

Employment Law and Procedures in the Republic of Moldova

BACKGROUND AND CONTEXT

According to the United Nations High Commissioner for Refugees (UNHCR), close to 1,060,000 people fleeing Ukraine, including Ukrainian and third-country nationals (TCNs), entered the Republic of Moldova by 21 April 2024.¹ This represents the highest number of Ukrainian arrivals per capita globally. While many continued their journey westward towards the European Union (EU), over 120,000 Ukrainians and 9,000 TCNs opted to stay in Moldova.² Among those who remained, women comprised 38%, men comprised 19%, and children made up 46%.³

Moldova's response to the humanitarian crises involved a collaborative effort. The Government of Moldova (GoM), hosting communities, the private sector, and humanitarian organisations all came together to address the immediate needs of the displaced population. Displaced people relied on a combination of humanitarian aid and their savings to cover essential expenses.

Initially, the programs implemented focused on meeting the basic needs of the displaced, such as food, shelter, drinking water, clothing, and health care. Humanitarian organizations (NGOs and UN Agencies) worked with state institutions to implement these programs. To ensure sustainability, the focus has also been on the socio-economic integration of refugees, such as Romanian language courses, vocational training, and facilitating access to the labour market. However, the results in terms of economic integration are still modest.

According to the National Employment Agency, data available from the beginning of the State of Emergency in the Republic of Moldova until 16.05.2024 shows that ANOFM received notifications from economic agents about the employment of 1,394 citizens from Ukraine, of which 957 are women and 437 are men. The majority of Ukrainian citizens are employed in the municipality of Chisinau (1,074), UTA Gagauzia (58), and Balti (68).⁴ In 2023, the lowest number of women inactive in the labour market was recorded (from 715,700 in 2019 to 652,700

¹ <https://data.unhcr.org/en/situations/ukraine/location/10784>

² <https://data.unhcr.org/es/dataviz/248>

³ Ibid

⁴ [Informatii actualizate despre notificările agenților economici privind angajarea cetățenilor din Ucraina | Anofm site](#)

in 2023). The employment and participation rates of women with disabilities are the highest in the last five years.⁵ Most refugees reside in Chisinau, the capital of Moldova. They represent, approximately, 70% of the total refugees in the country. Other cities, towns, and communities that experience a high concentration of refugees are Ocnita, Balti, Cahul, Causeni, Donduseni, Orhei, Stefan Voda, and UTA Gagauzia.

NRC IN THE REPUBLIC OF MOLDOVA

Following the escalation of armed conflict in Ukraine on 24 February 2022, NRC established its presence in Poland, Romania and Republic of Moldova to respond to the needs of the refugees from Ukraine and affected host communities. Since then, NRC scaled up its programming through Core Competencies in Information, Counselling and Legal Assistance (ICLA), Shelter, Livelihoods and Food Security, Education, and Protection from Violence (PfV), implemented through partners and directly.

ICLA in Moldova implements activities both directly and indirectly (through implementing partners) to support displaced people from Ukraine. We provide legal information, counselling, and assistance to help people access rights and services. Counselling covers legal identity, legal stay, employment laws and procedures, housing, land, and property, as well as the rules and regulations governing access to essential services. Legal support extends to assisting with obtaining legal documents, business registration, and strengthening security of tenure, among other needs in Moldova. ICLA also partakes in advocacy efforts and provides training activities to build the capacity of humanitarian staff, as well as other stakeholders, to better support displaced people.

PURPOSE

NRC is seeking a consultant to conduct in-depth research on the **legal barriers** preventing displaced communities from engaging in livelihood and income-generating activities. The research will involve:

1. Analysis of existing laws and regulations that restrict displaced people's access to entrepreneurial opportunities and employment.
2. Promotion of an evidence-based understanding of the challenges and barriers that limit access to livelihoods and employment opportunities for displaced populations.
3. Analysis of the laws, policies, and procedures regulating employment in Moldova. This analysis should:

⁵ [Ministerul Muncii si Protectiei Sociale \(gov.md\)](https://www.gov.md/en/ministerul-muncii-si-protectiei-sociale)

- Inform programming to support access to livelihood and employment opportunities for displaced communities.
- Enhance awareness of the procedures and practices affecting these communities.
- The outcome of this research will contribute to improved programming aimed at supporting displaced populations in accessing livelihood and employment opportunities.

EXPECTED RESULTS

OBJECTIVE

The overall objective of this research is to provide an evidence-based understanding of the legal challenges and legal barriers that limit access to livelihood opportunities for displaced people. Additionally, the research should provide a comparative analysis aimed at better understanding the working conditions faced by displaced people compared to citizens, including violations, of work rights and obstacles, risks, and protection concerns encountered when seeking to protect those rights. The research will also involve a comprehensive analysis of the laws, policies, and procedures regulating employment in the Republic of Moldova. The findings should inform programming and enhance awareness of these procedures and practices.

Specifically, the research should focus on the four interlinked areas as follows:

1. Legislation

- Examination of current legal and policy frameworks governing employment rights and business registration in the Republic of Moldova, including perspectives from international law.
- Identification of legislative gaps and compliance with international standards on refugee rights.

2. Legal Status

- Analyse how legal status and access to legal documentation (or lack thereof) affect rights and entitlements to employment and labour market access, including starting businesses.

3. Access to Employment/Self-Employment

- Determine any restrictions on employment, specific employment sectors, or categories of work for different displaced groups based on their legal status. Identify any other legal conditions or requirements for accessing employment opportunities.

- Identify the legal requirements and procedures (key legislation and associated regulations) for registering and operating a business for target groups based on their legal status, as well as tax compliance.
- Identify the different types of business registrations available for all categories, as well as the advantages and limitations that come along with each type.

4. Workplace (Social Protection)

- Examine workplace regulations, including social protection measures (i.e., insurance, leave regulations, pensions, etc.), affecting displaced individuals in employment.
- Identify the main legal issues pertaining to the enjoyment of work rights in the workplace for the different categories of those displaced

5. Access to Pensions (from Ukraine)

- Examine the legal and procedural aspects of accessing pensions from Ukraine for displaced individuals in Moldova in correlation with the bilateral legal framework that emphasises the possibility of obtaining pensions by Ukrainian citizens with permanent residence in the Republic of Moldova. .

All the above-mentioned areas should be considered with a gender and disability lens, particularly concerning Ukrainian men who have evaded conscription, as well as women.

DELIVERABLES

The consultancy is expected to last two months starting from August and ending in October. Earlier completion of the exercise will be encouraged where feasible and without compromising the quality of work.

The consultant will be expected to submit the following deliverables within the agreed upon time limit and budget:

1. Inception report (Word version) clearly outlines the methodology and includes the tools how the tools will be used, sampling methods etc. The inception report should also include an initial menu of themes (based on the lines of inquiry), which may develop through the iterative process of data collection and analysis. The inception report should also include a summary of findings (and information gaps) from the secondary data review. The proposed data collection tools will be discussed and approved by NRC before data collection commences. The inception report will serve as an agreement between parties on how the assessment will be conducted.
2. Electronic copy of all primary data collected, and tools used.
3. Presentation of preliminary findings and validation session with programme team and country management group.
4. Draft Report. To be reviewed by NRC (with a minimum of two rounds of review)



5. A final report (one electronic copy in PDF Format and DOC format) incorporating NRC feedback from the draft report. The final report template will be shared by NRC with the following format:
 - Executive Summary (max. 2 pages)
 - Introduction
 - Methodology, including sampling and limitations.
 - Analysis and findings of the assessment, according to the objectives listed above and separated by gender, age, and profile of displacement.
 - Conclusions for each of the objectives
 - Detailed recommendations on how the ICLA programme in Moldova can effectively support access to work rights.
 - Annexes: Relevant maps and photographs of the evaluation areas where necessary; bibliography of consulted secondary sources; finalized data collection tools; list of interviewees with accompanying informed consent forms
6. A final presentation of the overall findings to NRC.

METHODOLOGY

To ensure all segments of the target population are reached, NRC requires the assessment methodology to be developed by the Consultant and presented in the inception report, including a detailed assessment matrix. The assessment should be based on combined quantitative and qualitative research methods. All key assessment questions should be addressed. The data collection strategy should include the use of appropriate tools to gain a deeper understanding of the objective of the assessment, including:

1. Literature Review: The Consultant will review existing data and reports, as well as laws, regulations, and policies.
2. Questionnaires: The Consultant will design a questionnaire to collect primary data. The tool will be submitted alongside the inception report for technical review by NRC. Data collection exercises will be conducted by Ukrainian enumerators assigned by NRC or the Consultant. The Consultant is expected to train data collectors prior to data collection.
3. Key Informant Interviews and Focus Group Discussions: The Consultant will conduct key informant interviews and focus group discussions with key stakeholders, including governmental staff, displaced people, host community members, business owners, and staff of international and national NGOs and the UN. NRC will provide a list of suggested stakeholders, and the Consultant will be responsible for complementing it and arranging the KIIs. For the FGDs, NRC will support the arrangements. Data collection tools should be submitted alongside the inception report for technical review by NRC.

The consultant will capitalize on their experience and make necessary suggestions and inclusion of additional data collection methods to add value to this assessment. The consultant will be expected to travel to all assessment locations for data collection purposes.

FOR CONSIDERATION

- **Data protection and confidentiality:** NRC complies with The General Data Protection Regulation (GDPR), and this will be adhered to during the consultancy. Every participant in this research will provide informed consent before engagement. Participation is voluntary, and all respondents will be anonymised. The consultant will use KOBO Collect as a data collection tool. For information recorded in hard copy, necessary steps will be taken to anonymise respondents and responses. Names and any personal data that may compromise the protection of participants will not be documented.
- **Quality control and data management:** The consultant will be responsible for ensuring that the data collection tools are pretested and adjusted accordingly. All enumerators should be taken through tool administration and interpretation of questions to ensure accuracy of data. Necessary steps should be taken to ensure, to the best extent possible, the participation of all segments of the population through cultural sensitivity and alignment to participant's cultural practices. The technical proposal should outline how additional data quality control will be implemented and how data will be processed.

PAYMENT

All payments will be done through Bank Transfers according to the agreed time frame/arrangement. NRC will reimburse all allowed costs met by the consultant upon submission of evidence of payment (invoices, receipts etc.)

SKILLS AND QUALIFICATIONS

- Proven experience working in the humanitarian sector and conducting assessments and/or evaluation.
- Excellent research skills, including quantitative and qualitative research methods at the field level, and understanding of ethical research principles.
- Experience in legal research including international and national legal concepts; collating legal data, case information and presenting legal analysis.
- Strong command of spoken and written English. Knowledge of Romanian and/or Russian is an advantage.
- Adequate knowledge of the humanitarian, political and socio-economic situation in Moldova.

APPLICATION PROCESS AND REQUIREMENTS

Bids must include the following:

- Detailed CV of lead consultant / consultant team

- Cover Letter detailing the lead Consultant's qualifications and experience in undertaking similar assignments.
- At least three copies of previous publications, writing samples and legal analysis examples.
- Technical and financial proposal of five pages **maximum**. The proposal should include:
 - Proposed budget (in USD), covering all consultancy fees, including international and local travel, accommodation, visa, insurance, taxes, etc.
 - Proposed workplan.
 - Methodology (sampling design and strategy, data collection methods, Data Processing & Analysis, Data quality control measures).

Please note that for international payments, an income tax of 12% shall be deductible from all payments as per the corresponding laws and legal provisions. However, for the avoidance of the double taxation, provided the country of residence of the Consultant has a signed Agreement for the avoidance of double taxation, as well as provided the Consultant submits the Tax Residence certificate (in case the Contract is signed with an individual) or Company Registration Certificate (in case the Contract is signed with the Company), the tax will not be deducted in Moldova, but shall be paid by the Consultant in its Country of residence.

For local payments, the applicable legislation of the Republic of Moldova for taxation will be applied. **The proposed budget shall include all payable taxes.**

Qualified candidates are requested to submit applications to md.tenders@nrc.no

Administration, coordination roles and responsibilities

Duties of the Consultant

Everything submitted to NRC must be the original work of the consultants. Any plagiarism in any form, or any other breach of intellectual property rights, will automatically disqualify the consultant from receiving any further payments under the contract by NRC, and NRC will seek to recover any payments already made.

In addition, all participants in any study or other interaction will be fully informed about the nature and purpose of the interaction and their requested involvement. Informed consent must be obtained for any photographs, audio or video recordings, etc., in accordance with NRC's policy on consent.

Duties of NRC

- NRC will provide necessary assistance to the Consultant related to the assignment, which include travel within Moldova, an introduction letter from NRC on request to support processing of visa, etc.
- The Consultant shall hold sufficient Health/Travel insurance within the limits defined by ordinary insurance terms and conditions, to meet any such claim from NRC as may arise pursuant to this assignment. NRC will not provide travel insurance for travel or any form of medical cover in country.

- In the north (Ocnita, Briceni and Soroca), the consultant should be proactive in identifying and engaging with respondents and NRC may provide support where needed.