 30.** Active employment measures.

(1) The active employment measures are aimed at the unemployed and employers and are granted in order to increase the employment opportunities, either by creating new jobs or by facilitating access to the job vacancies.

(2) In order to achieve the purpose provided in par. (1), the National Agency, through the territorial subdivisions, implements the following active employment measures:

a) vocational training;

b) subsidizing jobs;

c) support for the creation or adaptation of the workplace;

d) stimulation of the labour force mobility.

(3) Employers may not benefit from active employment measures under this law in the following conditions:

a) have their activity suspended, are in the process of insolvency or liquidation;

b) they have debts to the national public budget;

c) they have debts to employees .

**Article 31.** Vocational training

(1) Vocational training involves the qualification, retraining, further training, specialization or, as the case may be, the certification of the unemployed for the purpose of their subsequent reintegration into employment.

(2) Vocational training of the unemployed is carried out by providers of vocational training services, public or private, authorized by law or by employers.

(3) Vocational training is achieved through:

a) qualification, requalification, advanced training and specialization courses;

b) on-the-job training in the unit;

c) professional internships;

d) certification of knowledge and skills acquired in non-formal and informal education contexts.

(4) The procedure of vocational training of the unemployed is established by the Government.

**Article 32.** Qualification, requalification, advanced training and specialization.

(1) The territorial subdivision directs the unemployed to qualification, requalification, advanced training or specialization courses (hereinafter - vocational training courses) as a result of career guidance.

(2) Unemployed people who cannot be employed due to the lack of appropriate jobs are directed to vocational training courses.

(3) Vocational training courses are carried out on the basis of the training contract concluded between the National Agency and the unemployed.

(4) The selection of training providers is carried out according to the legislation in the field of public procurement.

(5) Unemployed people enrolled in vocational training courses benefit from a non-taxable monthly scholarship, amounting to 15% of the average monthly salary per economy for the previous year, which is granted in proportion to the frequency of vocational training courses.

(6) Unemployed people can benefit from a single vocational training course free of charge, within a period of 24 consecutive months.

(7) The duration and curricula of the professional training courses are established according to the normative acts in force in the field of education.

(8) For the vocational training courses of the unemployed, the following related expenses are covered, according to the way approved by the Government:

a) training;

b) accommodation, in proportion of 20% of the average monthly salary per economy for the previous year, for each month of rent;

c) transport, in the case of directing the unemployed person to vocational training courses in a locality other than the one in which he has his domicile;

d) for the scholarship.

**Article 33.** On-the-job training in the unit.

(1) On-the-job training in the unit is organized for the unemployed who do not have a profession or trade or have a profession or trade that is not required on the local labour market, directed by the territorial subdivision, based on the contract between the employer, the service provider of vocational training, the unemployed and the National Agency.

*[Art.33 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) The contract provided in par. (1) may contain the obligation of the unemployed person to work in the unit after completing the training.

(21) The selection of vocational training service providers is made according to the legislation in the field of public procurement.

*[Art.33 al.(21) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) The on-the-job training program is developed by the provider of vocational training services jointly with the employer and is approved according to the normative acts in force in the field of education.

(31) The expenses related to the theoretical training are paid to the vocational training providers by the National Agency, according to the contract for the acquisition of the vocational training services.

*[Art.33 al.(31) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(4) The unemployed person trained in on-the-job training (unemployed-trainee) benefits from a non-taxable monthly scholarship, according to the provisions of art. 32 par. (5), and are covered the expenses provided in art. 32 par. (8) lit. b) and (c).

(5) The scholarship provided in par. (4) is granted if the unemployed-trainee does not receive an allowance paid according to the contract provided in par. (1).

*[Art.33 al.(5) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(6) The employer who provides on-the-job training to the unemployed-trainee, at the written request submitted to the National Agency, benefits throughout the training from a monthly subsidy equal to 30% of the average monthly salary per economy for the previous year.

*[Art.33 al.(6) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(7) On-the-job training in the unit may be granted only once for each period in which the person is registered as unemployed.

**Article 34.** Professional internship.

(1) The professional internship is organized for the unemployed without work experience in the profession held, directed by the territorial subdivision, with a duration of up to 4 months, in order to acquire practical skills, based on the contract between the employer, the unemployed and the National Agency.

(2) The contract provided in par. (1) may contain the obligation of the unemployed person to work in the unit after completing the internship.

(3) The unemployed person trained in a professional internship (unemployed-intern) benefits from a non-taxable monthly scholarship, according to the provisions of art. 32 par. (5), and the expenses are covered, provided in art. 32 par. (8) lit. b) and c).

(4) The scholarship provided in par. (3) is granted if the unemployed trainee does not receive an allowance paid according to the contract provided in par. (1).

*[Art.34 al.(4) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(5) The employer who ensures the professional internship of the unemployed-trainee, at the request submitted in writing to the National Agency, benefits throughout the internship from a monthly subsidy equal to 30% of the average monthly salary per economy for the previous year.

*[Art.34 al.(5) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(6) The unemployed can benefit from a free professional internship in the profession held only once.

(7) In order to acquire practical skills, the unemployed can also be involved in volunteering activities according to the Volunteering Law no. 121/2010.

**Article 35.** Certification of knowledge and skills acquired in non-formal and informal education contexts.

1) The certification of knowledge and skills acquired in non-formal and informal education contexts is carried out for the unemployed who have such skills, identified as a result of career guidance.

(2) The certification of knowledge and skills acquired in non-formal and informal education contexts is carried out according to the normative acts in force in the field of education.

(3) The National Agency ensures the certification of knowledge and skills acquired in non-formal and informal education contexts, based on contracts concluded with the unemployed and the structure authorized for this purpose, according to the normative acts in force in the field of education.

(4) The unemployed people can benefit free of charge from the certification of knowledge and skills acquired in non-formal and informal education contexts only once for each period in which the person is registered as unemployed.

**Article 36.** Job subsidization.

(1) Job subsidization is organized for the unemployed who need additional support on the labour market, in order to facilitate their integration into employment.

(2) The employer who employs for an indefinite or determined period, with a duration of at least 18 months, the unemployed from the categories of persons mentioned in art. 23 par. (3) lit. a), c), e) –j), directed by the territorial subdivision, receives monthly subsidies in the amount of 30% of the average monthly salary per economy for the previous year, for a period of 6 months, for each unemployed employee. The subsidy is granted in order to partially compensate the salary of the unemployed employee.

*[Art.36 al.(2) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) The employer provided in par. (2) is obliged to maintain the employment with the employee for a period of at least 12 months from the end of the period in which he received the subsidy.

(4) The employer who terminates, on his own initiative, the individual employment contract with the employed person before the term provided in par. (3) is obliged to reimburse the subsidies received for this, unless the ground for terminating the individual employment contract was the violation of the work discipline, found according to the normative acts in force.

(5) The employer is entitled to receive the subsidies for each employee only once in a period of 36 consecutive months.

(51) The employer cannot benefit from the subsidy in case of hiring an unemployed person who has been released from his unit in the last 6 calendar months preceding the date of application for the subsidy.

*[Art.36 al.(51) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(6) The procedure for granting the subsidies is established by the Government.

**Article 37.** Support for the job creation and adaptation.

Employers and the unemployed who create jobs or adapt existing jobs can benefit from support from territorial subdivisions consisting of:

a) subsidies for the creation or adaptation of jobs for people with disabilities;

b) consulting, assistance and support for starting a business;

c) supporting local initiative projects.

**Article 38.**Subsidies for the creation or adaptation of jobs for people with disabilities**.**

(1) Subsidies for the creation or adaptation of jobs for people with disabilities are granted to employers who create jobs or adapt existing jobs and who employ on the bases of an individual employment contract, for an indefinite or fixed period, for a period of at least 18 months, the unemployed with disabilities, according to the provisions of art. 34 of Law no. 60/2012 on the social inclusion of people with disabilities.

*[Art.38 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) The National Agency compensates 50% - in case of hiring people with medium disabilities and 75% - in case of hiring people with severe disabilities from the costs necessary to create or adapt the job borne by the employer, and the amount of the subsidy cannot exceed 10 monthly average salaries per economy for the previous year for each job created or adapted.

*[Art.38 al.(2) in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) The employer is obliged to keep the job created or adapted for at least 18 months.

*[Art.38 al.(3) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(4) In case of dismissal or resignation of the person with disabilities before the expiration of the term provided in par. (3), the employer is obliged to hire, at least for the remaining period, another unemployed person with disabilities, directed by the territorial subdivision.

(5) In case of liquidation before the term of the job created or adapted, the employer refunds:

a) 100% of the subsidy - if the work place was liquidated within the first 9 months from the day of its creation or adaptation;

b) 50% of the subsidy - if the work place was liquidated within 10 to 18 months from the day of its creation or adaptation.

 *[Art.38 al.(5) in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(6) The control regarding the maintenance of the job is carried out by the territorial subdivision.

(7) The decision on the refund of the subsidy is adopted by the National Agency on the basis of the proposal of the territorial subdivision.

(8) The territorial subdivisions keep track of the jobs created and those reserved for people with disabilities.

(81) The employer cannot benefit from the subsidy in case of hiring an unemployed person who has been released from his unit in the last 6 calendar months preceding the date of application for the subsidy.

*[Art.38 al.(81) introduced LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(9) The procedure for granting subsidies for the creation or adaptation of jobs for the unemployed with disabilities is established by the Government.

(10) Subsidies for the creation or adaptation of jobs for persons with disabilities, upon request, may be granted at the same time as the subsidy for the employment of these persons, provided in art. 36.

*[Art.38 al.(10) introduced LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 39.**Consulting, assistance and support for starting a business.

(1) Consulting, assistance and support for starting a business are provided, upon request, to the unemployed who start an entrepreneurial activity, through which they create their job.

(2) The persons provided in par. (1) benefit from:

a) consultancy and assistance for starting a business;

b) subsidies to cover the expenses necessary to start a business, as well as for the endowment of the job created.

(3) Consulting and assistance in starting a business require:

a) providing information and advice on the conditions for starting an entrepreneurial activity;

b) legal, accounting, financial, marketing, management consultancy, sales issues;

c) assistance in dialogue with local and, where appropriate, central public authorities;

d) vocational training courses on the basics of entrepreneurship;

e) technical assistance in the elaboration of the constitutive act, registration of the legal person or natural person, legalization of documents, elaboration of the business plan.

(4) The subsidizing is made by compensating, by the National Agency, 50% of the expenses specified in par. (2) lit. b), estimated by the unemployed, but not more than 10 average monthly salaries per economy for the previous year. The list of expenses necessary to start a business that is subsidized by the National Agency is established by the Government.

(5) The subsidies are granted on the basis of the dossier submitted to the territorial subdivision, which contains:

a) funding application;

b) the application form according to the model approved by the Government.

(6) The evaluation of the dossier is carried out by the National Agency in partnership with the competent ministries and the social partners.

(7) The beneficiary of the subsidy is obliged to keep the job created for at least 18 months.

*[Art.39 al.(7) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(8) In case of liquidation before the term of the created job, the employer returns:

a) 100% of the subsidy - if the job was liquidated within the first 9 months from the date of creation;

b) 50% of the subsidy – if the job was liquidated within 10 to 18 months from the date of creation.

*[Art.39 al.(8) in reduction LP137 from 16.07.20, MO199-204/07.08.20 art.414;in force 07.02.21]*

(9) Advice, assistance and subsidies for starting a business may be granted only once for each time the person is registered as unemployed.

(10) The procedure for awarding subsidies, including the mechanism for evaluating the dossier, is established by the Government.

**Article 40.** Supporting the local initiative projects.

(1) In order to stimulate the creation of new jobs and reduce the unemployment in rural areas, the state provides subsidies to support local initiative projects that create jobs.

(2) The subsidies are granted to the enterprises that create new jobs, hiring the unemployed registered at territorial subdivision and working in rural areas.

(3) Grants are awarded on the basis of the dossier submitted to the territorial subdivision, which contains:

a) application for funding;

b) the application form according to the model approved by the Government;

c) other acts established by the Government.

(4) Subsidies are granted under coverage by the firm receiving the subsidy of 35% of the project cost and the amount of subsidy can not exceed 65% of it, but not more than 10 average monthly salaries per economy for previous year.

(5) The evaluation of the dossier is carried out by the National Agency in partnership with the competent ministries and the social partners.

(6) The projects of local initiatives are implemented in rural localities with a high level of unemployment, established by the Ministry of Health, Labour and Social Protection at the proposal of the National Agency.

(61) The subsidy for the support of the local initiative projects, upon request, can be granted simultaneously with the subsidy provided in art. 36.

*[Art.40 al.(61) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(62) The employer cannot benefit from the subsidy in case of employment of an unemployed person who has been released from his unit in the last 6 calendar months preceding the date of application for the subsidy.

*[Art.40 al.(62) introduced by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(7) The procedure for awarding grants to support local initiative projects and the model of application form are established by the Government.

**Article 41.** Stimulating the labour mobility

(1) The unemployed person who is employed, on the basis of an individual employment contract, at a job in another locality selected by the territorial subdivision, at a distance of more than 20 km from the locality where he has his domicile, benefits from a single allowance of employment equal to an average monthly salary per economy for the previous year.

*[Art.41 al.(2) abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(3) The single allowance provided in par. (1) may be granted only once for each period in which the person is registered as unemployed.

*[Art.41 al.(3) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414;in force 07.02.21]*

(4) The procedure for stimulating the labour mobility is established by the Government.

**Section 3**

**Employment facilitation programs**

**Article 42.** Employment facilitation programs.

(1) In order to facilitate the employment, the National Agency may implement special employment programs, including:

a) unemployment prevention programs;

b) territorial employment support programs;

c) programs to facilitate the integration of migrants and national minorities into employment;

d) programs to facilitate the employment of the unemployed indicated in art. 23 par. (3);

e) other programs.

(2) The employment facilitation programs provided in par. (1) are approved by the Government.

**Section 4**

**Unemployment insurance**

**Article 43.**Establishing of unemployment benefit.

(1) The right to the unemployment benefit is established by the territorial subdivisions.

(2) The unemployment benefit is granted on the basis of the application for unemployment benefits submitted by the unemployed to the territorial subdivision.

(3) The decision on granting the unemployment benefit shall be taken within 5 working days from the date of registration of the application for unemployment benefits.

(4) The unemployment benefit is established for the unemployed who cumulatively meet the following conditions:

a) does not earn income from work at the time the unemployment benefit is established;

*[Art.43 al.(4), lit.a) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

b) have activated and completed a contribution period in the public state social insurance system of at least 12 months in the last 24 calendar months prior to the date of registration;

c) does not refuse a suitable job or to participate in the active employment measures offered by the territorial subdivision according to the individual employment plan of the unemployed.

*[Art.43 al.(4), lit.c) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(5) The procedure for examining the application for entitlement to unemployment benefit is established by the Government.

**Article 44.**Terms and conditions for establishing the unemployment benefit.

(1) Persons who have stopped working as a result of the liquidation of the unit and the reduction of staff and have registered at the territorial subdivision until the expiration of 3 calendar months from the date of dismissal, benefit from unemployment benefits immediately after the expiration of 3 calendar months from date of dismissal. (2) In case that the persons indicated in par. (1) were registered at the territorial subdivision after the expiration of 3 calendar months from the date of dismissal, as well as in the case of persons who lost their job for other reasons than those indicated in par. (1), the unemployment benefit is granted starting with the 8th day from the date of registration with the territorial subdivision of the unemployed status.

(3) The unemployed persons receiving childcare allowance, established prior to registration at the territorial subdivision, are granted the unemployment benefits after the expiry of the period in which they receive the indicated allowance.

**Article 45.** The amount of unemployment benefit.

(1) The amount of unemployment benefit is determined according to the circumstances in which the person has stopped working, as follows:

a) in case of cessation of work as a result of liquidation or cessation of activity of the employer, reduction of number or staffing or in case of death, declaration of death or disappearance without notice, by court decision, of the employer natural person - 50% of average monthly insured income of the person made in the last 12 months from the last 24 calendar months prior to the registration date;

b) in case of cessation of work in other circumstances than those provided in letter a) - 40% of the average monthly insured income of the person realized in the last 12 months from the last 24 calendar months preceding the registration date.

(2) The monthly amount of unemployment benefits may not exceed the amount of the average monthly salary per economy for the previous year.

(3) The insured migrant worker, in case of termination of employment, benefits from unemployment benefits according to the agreements (conventions) in the field of social security and labour migration to which the Republic of Moldova is a party.

(4) The amount of unemployment benefit for the persons who have been on childcare leave is established on the basis of the insured income of the person made before the start of the maternity leave.

(5)- abrogated.

(6) The manner of organizing the activities regarding the calculation and payment of unemployment benefits is established by the Government.

 (7) The National Agency ensures the transmission, through the information system, of the information regarding the changes in the status of the unemployed to the National House for Social Insurance.

**Article 46.** The period of payment of the unemployment benefit.

The period for payment of unemployment benefits is set differently, depending on the contribution period, as follows;

b) 7 calendar months, in case of a contribution period between 10 and 15 years;

c) 9 calendar months, in case of a contribution period of over 15 years.

**Article 47.** Social insurance in case of unemployment.

(1) Unemployed people receiving the unemployment benefits are insured in the public social insurance system.

(2) The unemployed persons, registered at the territorial subdivision, are insured in the system of compulsory health insurance.

(3) The period in which the unemployed person receives the unemployment benefit is included in the contribution period.

**Article 48.** The suspension of payment of unemployment benefit.

(1) The suspension of payment of unemployment benefit occurs:

a) during the medical leave;

b) during the period of temporary employment, up to 3 months, of the unemployed beneficiaries of unemployment benefits;

c) after the expiration of 3 calendar days from the date on which the beneficiary has not fulfilled his obligation provided in art. 20 par. (4) lit. a).

*[Art.48 al.(1), lit.d) abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

 (2) The period of payment of unemployment benefit is extended with the period of suspension, in the cases provided in par. (1) lit. b), and with the period of unpaid medical leave, in the case provided in par. (1) lit. a).

*[Art.48 al.(2) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Article 49.** Cessation of unemployment benefits.

The cessation of payment of unemployment benefit occurs in the following situations:

a) in case of expiration of the period established by law for granting the unemployment benefit;

b) in case of loss of unemployment status;

c) in case of starting the maternity leave;

d) in case of re-establishment in the position held, based on the final decision of the court;

e) in case of a finding of one of the circumstances which would not have allowed the unemployment benefits to be granted;

f) in case of non-compliance with the obligations provided in art. 20 par. (4) lit. c) and d);

*[Art.49 lit.f) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

g) in case of termination or withdrawal of the right of residence in the Republic of Moldova, termination or annulment of stateless status or form of protection, according to Law no. 200/2010 on the regime of aliens in the Republic of Moldova;

h) in case of employment, according to the distribution of the territorial subdivision or individually, except for the case provided in art. 48 par. (1) lit. b);

*[Art.49 lit.h) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

i) in case of finding, following the state control of the entrepreneurial activity, that the person performs the undeclared work;

j) in case of death of the beneficiary.

**Article 50.** Restoration and repeated granting of the unemployment benefit.

(1) The restoration of the payment of unemployment benefits after the suspension ordered under the conditions provided in art. 48 par. (1) lit. a) and b) shall be made on the basis of the application submitted by the unemployed person to the territorial subdivision within up to 30 calendar days from the date of cessation of the situation that led to the suspension.

(2) Restoration of the payment of unemployment benefits after the suspension ordered under the conditions provided in art. 48 par. (1) lit. c) is made on the basis of the request submitted by the unemployed person to the territorial subdivision within up to 60 calendar days from the date of the last visit to the territorial subdivision.

(3) The restoration of the payment of the suspended unemployment benefit under the conditions provided in art. 48 para. (1) lit. a) and b) shall be performed from the date of cessation of the situation that led to the suspension.

(4) The restoration of the payment of the suspended unemployment benefit under the conditions provided in art. 48 para. (1) lit. c) is made from the date of registration of the application at the territorial subdivision.

(5) The National Agency notifies the unemployed person about the decision regarding the suspension or termination of the payment of unemployment benefits within 5 working days from the date of issuing the decision.

(6) The unemployed persons whose payment of unemployment benefits has been suspended under the conditions of art. 48 para. (1) lit. b), after the re-establishment of the payment, benefit from the unemployment benefit in the amount and period initially established.

(7) The unemployed person can again benefit from unemployment benefits provided that he has completed a contribution period of at least 12 months after the termination of the payment of unemployment benefits under the conditions of art. 49 lit. a).

*[Art.50 in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Chapter VI**

**FINANCING EMPLOYMENT MEASURES**

**Article 51.** Financing employment measures

(1) The employment measures granted by the National Agency are financed from the state budget and other financial means according to the legislation.

*[Art.51 al.(1) modified by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

(2) The expenses related to payment of unemployment benefit and social benefits for the unemployed are covered from state social insurance budget.

**Article 52.** The recovery of the amounts unduly paid.

(1) According to this law, the payments granted without the legal basis are recovered from the beneficiaries.

(2) The amounts not recovered from the deceased beneficiaries are no longer pursued.

(3) The officials of the National Agency through whose fault the payments have been established and granted in violation of the provisions of the legislation in force are obliged to return them.

(4) The procedure for recovering the amounts unduly paid is approved by the Minister of Health, Labour and Social Protection.

**Chapter VII**

**LABOUR INTERMEDIATION AND EMPLOYMENT ABROAD**

**OF THE CITIZENS OF THE REPUBLIC OF MOLDOVA**

**Article 53.** Emigration for work of citizens of the Republic of Moldova.

(1) The employment of the citizens of the Republic of Moldova abroad is carried out in accordance with the provisions of the legislation of the Republic of Moldova, the countries of destination and the international treaties to which the Republic of Moldova is a party.

(2) For the employment abroad, the citizens of the Republic of Moldova are to insure themselves regarding the following:

a) fulfilling the conditions of entry, stay and exit on / from the territory of the destination country;

b) obtaining a document conferring the right to carry out the work activities;

c) obtaining an individual employment contract or other form of employment regulation, according to the legislation of the country of destination;

d) obtaining the medical insurance valid in the territory of the country of destination;

e) other provisions applicable to immigrant workers in the country of destination.

**Article 54.** Ways of employment of citizens of the Republic of Moldova abroad.

(1) The employment of the citizens of the Republic of Moldova abroad is carried out:

a) individually, based on an employment contract or similar contract concluded with the foreign beneficiary;

b) within the international treaties to which the Republic of Moldova is a party;

c) through private agencies.

(2) In order to be employed abroad, the citizens of the Republic of Moldova, before leaving, ensure that they have completed all the necessary steps in order to legalize the status of immigrant worker on the territory of the destination country.

(3) When working abroad, the citizens of the Republic of Moldova, before leaving, present to the National Agency, in the manner established by the Government, the copy of the confirmation document on the registration of minor children remaining in the country, issued by the competent body of protection of children in the district / sector of residence of the parents.

(4) The procedure for employing the citizens of the Republic of Moldova abroad is established by the Government.

**Article 55.** Employment abroad of self-employed workers.

(1) The citizens of the Republic of Moldova can perform the labour activities (economic) as self-employed persons in the country of destination in accordance with its legislation.

(2) The intermediation of the work of the citizens of the Republic of Moldova as self-employed workers is carried out if the legislation of the destination country does not provide for the employment of foreign nationals based on an individual employment contract or this is determined by the specifics of the local labour market.

(3) The private agency bears the responsibility in relation to the self-employed intermediaries.

(4) The private agencies notify the National Agency, in the manner established by the Government, regarding the intermediation of labour and the subsequent employment of self-employed workers through them.

**Article 56.** Conclusion of international treaties in the field of labour migration.

(1) In order to manage the labour migration, the Government, through the body responsible for concluding the treaty, initiates, negotiates and concludes the international treaties with the countries of destination to ensure the respect for the rights of migrant workers abroad.

(2) The international treaties in the field of labour migration will establish at least:

a) the modalities of legal employment;

b) the general conditions of work;

c) the occupational safety and security measures;

d) the mechanisms to ensure respect for the rights of migrant workers.

(3) In order to improve the mechanisms of legal employment abroad, the Government promotes the model of circular migration, ensuring the social security measures for migrant workers.

(4) The elaboration and promotion of circular migration schemes with the destination countries will be done in the form of joint programs or through the conclusion of international treaties.

**Article 57.**The activity related to the employment abroad of the citizens of the Republic of Moldova.

(1) The activity related to the employment abroad of the citizens of the Republic of Moldova is carried out by the private agencies, based on the license issued by the licensing body for carrying out this activity.

(2) The private agency does not provide the employment intermediation services to the sailors, minors and foreign nationals.

(3) In the interest of jobseekers, the Government, at the proposal of the Ministry of Health, Labor and Social Protection, after consulting the social partners, may authorize private agencies to collect payments from certain categories of jobseekers or for some types of services provided by those agencies.

(4) In the case provided in par. (3), the Republic of Moldova shall present in its reports sent to the International Labour Organization the information on these exceptions and indicate their reasons.

(5) Unlicensed intermediaries who carry out the activities related to the employment of Moldovan citizens abroad are liable according to the legislation.

**Article 58.** Obtaining the license for the activity related to the employment of the citizens of the Republic of Moldova abroad.

(1) The license for the activity related to the employment of the citizens of the Republic of Moldova abroad is issued by the licensing body, based on the application (declaration) for obtaining the license and the documents attached to the application, under the Law no. 160/2011 on the regulation by authorization of the entrepreneurial activity.

(2) The license for the activity related to the employment of the citizens of the Republic of Moldova abroad is issued if the following conditions are met:

a) the administrator and employees of the private agency are citizens of the Republic of Moldova with permanent residence or temporary residence on the territory of the Republic of Moldova and have a higher education diploma;

b) the administrator, the founder, the associates and employees of the private agency and the legal person have no criminal record and have not previously been convicted of trafficking in human beings, forced labour, organization of illegal migration, proxenetism, money laundering and / or crimes related to these offences;

c) the private agency has space (non-residential rooms) easily accessible to all categories of citizens and equipped with telephone / fax, electronic means of communication (computer, internet, official website) to be contacted online by e-mail and other communication software;

d) the administrator performed the procedure of prior verification of the foreign beneficiary and presented to the licensing body and the National Agency the documents obtained within this procedure, according to the requirements established by the Government;

e) the administrator has coordinated and concluded with the foreign beneficiaries the collaboration agreements stipulating the reliable job offers and has coordinated with them the draft of individual employment contract, services or the draft of similar contracts, drawn up in accordance with the legislation of the destination country and the legislation of the Republic of Moldova;

f) the administrator drafted in the state language and coordinated with the National Agency the draft of intermediation labour contract, the draft of individual employment contract, provision of services or similar contracts, regulated by the legislation of the destination country, used in relation to migrant workers.

(3) The license applicants shall attach the following documents to the license application (declaration):

a) copy of the document certifying the right of ownership, loan or lease of the building intended to carry out the activity;

b) copies of the higher education diplomas of the administrator and of the employees;

c) the draft of the individual employment contract, provision of services or assimilated contracts, regulated by the legislation of the country of destination, used in relation to the migrant workers, drawn up in the state language and coordinated with the National Agency;

d) the criminal record of the administrator, founder, associates, employees and legal person;

e) the draft of the labour intermediation contract, drawn up in the state language and coordinated with the National Agency, in accordance with the requirements established by the Government;

f) the documents obtained under the prior verification procedure.

(4) The documents obtained within the procedure of prior verification of the foreign beneficiary are:

a) the collaboration agreement concluded with the foreign beneficiary;

b) copy of the documents of incorporation of the foreign beneficiary;

c) copy of the activity license or other permissive act of the foreign beneficiary legal entity, if the legislation of the country of destination provides for this act, or copy of the act confirming the right of employment of foreign citizens, in the case of individuals.

(5) On the day of registration of the application and the documents established by this article for the issuance / extension / renewal of the license, the licensing body shall notify the Center for Combating Trafficking in Persons and the State Labour Inspectorate to ensure (with or without requesting a control visit from the body concerned) regarding compliance with the licensing conditions. Within 5 working days from the date of notification, the Center for Combating Trafficking in Human Beings and the State Labour Inspectorate shall send a notification or control report on the results of the verification carried out.

(6) The documents obtained during the preliminary verification are to be translated, notarized or authenticated (apostille) according to the legislation.

(7) For the activity related to the employment of the citizens of the Republic of Moldova abroad, a unique license is obtained.

(8) The private agency registers at the licensing body each new foreign beneficiary, by submitting the documents provided in par. (4).

(9) The procedure for the notification and registration of the new foreign beneficiary is established by the Government.

(10) The procedure and the requirements for the prior verification of the foreign beneficiary are established by the Government.

**Article 59.** Suspension of the license for the activity related to the employment of the citizens of the Republic of Moldova abroad.

(1) The license for the activity related to the employment of the citizens of the Republic of Moldova abroad is suspended under the conditions of Law no. 160/2011 on the regulation by authorization of the entrepreneurial activity and of Law no. 235/2006 on the basic principles governing the entrepreneurial activity, as well as if:

a) the intermediation of the placement in the labour field of the emigrant workers at the foreign beneficiary is carried out without the prior verification procedure;

b) the private agency has not demonstrated in 12 months of activity, including according to the information report, the activity of intermediation of employment abroad of migrant workers;

c) the private agency does not submit to the National Agency, within the term and form established by the Government, the informative reports regarding the migrant workers placed in the field of work abroad;

d) the private agency does not repair the damage caused to the person who is looking for a job abroad due to violation of labour mediation procedure;

e) the private agency does not notify the National Agency regarding the petitions of the migrant worker placed in the field of work abroad;

f) the private agency does not intervene in the settlement of disputes or labour disputes in which the migrant worker mediated by the agency is involved;

g) the private agency makes, directly or indirectly, false advertising of jobs abroad;

h) the private agency provides the labour mediation services at an address other than that indicated in the license;

i) the license holder requests its suspension.

(2) The term of suspension of the license may not exceed 2 months.

**Article 60.** Withdrawal of the license for employment of citizens of the Republic of Moldova abroad.

(1) The license for the activity related to the employment of the citizens of the Republic of Moldova abroad is withdrawn under the conditions of Law no. 160/2011 regarding the regulation by authorization of the entrepreneurial activity and Law no. 235/2006 on the basic principles regulating the entrepreneurial activity, as well as where:

a) there is a final judgment of the court on the conviction of the administrator or founder of the private agency for trafficking in human beings, forced labour, organization of illegal migration, proxsenetism, forgery, money laundering, fraud and / or related crimes to these offences;

b) the labour intermediation services are provided without the conclusion between migrant workers and foreign beneficiaries of labor intermediation contracts, individual employment contracts, services or similar contracts;

c) was established the placement of migrant workers in bad faith with the foreign beneficiary who has been convicted of violating the rights of migrant workers;

d) is intermediated the placement in the field of employment of the citizens of the Republic of Moldova to foreign beneficiaries not indicated in the license;

e) it is activated with a license or other permissive act confirming the right of the foreign beneficiary of intermediation or employment with the expired term;

f) failure to remove one of the situations provided in art. 59 par. (1) within the term established in the suspension decision.

(2) The administrator, the holder of the withdrawn license and the founders have the right to request the issuance of a new license for the activity related to the employment abroad of the citizens of the Republic of Moldova after the expiration of the term of 3 years from the withdrawal date, except for the cases provided in par. (1) lit. a) and c).

(3) The licensing body submits, within 5 working days, to the National Agency the information regarding the completed, re-perfected, suspended and withdrawn licenses.

**Article 61.**The labour intermediation performed by the private agencies.

(1) The private agencies conclude the employment intermediation contracts with migrant workers in order to carry out the actions indicated in art. 27 par. (2), as well as other actions for the purpose of their employment for a foreign beneficiary, under the conditions stipulated by this law and other normative acts.

(2) The private agency, in order to perform the labour intermediation abroad, obligatorily concludes the employment intermediation contracts with migrant workers until they are employed abroad.

(3) The labour intermediation contract represents the interests of migrant workers in relation to the foreign beneficiary, in order to effectively place them and subsequently conclude an individual employment contract, provision of services or similar contracts, under which they are to carry out the work activities.

(4) The labour intermediation contract is concluded for a determined period. The action of the labour intermediation contract partially ceases, once the emigrant worker is placed with the foreign beneficiary, except for the following clauses:

a) the obligation of the private agency to intervene in the settlement of disputes and labour disputes between the migrant worker and the foreign beneficiary;

b) the obligation of the private agency to receive the petitions of the migrant worker employed abroad and to provide assistance in accordance with the law.

(5) The rights and obligations of both the migrant worker and the private agency in the context of labour intermediation and employment are established by this law and other normative acts.

(6) If the private agency mediates the placement abroad of a citizen of the Republic of Moldova who has dual citizenship with permanent residence or temporary residence on the territory of the Republic of Moldova, this emigrant worker is subject to the provisions of the legislation of the Republic of Moldova, regardless of the indicated citizenship in collaboration agreements and documents signed between the private agency and the foreign beneficiary. In this case, the private agency is obliged to comply with the labour intermediation procedure provided by this law and other normative acts.

(7) The procedure for carrying out the activity of labour intermediation by private agencies and registration of individual employment contracts, provision of services and assimilated contracts is established by the Government.

**Article 62.** Guarantees to inform the migrant worker about his rights and obligations.

(1) Once the labour intermediation contract has been signed, the private agency is obliged to provide the migrant worker with an information note on the rights and obligations of the migrant worker, according to the requirements established by the Government.

(2) The private agency is obliged to display the information note provided in par. (1) in a visible and accessible place for public information of people looking for a job abroad.

**Article 63.** Intervention of the private agency in resolving the disputes and labour disputes between the foreign beneficiary and the migrant worker.

(1) The private agency is obliged to monitor the situation of the migrant worker employed abroad and to intervene in the manner established by law in resolving disputes and labour disputes between the foreign beneficiary and the migrant worker, in order to protect the rights of the migrant worker.

(2) In case of non-fulfillment of the requirements provided in par. (1), the private agency is responsible for damages caused to the migrant worker.

(3) The intervention procedure in resolving the disputes and labour disputes between the foreign beneficiary and the migrant worker is established by the Government.

**Article 631.** Licensing registers and lists of private agencies.

(1) Electronic registers containing information on private agencies whose license has been withdrawn or suspended shall be made public free of charge by the licensing body.

(2) The National Agency elaborates and publishes the list of private agencies that carry out their activity in compliance with the legislation.

(3) The way of creating and managing the lists stipulated in par. (2) is established by the Government.

**Article 632.** Registration of migrant workers.

(1) The National Agency registers the informative reports on the migrant workers employed abroad and the documents submitted by the private agencies within the prior verification procedure.

(2) The National Agency registers the individual employment contracts, provision of services or assimilated contracts, regulated by the legislation of the destination country, used in relation to the emigrant workers, depending on the modalities mentioned in art. 54 par. (1).

(3) The private agencies register at the National Agency the individual employment contracts, provision of services and similar contracts concluded between the foreign beneficiaries and migrant workers, as well as labour intermediation contracts concluded between the private agency and migrant workers until their departure from the country or, in the case of self-employed migrant workers, after their employment.

(4) The personal data of migrant workers may not be used for purposes other than placement in employment abroad. The collection, storage, dissemination or any other use of the personal data of migrant workers is carried out in accordance with the legislation in the field of personal data protection.

**Article 633.**Control of the activity of private agencies and unlicensed intermediaries.

(1) The control and monitoring of the activity of private agencies and unlicensed intermediaries is performed by the State Labour Inspectorate, with the participation of the Center for Combating Trafficking in Persons, the Licensing Body and the National Agency.

(2) In order to control the activity of private agencies and unlicensed intermediaries, the State Labour Inspectorate performs planned and unannounced controls in accordance with the provisions of this law, Law no. 140/2001 regarding the State Labour Inspectorate, Law no. 131/2012 on state control over entrepreneurial activity and other normative acts.

(3) The State Labour Inspectorate may initiate unannounced control of the activity of private agencies or unlicensed intermediaries on the basis of petitions submitted by persons looking for the employment abroad or by migrant workers employed and if there are suspicions of trafficking in human beings, forced labour, work in harmful conditions, work in hazardous conditions, and other forms of labour or sexual exploitation.

(4) In the event of unannounced control of the activity of a private agency or an unlicensed intermediary, the State Labour Inspectorate may request the involvement in the control procedure of the Center for Combating Trafficking in Persons or other competent authorities.

(5) If, following the actions of control of the activity of the private agency or of the unlicensed intermediary, suspicions are found regarding the trafficking in human beings or forced labour, the State Labour Inspectorate sends to the Center for Combating Trafficking in Persons the control report and other documents related to the case for finding the constitutive elements of the criminal offence.

(6) In the procedure of control over the activity of private agencies or unlicensed intermediaries, the State Labor Inspectorate is to ascertain the following circumstances:

a) holding a license for the activity related to employment abroad, as well as the validity of the permissive act;

b) the number of migrant workers employed abroad through the private agency or through the unlicensed intermediary;

c) the period of activity and the presence of cases of collection of payments;

d) the correctness of informing the migrant worker about the job and labour rights in the labour intermediation procedure;

e) the intervention of the private agency in resolving the labour dispute or dispute arising after the employment of the migrant worker abroad;

f) the actions taken by the private agency to inform the authorities about the complaints of migrant workers received by the agency related to disputes and labour disputes between the foreign beneficiary and the migrant worker employed, as well as the actions taken to resolve them;

g) performing the procedure of prior verification of the foreign beneficiary;

h) the existence of previous complaints to the address of the private agency or foreign beneficiary and their nature;

i) involvement of the private agency in the repatriation of migrant workers in accordance with the procedure established by the Government.

(7) The procedure for controlling the activity of private agencies and unlicensed intermediaries is established by the Government.

**Article 634.** The attributions of the diplomatic missions and consular offices of the Republic of Moldova in the field of labour migration.

(1) If the diplomatic missions and consular offices find a violation of legal or contractual provisions committed by the private agencies, foreign beneficiaries or other intermediaries or if they are notified of the violation, they shall immediately notify the competent bodies of the state in whose territory the citizens of the Republic of Moldova are employed in order to solve the case of violation of rights.

(2) In the case provided in par. (1), the diplomatic missions and consular offices shall immediately communicate to the Ministry of Foreign Affairs and European Integration and to the Ministry of Health, Labour and Social Protection the circumstances identified and the actions taken.

**Article 635.** Responsibility of private agencies and unlicensed intermediaries

(1) For the infringement of the labour intermediation procedure, the private agency is liable for contravention or criminal liability in accordance with the law.

(2) The unlicensed intermediary, natural or legal person, who carries out the activity related to the employment abroad of citizens of the Republic of Moldova is liable for the labour intermediation without holding an activity license according to the legislation.

(3) In the event of work-related accidents resulting in the incapacity for work or death due to the employer's fault, the private agency is responsible for covering the repatriation costs, if they are not covered by insurance.

(4) The private agency is obliged to inform about the obligation to have insurance and to facilitate its obtaining by the migrant worker.

*[Chapter VII in the wording LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

**Chapter VIII**

**FINAL AND TRANSITIONAL PROVISIONS**

**Article 64.** Final provisions

(1) This law enters into force 6 months from the date of publication in the Official Gazette of the Republic of Moldova.

(2) Government, within 6 months from the date of publication of this law:

a) will present to the Parliament the proposals to bring the legislation in force in accordance with the provisions of this law;

b) will approve the normative acts necessary for the implementation of this law.

(3) The National Agency, within 6 months from the date of publication of this law, approves the composition of the tripartite councils and the framework regulation regarding their activity.

(4) On the date of entry into force of this law, it shall be abrogated:

a) Law no. 714/2001 on the Unemployment Fund of the Republic of Moldova (Official Gazette of the Republic of Moldova, 2001, no. 161, art. 1307), with subsequent amendments;

b) Law no. 102/2003 on employment and social protection of jobseekers (Official Gazette of the Republic of Moldova, 2003, no. 70–72, art. 312), as subsequently amended and supplemented;

c) Chapter III of Law no. 180/2008 on labour migration (Official Gazette of the Republic of Moldova, 2008, no. 162–164, art. 598), with subsequent amendments and completions.

**Article 65.** Transitional provisions

The employment measures in force on the date of entry into force of this law shall continue to be carried out in accordance with the legislation in force on the date of their disposal.

**PRESIDENT OF THE PARLIAMENT                                  Andrian CANDU**

**No. 105. Chișinău, 14 June 2018.**

*[Annex no.1 abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

*[Annex no.2 abrogated by LP137 from 16.07.20, MO199-204/07.08.20 art.414; in force 07.02.21]*

* [**07-02-2021**](https://www.legis.md/cautare/getResults?doc_id=122876&lang=ro)
* [01-01-2021](https://www.legis.md/cautare/getResults?doc_id=122876&lang=ro)

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