

Amendments to the Labour Code

23 October 2017

In brief

The recent amendments to the Labour Code cover several administrative obligations of employers, the probationary period, grounds for dismissal and other grounds for employment termination, involvement of labour unions in the dismissal proceedings etc.

In detail

Employers' obligations

Employers are no longer required to:

- submit the personnel lists to the labour inspection;
- issue individual work permits to employees;
- explain in writing the unsatisfactory performance during probation.

The following are now optional:

- keeping the register on employment contracts, and
- issuing the employment order.

Employment termination

Additional grounds for dismissal have been included, as follows:

- the employees' age limit pensioner status. These individuals may be employed for a fixed period;
- even a singular serious breach of the employment obligations.

A comprehensive list of the acts considered as serious breaches that are grounds for dismissal has been included.

The provision on dismissal on grounds of absence of employees from work without just cause for more than four consecutive hours is applicable to one instance of absence.

The requirement to secure the written consent of the labour union for dismissal of employees who are union members has been removed. Such employees may be dismissed with the prior consultation of the labour union.

Cancellation by the competent authorities of the authorisation or permit that entitles an employee to be engaged in a specific profession or occupation or to conduct specific work has been included among the grounds for employment termination. The termination in such case becomes effective as of the date of the authorisation or permit cancellation.

Other amendments

The probationary period now may also be applied to young specialists.

The additional unpaid leave for child care has been reduced by two years.

Employees are now required to inform their employers promptly about the circumstances that prevent them from presenting themselves at work. In addition, employees must submit the supporting documents for their absence, within five days from resumption of work.

Employers are now allowed to regulate under any internal documents several aspects, such as incentives, financial support etc.

The special one-month termination notice now also applies to the heads of subsidiaries and representative offices.

[Source: Law no. 188 of 27 June 2017 amending and supplementing the Labour Code of the Republic of Moldova no. 154 of 28 March 2003, published in Official Monitor no. 364-370 (6287-6293) dated 20 October 2017]

The takeaway

Several administrative obligations of employers have been simplified.

Additional grounds have been included for employment termination.

The employers' obligation to secure the consent of the labour union for dismissal of employees who are union members has been removed.

The restriction pertaining to the probationary period for

young professionals has been removed.

The new provisions became effective on 20 October 2017.

Let's talk

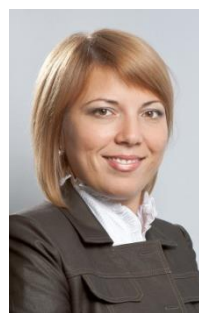
For a deeper discussion of how this new legislation might affect your business, please contact:



Mihaela Mitroi
Partner
mihaela.mitroi@ro.pwc.com



Ionut Sas
Partner
ionut.sas@ro.pwc.com



Tatiana Stavinschi
Senior Manager
tatiana.stavinschi@ro.pwc.com

PricewaterhouseCoopers Moldova
37, Maria Cibotari Street
Chisinau, Republic of Moldova
Tel:+ (373 22) 25 17 00
Fax:+ (373 22) 23 81 20

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