|  |
| --- |
| http://lex.justice.md/imgcms/stateemblem.png**THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA** |
|  |
| **LAW** No. 847 of 14.02.2002  |
| **ON WAGES** |
| Published on 11.04.2002 in the Official Monitor No. 50-52, Art. 336  |
| *NOTE:* In the text of the law, the word "worker" shall be replaced by the word "employee", except for Article 5, par. (3) and Article 10 by *Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860.*The Parliament adopts this organic law.  **CHAPTER 1****GENERAL PROVISIONS****ARTICLE 1.**  Object of the law The present law defines the economic, legal and organizational principles of remuneration of employees involved in employment relations, based on individual labour contracts with employees: physical persons, enterprises, organizations and institutions, hereinafter referred to as units, regardless of their type of property and legal form of organization and has the purpose to ensure to salaries the function as the main source of income for satisfying the basic needs of employees and their families and as an incentive to work.   [A*rt.1 amended by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]***Article 2** Basic notions For the purpose of this law, the notions mentioned here below shall have the following meanings: *salary* - any recompense or gain, evaluated in money, paid to employees by the employer or by the body authorized by the latter, based on individual labour contract, for the performed or to be performed work; *guide on tariff qualifications* - collection of characteristic features of professions or specialties and positions, classified in compartments by production units and types of occupations, destined for establsihing tariffs for employees and for confering qualification categories (classes) to workers and specialists; *salary scale* - range of salaries within which limits the basic salaries are established for specific positions or special functional groups of managers, specialists or officials; *tariff* *salary* - main component of the tariff system that determines the size of the basic salary of employee per unit of time (hour, day); *[Art.2 notion amended by Law No.254 concept of 09/12/11,OM#25-28 / 03/02/12, Art.79]* *[Art.2 notion amended by Law No. 242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]**position salary* - monthly size of basic salary established for managers, specialists and officials depending on their position, qualification and specifics of branch; *tariff grid* - totality of categories of qualification (remuneration) and corresponding tariff coefficients (salary grids), using which the basic salaries of employees are established; *[Art.2 notion in the wording of Law No. 242-XVI of 20.11.08, OM #37-240 / 31.12.08, Art.860]**payroll category* - element of Single Tariff Grid of public sector employees remuneration, based on which the salary scale is determined, established for employees depending on their differentiation according to the criteria applicable in those areas of activity; *qualification category* - element of Single Tariff Grid that characterizes the level of qualification of the worker. The lower level of qualification is tariffed as category I; *[Art.2 notion amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]**tariff coefficients* - elements of Single Tariff Grid indicating how many times the salary of workers of II category and the following ones of the tariff grid is higher than the tariff salary for the I qualification category, which tariff coefficient always equals 1,0; *real sector* - totality of units with financial autonomy, including those benefiting from budgetary subsidies, regardless of branch subordination, type of ownership and form of legal organization; *budgetary sector* - totality of units financed from the state budget, state social insurance budget, budgets of administrative-territorial units and special funds, regardless of branch subordination.    *[Art.2 notion amended by Law No.154 /21.07.05, OM#126 / 23.09.05, Art.611]**quantum of minimum guaranteed salary in the real sector* - minimum, obligatory amount of labour remuneration, guaranteed by the state, for the work performed by employees in the real sector; *labour productivity growth rate at national level* - ratio between the growth rate of gross value added and growth rate of the average number of employees in the year preceding the reference period; *employee* - physical person (man or woman), who performs work under a particular specialty, qualification or in a certain position, in exchange of a salary, based on individual labour contract.    *[Art.2 notions introduced by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]***Article 3** Conditions, forms and systems of wages(1) Remuneration of employee work shall depend on labour force supply and demand on the labour market, quantity, quality, complexity of work and working conditions, professional capacities of the employee, and results of his/her work and/or results of the economic activity of the unit.    *[Art.3 par. (1) amended by Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*(2) The work shall be remunerated per unit of time (hour, day), with fixed monthly salary or by agreement, both in tariff system and non-tariff payroll systems. *[Art.3 par. (2) amended by Law No.254 from 09/12/11, OM# 25-28 / 03/02/12, Art.79]* *[Art.3 par. (2) amended by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]* 3) Depending on specific features of activity and specific economic conditions, the real sector units shall apply, for organizing the remuneration, the payroll tariff system and/or the non-tariff payroll systems.*[Art.3 par. (3) introduced by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]* (4) The selection of the payroll system within the unit shall be carried out by the employer after consultation with employees' representatives.*[Art.3 par. (4) introduced by Law No. 242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]* **Article 31**. (1) The tariff system of remuneration shall represent the totality of norms determining the differentiation depending on quantity, quality and working conditions, and include tariff grids, tariff coefficients, salary scales of positions and qualification tariff guides.    (2) In the real sector the tariff grid shall be determined by negotiation at branch level - in collective convention and at the unit level - in the collective labour contract.    (3) In the public sector the Single Tariff Grid, established by law, which includes payroll categories, tariff salary for the I category of payroll and salary scales of the position for each category of payroll shall be applied.    (4) The tariff grid at branch or unit level shall be established for workers or all categories of employees (workers, administrative officials, specialists and staff in management positions) based on qualification categories or other criteria.  **Article 32**. Non-tariff payroll systems (1) The non-tariff payroll systems shall represent modalities of salaries differentiation depending on individual and/or collective performance and the position, held by the employee.    (2) The criteria and norms for evaluation the professional performances of individual employee shall be establsihed by the employer, by negotiation with trade unions or employee' representatives. The appreciation of individual professional performances of the employee shall be made by the employer.    (3) The non-tariff payroll system shall be established in the collective labour agreement at the level of unit.     (4) Determining the quantum of salary for each employee within non-tariff payroll systems shall be carried out by the employer. The minimum guaranteed quantum of salary in the real sector shall serve as minimum limit and state guarantee.*[Art.3 1 -3 2  introduced by Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]***Article 4**  Salary structure(1) Both in the tariff and non-tariff systems the salary shall include the basic salary (tariff salary, position salary), additional salary (bonuses and supplements to the basic salary) and other incentives and compensation payments.*[Art.4 par. (1) amended by Law No. 242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*(2) The basic salary shall be established under the form tariff salary for workers and position salary for officials, specialists and managers, for the work performed in accordance with labour standards established for qualification, level of professional training and competence of employees, quality, degree of responsibility of executed works and their complexity. (3) The additional salary is a reward for the work over the established norms, for effective work and inventiveness and for special working conditions. It includes supplements and bonuses to the basic salary, other guaranteed payments and current premiums, established in accordance with obtained results, specific working conditions and in some cases provided by law - and taking into account the length of service. (4) Other incentives and compensation payments shall include recompenses according to annual activity results, premiums under special systems and regulations, compensation payments and other payments not provided by legislation but do not contravening to it. **Article 5** Sources of salary payment (1) The source of salaries payment to employees in the real sector shall be constituted of a part of income of the economic units. (2) For public sector employees the sources of salaries payment shall be the resources approved for them, of the budget, from which they are maintained and, where appropriate, special funds constituted in conformity with the law.*[Art.5 al. (2) amended by Law No.154 of 21.07.05, OM#126/23.09.05, Art.611]*(3) Public organizations, employers, associations of citizens shall pay wages to **employed** persons from the monetary resources established in accordance with their statutes. **Article 6** Legislation on remuneration (1) The legislation on remuneration is based on the Constitution of the Republic of Moldova and the Labour Code, the present Law and other state laws governing wages.(2) If the legislation in remuneration field contravenes to international legal acts, to which the Republic of Moldova is party, the international regulations shall have priority. **Article 7** Normative base for remuneration The remuneration shall be based on: a) laws and decisions of Parliament, Decrees of the President of the RM, decisions and orders of the Government and other normative acts on remuneration; b) collective convention at national level;*[Art.7 b) amended by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]* c) collective convention at branch level; *[Art.7 c) amended by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]* *[Art.7 d) excluded by Law No. 242-XVI of 20.11..08, OM# 237-240 / 31.12.08, Art.860]*e) collective labour agreement at the level of unit; f) individual labour contract. **Article 8**  Subjects of remuneration The subjects of remuneration are: a) central and local public administration authorities and their representatives;b) employers, employers' associations; c) trade unions, trade unions federations or their representative bodies; d) employees.*[Art. 9 excluded by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]***Article 10** Implementation of this Law provisionsThe provisions of this Law shall apply to: a) **employed** persons residing in the Republic of Moldova or who are legally authorized to work in the country; b) Moldovan citizens **employed** by units constituted on the territory of the country, but working abroad. **CHAPTER II****REGULATION OF REMUNERATION** **Article 11** State regulation of remunerationThe state shall regulate labour remuneration of employees in the units, regardless of their type of property and legal form of organization, by establishing minimum wage level in the country, the minimum guaranteed quantum of the salary in the real sector and tariff salary for the first wage category of the budgetary sector, other norms and state guarantees, by establishing the system and conditions of employees remuneration of institutions and organizations, financed from the budget, by adjusting payroll funds for employees from monopolistic enterprises. *[Art.11 amended by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]***Article 12.** The procedure of setting and reviewing the minimum salary and the minimum guaranteed quantum of the salary in the real sector (1) The minimum salary shall be set and reviewed in accordance with the law.    (2) The minimum guaranteed quantum of salary in the real sector shall be determined by the Government after consultation with social partners.   (3) The minimum guaranteed quantum of salary in the real sector shall be reviewed annually, according to the annual growth of consumer price index and the rate of labour productivity growth at the national level. *[Art.12 in the wording of Law No.P242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]**[Art.13 is excluded by Law No.242-XVI of 20.11.08, OM# 237-240 / 31.12.08, Art.860]***Article 14.** Tariff salary for the first wage category (1) When applying the tariff system of remuneration, the tariff salary for the the first wage category of the tariff grid shall be the main and binding component and shall serve as basis for determining, in collective agreements and individual labour contracts, the exact tariff salaries and job function salaries. *[Art.14. (1) amended by Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*    (2) The tariff salary for the first wage category, as a normative determining the level of labour remuneration of employees for a certain period of time shall be established: a) in the public sector - by law, in equal amounts or exceeding the quantum of minimum salary in the country; b) in certain branches of real sector - by negotiation, in collective conventions at branch level, and for employees of financially autonomous units of respective branches - by negotiation, in the collective labour agreements of the unit, in amount not less than the quantum set by the collective convention at branch level.     [*Art.14 par. (2), b) amended by Law No.254 from 09/12/11, OM# 25-28 / 03/02/12, Art.79]*(3) The signatory parts of the collective convention at branch level shall be invested with the rights to apply the quantum of tariff salary for workers for the first wage category, set out in the Convention for all employees and employers of the branch, which apply the tariff system or only for employees and employers, who empowered those parties to conclude the corresponding convention.    (4) The tariff salary for the first wage category at branch or unit level shall be reviewed depending on the specific features of the economic sector or on the financial opportunities of the unit. At the same time, the monthly quantum of salary of an employee, calculated based on tariff system of remuneration shall not be lower than the minimum guaranteed quantum of salary in the real sector, established by the Government.*[Art.14 par. (4) in the wording of Law No.254 of 09.12.11, OM#25-28/ 03/02/12, Art.79]**[Art.14 par. (2) - (4) in the wording of Law No.242-XVI of 20.11.08, OM# 237-240/ 31.12.08, Art.860]***Article 15.** Bonuses for compensation of work carried out in unfavorable conditions(1) The bonuses for compensation of work carried out in unfavorable conditions shall be set in a single amount, for employees with any qualification, who work under equal conditions in that unit. (2) The specific amount of compensation bonuses for employees facing adverse working conditions shall be determined depending on the level of difficulty and nocivity in work, within the limits negotiated by social partners and approved by the collective convention at national and branch level, but not more than 25% of minimum salary in the country for jobs involving dangerous or difficult working conditions and not less than 50% of the minimum salary for employment under harmful or extremely difficult working conditions.*[Art.154 par. (2) amended by Law No.254 from 9/12/11, OM#25-28/ 03/02/12, Art.79]**[Art.15 par. (2) in the wording of Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*    (3) Compensation bonuses shall be paid for the concrete duration of work performed in adverse conditions.*[Art.15. (3) in the wording of Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]***ARTICLE 16.** Other remuneration norms and guarantees (1) The specific remuneration norms (overtime pay for work on weekends and holidays; at night; stationary time, not by the fault of employee, in case of producing scrap, not by the fault of employee, labour remuneration of employees up to 18 years of age with reduced duration of daily work, etc.) and guarantees for employees (annual vacations with pay; serving in state or public positions; for employees sent to upgrade their qualifications or for a medical examination, in case of transfer to another workplace due to production needs, in case of transfer to an easier work of pregnant women and working women, having children up to age 3; in case of production training, recycling and acquiring other professions; for donors etc.) and other norms, guarantees and compensations for employees shall be established by the Labour Code and other normative acts.(2) The specific remuneration norms and guarantees, laid down in para. (1) of this Article and in the Labour Code, shall constitute the minimum guarantees established by the state. The exact amount of norms and guarantees provided for in this Article shall be established through negotiations and legalized in collective labour agreements.  *[Art.16 par.(2) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860***Article 17.** Regulation of remuneration through partnership and social dialogue The regulation of remuneration through partnership and social dialogue shall include application of collective conventions at the national and branch level, of collective agreements at the level of unit and delimitation of problems in the area of ​​remuneration, which shall be settled by the respective collective convention and collective labour agreements.*[Art.17 in the wording of Law No.242-XVI of 20.11.08, OM#237-240 /31.12.08, Art.860]***ARTICLE 18.** Wage indexation Wage indexation shall be done in accordance with the provisions of the law in force. *[Art.18 amended by Law No.242-XVI of 20.11.08, OM#237-24 / 31.12.08, Art.860].***CHAPTER III****ESTABLISHING SALARIES** *[Title of Chapter III amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]***Article 19**. Remuneration conditions    The main conditions for organizing the remuneration, including tariff requirements in accordance with the profession, position and qualification degree, procedure of establsihing tariffs for employees, criteria and norms for evaluation of individual and/or collective performance and norms of work shall be set while concluding collective agreements or individual labour contracts.*[Art.19 in the wording of Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]***ARTICLE 20.** Remuneration of employees in financially autonomous units *[Art.20 titled amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(1) Forms and conditions of remuneration and the amount of salary in financially autonomous units are established through collective negotiations or, where appropriate, individual negotiations between employers (legal persons or physical persons) and employees or their representatives, depending on the financial possibilities of employers, and shall be included in collective labour agreements, and if these contracts are missing - in individual labour contracts. *[Art.20 par. (1) amended by Law No. 242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(2) Reducing of salaries set by collective agreements or individual labour contracts may be required by contracting parties only after expiry of the collective agreement validity but not before the expiry of one year from the date of their establishment.*[Art.20 par. (2) amended by Law No.242-XVI of 11.20.08, OM#237-240/ 31.12.08, Art.860]***ARTICLE 21.** Remuneration of employees in the financially autonomous units benefiting from budgetary subsidies *[Art.21 titled amended by LP No.242-XVI of 11.20.08, OM#237-240 / 31.12.08, Art.860]*Remuneration of employees in the financially autonomous units benefiting from budgetary subsidies shall be made in accordance with Art.20, but within the limits of allocations and own revenues, the amounts being determined for the specified units in the established manner and taking into account the conditions set by the Government. *[Art.21 par. amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]***Article 22** Remuneration of managers of financially autonomous unitsThe basic salaries, manner and conditions of remuneration of financially autonomous units' managers, except those specified in Art. 23 shall be determined by the authorities empowered to appoint these persons and shall be inlcuded in the contract signed by parties. **Article 23**. Salaries of state enterprises managers, enterprises with the majority of state capital and monopolistic enterprises*[Art.23 name in the wording of Law No.242-XVI of 11.20.08, OM#237-240/ 31.12.08, Art.860]*(1) The basic salaries and other remuneration rights of the state enterprises administrators, managers of enterprises with the majority of state capital and monopolistic enterprises indicated by the Government shall be determined by management contracts, concluded between the founder of state enterprise or the council of joint stock company and the respective managers, in the manner and under conditions established by Government Decision.    *[Art.23 par. (1) amended by Law No.242-XVI of 11.20.08, OM#237-240/ 31.12.08, Art.860]*(2) The monthly total quantum of salary of units' managers, specified in paragraph (1) shall vary from the triple to five times size of average total monthly salary in the managed unit, in the period from the beginning of the year till the reporting month, depending on the annual positive financial results.   *[Art.23 par. (2) in the wording LP284 of 13/12/12, OM#22-25/ 01/02/13, Art.80]* (3) The monthly total quantum of salary of units' managers limited under par. (2) shall not include the single payments made by the Government. *[Art.23 par. (3) introduced by LP No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*(4) The size of annual premium and the size of other annual payments for the managers of units referred to in para. (1) shall cannot exceed the amount of six month salaries per year, depending on economic and financial positive annual results.*[Art.23 par. (4) introduced by Law No.284 of 13/12/12, OM#22-25/ 01/02/13, Art.80]***ARTICLE 24.** Remuneration of members of administrative board of state enterprises and joint stock companies(1) The members of administrative board of state enterprises and joint stock companies (administration board, joint stock company board) shall get monthly allowance of up to three minimum wages in the country, established under the Law No.1432-XIV of December 28, 2000 on the procedure for establishment and review of minimum wage.*[Art.24 al. (1) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(2) The monthly allowances shall be established from the funds of concerned economic entities and shall be canceled when board members shall fail to fulfill their functions. *[Art.24 al. (2) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]***ARTICLE 25.** Remuneration of budgetary sector employees *[Art.25 title amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(1) The system and conditions of remuneration of budgetary sector employees shall be established by law.*[Art.25 par. (1) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(2) The terms of remuneration, the amounts of bonuses and supplements and of other payments, depending on specific conditions and complexity of some branches and professional groups activity in the public sector shall be established by the Government, after consultation with trade unions, on the proposal of the Ministry of Labour, Social Protection and Family and the Ministry of Finance.*[Art.25 par. (2) amended by Law No.109 of 04.06.10, OM#131-13 / 30/07/10, Art.443]* *[Art.25 par.(2) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]***Articolul 26** Remuneration of employees cumulating positions (1) Remuneration of employees cumulating positions shall be made for the real work or time effectively worked. (2) Establishing the size of tariff salary and position salary for employees cumulating positions and their rewarding, payment of bonuses, supplements and other recompenses, provided for remuneration conditions shall be perfromed in the manner prescribed in the collective agreements or individual labour contracts.*[Art.26. (2) amended by Law No.254 from 09/12/11, OM#25-28/ 03/02/12, Art.79]*(3) Other norms governing cumulating work shall be determined in accordance with the legislation in force. **CHAPTER XIV** **EMPLOYEES' REMUNERATION RIGHTS AND THEIR PROTECTION** **Article 27.** Employees’ rights to remuneration*[Art.27 title in the wording of Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(1) The employee shall entitled to remuneration in accordance with legislation on wages and collective labour agreement, based on individual labour contract. (2) Upon conclusion of individual labour contract, the employer shall be obligated to inform the employee about the terms of remuneration (salary size, form of remuneration, method of calculation, periodicity and place of salary payment, deduction). (3) Upon determining the salary, discrimination based on age, sex, race and nationality, political membership, confession and social status shall not be admitted. **Article 28.** Guarantees of remuneration rights implementation (1) The units shall pay salaries to employees in priority to other payments, transferring, concurrently, the state mandatory social insurance contributions.(2) The subjects of remuneration system shall not adopt unilaterally decisions on issues regarding remuneration, which may worsen the conditions set by legislation and collective labour agreements.**Article 29.** Forms of salaries payment (1) The salary shall be paid in the currency of the Republic of Moldova.*[Art. 29 par. (1) amended by Law No.242-XVI of 11.20.08, OM#237-240/ 31.12.08, Art.860]*(2) Payment of salaries in cash checks or money orders shall be permitted. The procedure of salaries payment in money orders or cash checks shall be determined by the Government, in agreement with the National Bank of Moldova.(3) The payment of salaries in kind, including in the form of spirits, tobacco products or drugs shall be prohibited. **Article 30.** The term, periodicity and place of wage payment (1) The salary shall be paid periodically, directly to employee or person authorized by them, based on an authenticated proxy at the workplace, on work days established in the collective agreement or individual labour contract, but: a) not rarer than twice a month for the employees paid per unit of time or by agreement;*[Art.30 par. (1), letter b) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*b) not rarer than once a month for employees paid based on monthly job function based salaries.*[Art.30 par. (1), letter b) amended by Law No.242-XVI of 20.11.08, OM#237-240/ 31.12.08, Art.860]*(2) In each case, the employer shall be obliged to inform the employee in writing about the total amount of wages, deductions made, indicating the size and reasons of deductions, the amount due and shall make relevant entries in the accounting books.(3) Upon written consent of employee, the salary shall be paid by bank or postal transfer to the account (address) indicated by the employee, with mandatory payment of these services by the employer.(4) In case of employee' death, the salary and other payments shall be paid to his/her spouse, children or parents and in their absence - to other heirs, as provided for by the law.**Article 31.** Prohibition of limiting the employee to freely use the gained resources and deductions from salaries (1) It shall be prohibited to limit the employee to freely use own resources, gained by him/her, except for cases provided by law.  (2) It shall be prohibited to make deductions of resources from the employee in favour of the employer or other legal and physical persons, as well as any other deductions not provided for in the legislation in force. (3) The taxation of employees shall be carried out in accordance with legislation in force. **Article 32** Average salary and its calculation (1) The average salary shall be guaranteed to employees in cases provided for by legislation, collective agreements and individual labour contracts.(2) The average salary of the employee shall include all forms of remuneration, in accordance with legislation in force, which provides for mandatory state social insurance contributions, except single payments.*[Art.32 par. (2) amended by Law No.242-XVI of 20.11.08, OM#237-240 / 31.12.08, Art.860]*(3) The procedure of the average salary calculation of the employee shall be established by Government Decision. (4) If the employee shall be removed from his/her main work site, in conditions not provided for by law, the unit which tasks the employee fulfills, shall pay his/ her salary or compensate the salary in the amount of at least an average salary at his/her basic workplace. **Article 33** Protection of employees' rights in case of unit insolvency (1) The resources for remuneration of employees work shall be guaranteed by the income and assets of the employer.*[Art.33 par. (1) amended by Law No.242-XVI of 11.20.08, OM#237-240/ 31.12.08, Art.860]*(2) In case of recognition of the unit, in accordance with legislation, as insolvent, the employees' salary shall be refunded as a priority, according to the obligations towards him/her.    (3) In case of insolvency of the unit, the compensation payments, guaranteed to the employees and calculated (recalculated) on the date of their payment shall be paid in the amount not less than the minimum guaranteed salary in the real sector, established in accordance with this Law.*[Art.33. (3) introduced by Law No.242-XVI of 11.20.08, OM#237-240 / 31.12.08, Art.860]***Article 34.** Responsibility of banks and officials in charge of units for non payment of salaries in due time (1) If on current and settlement accounts of units there are resources and documentation for receipt of money for payment of salaries and the banks did not provide the customers with cash, the responsibility for delay of cash provision shall be borne by banks, which shall pay a penalty of 0.2% of the amount due for each day of delay.(2) Responsible officials from banks, public authorities and units, liable for failure to pay salaries in due time shall bear the responsibility in accordance with valid legislation. **Article 35.** Compensation for losses caused by failure to pay salaries (1) Compensation for loss of a part of salary in relation to violation of terms of payment shall be made by obligatory and full indexation of the amount of calculated salary, if the delay constituted a calendar and more months, after expiration of month following the month, for which the salary was supposed to be paid.  (2) Compensation for loss of a part of salary not paid in due time shall be performed separately for each month by increasing it in the value of the coefficient of the inflation indicator, which shall be calculated by dividing the last published index of consumer prices at the time of real payment of salary to the consumer price index of the month following the month for which the salary shall be paid. The consumer price index shall be determined by calculating cumulatively from the beginning of the year as to December of the year preceeding the payment year. (3) Compensation for loss of a part of salary not paid in due time shall be made when the inflation coefficient, within the period of salaries non-payment shall exceed the rate of 2%. (4) The sum in compensation for the loss of a part of salary not paid in due time shall be done from payment sources for remuneration, mentioned in Art.5.  (5) The procedure of calculation of sums in compensation for the loss of a part of salary not paid in due time shall be established by the Government. **Article 36** Settlement of labour disputes on salariesLabour disputes pertaining to salaries shall be examined in accordance with legislation on labour disputes settlement.**Article 37.** Information on employee salaryInformation on employee salary shall be presented with the consent or at his request only, and in the cases provided for by law. **Article 38.** Control over the execution of present law Control over the execution of this Law shall be laid on the units: a) labour state bodies; b) financial control bodies; c) bodies representing the interests of employees and employers.**CHAPTER V** **FINAL AND TRANSITORY PROVISIONS** **Article 39** In 2002, the Government shall: * submit to the Parliament the draft Law on system of establishing the basic salary in the budgetary sector and monthly allowances for persons serving in public dignitary positions;
* adopt normative acts related to the competences of the Government, necessary for the implementation of the provisions of this Law;
* bring its legislation into conformity with this Law.

**Article 40** Until bringing the legislation in accordance with the present Law, the valid normative acts shall apply to the extent they do not contravene to the present Law. **Article 41** Upon entry into force of this Law, the Law on wages No.1305-XII of February 25, 1993 with further amendments, except Art.5 and Annexes 1-4 and 6 shall be abrogated.   **PRESIDENT OF THE PARLIAMENT** **Eugenia OSTAPCIUC****Chisinau, February 14, 2002.****No. 847-XV.** |
|  |
|  |