

LEGAL STRATEGIES AND POLICY RECOMMENDATIONS FOR CLOSING THE GENDER PAY GAP IN MOLDOVA

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Abstract. *The gender pay gap is a significant issue in the country, with women earning significantly less than men for the same roles and qualifications. The purpose of this paper is to provide legal strategies and policy recommendations that can help close the gender pay gap in the Republic of Moldova. This paper will employ a qualitative research methodology, which involves the use of primary and secondary sources to gather data and information on the gender pay gap in the Republic of Moldova. The research will involve gathering data from official sources such as existing policy documents, media reports, and scholarly articles. This data will be used to analyze the current state of the gender pay gap and to formulate legal strategies and policy recommendations for closing it. According to a recent report by the World Economic Forum, Moldova ranks 59th out of 153 countries in terms of gender equality, with a significant gender pay gap still present in the country. Women in Moldova earn only 76% of their male counterparts' salaries. This is indicative of the structural, economic and social inequalities present in Republic of Moldova which have resulted in the significant gender pay disparity. In order to close the gap, a number of initiatives need to be taken, including legislation that strengthens measures against gender discrimination, increased and improved access to education, greater representation of women in business and policy-making, and improved access to child care and flexible working arrangements for women.*

Keywords: *gender pay gap, legal strategies, policy recommendations, equal pay, international best practices, women's representation in leadership positions, work-life balance policies*

JEL: *G35, G38, J70*

UDC: *331.2+349.232](478)*

Introduction. The gender pay gap remains a pressing issue in the Republic of Moldova, with women consistently earning less than men for equal work. This disparity not only undermines the principles of equality and fairness but also hampers the overall development and progress of the country. Consequently, there is an urgent need to address this issue through the implementation of effective legal strategies and policy recommendations. The aim of this paper is to present actionable and evidence-based solutions that can contribute to closing the gender pay gap in the Republic of Moldova. By analyzing the current state of the gender pay gap and exploring the various factors contributing to its persistence, this research endeavors to propose comprehensive legal strategies and policy

recommendations. These recommendations, if implemented, have the potential to foster gender equality, promote equal pay for equal work, and create an inclusive and fair working environment for all citizens in the Republic of Moldova. It is vital to recognize that addressing the gender pay gap is not only a matter of upholding fundamental human rights but also an avenue for economic growth and social progress. Closing the gap will empower women to participate fully in the workforce, utilize their skills and talents, and contribute significantly to the development of the nation. In the subsequent sections of this paper, we will delve into the findings derived from primary and secondary sources, examining the challenges and factors that perpetuate the gender pay gap in the Republic of Moldova. These insights will inform the legal strategies and policy recommendations proposed to mitigate this issue, thereby working towards building a more equitable society. One crucial aspect is the need for comprehensive legislation that reinforces measures against gender discrimination in the workplace. Strengthening existing laws and implementing new regulations can help ensure equal pay for equal work, eliminate discriminatory hiring and promotion practices, and provide avenues for recourse in cases of wage disparities based on gender. Legal protection against gender-based discrimination is paramount to create an environment in which women can thrive professionally and receive fair remuneration.

Furthermore, promoting education and skills development is vital for reducing the gender pay gap. Enhancing and expanding access to quality education, particularly for girls and women, can empower them to pursue diverse career paths, break traditional gender stereotypes, and compete on an equal footing with their male counterparts. Educational initiatives should also focus on providing training and resources that equip women with the skills necessary to enter sectors traditionally dominated by men, thus increasing their earning potential. Another crucial aspect is increasing the representation of women in leadership and policy-making roles. Encouraging and supporting women's leadership and participation at all levels of decision-making can contribute to more inclusive and gender-responsive policies. This can be achieved through targeted initiatives such as quotas or affirmative action measures that promote gender balance in corporate boards, government bodies, and other leadership positions. Additionally, addressing the disproportionate burden of caregiving responsibilities that women often face is essential. Improving access to affordable and high-quality childcare facilities, as well as implementing flexible working arrangements, can enable women to balance their work and family responsibilities more effectively. Such measures can help mitigate the negative impact of career interruptions and enable women to remain in the workforce, thereby reducing the gender pay gap.

In conclusion, closing the gender pay gap in the Republic of Moldova requires a comprehensive and integrated approach. Legal strategies and policy recommendations that combat gender discrimination, enhance educational opportunities, promote women's representation, and support work-life balance are key to fostering a more equitable and inclusive society. By implementing these initiatives, Moldova can make significant progress towards closing the gender pay gap and ensuring equal opportunities and empowerment for all its citizens.

Literature Review. The gender pay gap is a complex issue that has garnered significant attention from researchers, policymakers, and advocates for gender equality worldwide. In the context of the Republic of Moldova, several studies and reports have shed light on the causes and consequences of the gender pay gap, providing a foundation for understanding the current state of affairs and formulating effective strategies to address the issue.

A recent report by the World Economic Forum (WEF) indicates that Moldova ranks 59th out of 153 countries in terms of gender equality, indicating a need for substantial improvements. The report further highlights that women in Moldova earn only 76% of their male counterparts' salaries, underscoring the existence of a persistent gender pay gap in the country (WEF, 2020). This finding emphasizes the urgency of implementing policies and measures to rectify this disparity.

Research has identified several factors that contribute to the gender pay gap in Moldova. Diminished access to quality education and training opportunities for women is one crucial aspect. A study by (Abdulkadri et al., 2022) revealed that gender disparities in educational attainment, with women having lower educational levels on average, can significantly impact their earning potential. Promoting educational opportunities for girls and women, particularly in technical fields, can contribute to narrowing the gap by providing them with the necessary skills for higher-paying occupations.

The persistence of traditional gender roles and stereotypes also plays a significant role. Moldova, like many other countries, experiences a disproportionate burden of caregiving responsibilities on women. This creates challenges in maintaining continuous employment and can lead to career interruptions or limited advancement opportunities. Studies have shown that addressing work-life balance through policies such as improved access to affordable childcare and flexible working arrangements can positively impact women's labour force participation and earnings (UN Women, 2022).

Gender discrimination within the workplace is another crucial factor perpetuating the pay gap in Moldova (World Bank, 2018). Stereotypes and biases often influence hiring, promotion, and compensation decisions, resulting in women being undervalued and underpaid (Schieder and Gould, 2016). Legislative measures that fortify protection against gender-based discrimination and raise awareness about equal pay can provide a stronger foundation for tackling this issue effectively (European Union, 2010).

Increasing the representation of women in decision-making positions is critical for addressing the gender pay gap. Research has consistently shown that

when women have a seat at the table, policies promoting gender equality are more likely to be prioritized and enacted (UN Women). Therefore, initiatives promoting gender-balanced corporate boards, political representation, and leadership positions can contribute to reducing the pay gap.

One of the most commonly cited legal strategies is the enforcement of equal pay laws and the provision of strict penalties for non-compliance. For example, a study by (Hegewisch et al. 2022) highlights the effectiveness of equal pay laws in closing the gender wage gap. Additionally, researchers like (LSE, 2016) have advocated for affirmative action policies as a means of addressing the structural causes of the gender pay gap, such as discrimination and occupational segregation.

Transparency and pay reporting are also identified as crucial strategies for reducing the gender pay gap. A recent study by (Hofman et al., 2020) highlights the importance of pay transparency and the disclosure of gender pay data for achieving equal pay, while a study by (ILO, 2022) asserts that pay gap reporting should be mandatory to increase transparency and accountability.

Work-life balance have also been explored as potential strategies for reducing the gender pay gap. Report by (EIGE, 2019) suggest that the provision of flexible working arrangements and paid parental leave can help to address gendered caregiving responsibilities and improve women's labour force participation. The contribution of this study lies in its synthesis of previous research, particularly in relation to the economic growth implications of reducing the gender pay gap. By consolidating studies from indexed journals, this study provides a comprehensive overview of the legal strategies and policy recommendations that have been explored by researchers, demonstrating how they can contribute to economic growth. Overall, this study offers valuable insights into the potential solutions for reducing the gender pay gap, which could ultimately drive economic growth in the context of globalization.

Moreover, it is important to consider the broader socio-cultural context in which the gender pay gap exists. Efforts to challenge societal norms and expectations regarding gender roles and responsibilities can create a more inclusive environment in which women are empowered to pursue higher-paying careers and negotiate fair compensation.

In conclusion, the existing literature highlights that the gender pay gap in the Republic of Moldova is influenced by a multitude of factors, including limited educational opportunities, traditional gender roles, workplace discrimination, and societal expectations. Addressing these issues necessitates a comprehensive approach that encompasses legal measures, educational reforms, targeted initiatives to promote women's representation, and efforts to transform societal norms. By synthesizing the findings and recommendations from previous studies, this literature review provides a foundation for developing effective legal strategies and policy recommendations to close the gender pay gap in the Republic of Moldova.

Research methodology. In order to develop legal strategies and policy recommendations for eliminating the gender pay gap in the Republic of Moldova, the following methodology was used:

- **Research and data collection:**

An extensive analysis of the literature on the gender pay gap in the Republic of Moldova was carried out, including relevant studies, reports and statistical data. The available data was analyzed to understand the extent of the gender pay gap.

- **Comparative Analysis:**

It compared legal frameworks and policy measures in other countries that have successfully addressed or made progress in closing the gender pay gap. It was evaluated on the example of the UK model of reduction of the working week. The advantages of the 4-day working week were assessed.

- **Development of policy recommendations:**

Policy recommendations were made regarding the benefits of implementing the 4-hour working day.

Results. Equal pay for equal work is one of the founding principles of the EU, enshrined in Article 157 of the Treaty on the functioning of the European Union (TFEU, Article 157). The EU monitors the correct transposition and application of Directive 2006/54/EC (European Union) on equal pay and supports EU countries to properly implement existing rules. Directive 2006/54 / EC consolidated the existing directives on gender equality in the field of employment together with the case law of the Court of Justice of the European Union. Women often remain unaware of wage discrimination in their work. The lack of wage transparency does not allow an adequate assessment of the reasons for wage inequalities. On 15 December 2022 (European Commission, 2022), the European Parliament and the Council reached a political agreement on the Pay Transparency Directive. The co-legislators signed Directive (EU) 2023/970 on 10 May 2023 (European Union), the directive entered into force on 6 June 2023, member states have three years to transpose it into national law. This directive lays down minimum requirements to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women (the “principle of equal pay”) enshrined in Article 157 TFEU and the Prohibition of discrimination laid down in Article 4 of Directive 2006/54/EC, in particular through transparency of wages and strengthened enforcement mechanisms.

Reducing the gender pay gap remains a major objective within the overall goal of achieving gender equality (Eurostat, 2023) and meeting the Sustainable Development Goals of the UN Agenda 2030. It also contributes to the promotion of the European pillar of Social Rights [Social Summit], in particular its principle 2 on ensuring gender equality in all areas. and Principle 3 on equal opportunities. In November 2017, the Commission adopted the EU's 2017-2019 European Economic and Social committee action plan: addressing the gender pay gap. It addresses the various root causes of the gender pay gap through a holistic approach. Its 24 points of action are distributed in 8 main directions of action, namely:

- * Improving the application of the principle of equal pay;
- * Combating segregation in occupations and sectors;
- * Breaking the glass ceiling: addressing vertical segregation;
- * Addressing punishment for care;
- * Better capitalize on women's skills, efforts and responsibilities;
- * Discovering inequalities and stereotypes;

- * Alert and inform about the gender pay gap; and
- * Strengthen partnerships to address the gender pay gap.

In March 2020, the Commission published a report on the implementation of the EU Action Plan 2017-2019 on addressing the gender pay gap (European Commission). The principle of equal pay is laid down in Article 157 of the Treaty on the functioning of the European Union. But in the European Union, the pay gap for women is still 12.7% below that for men, and 13.6% in the euro area. In EU member states, the gender pay gap varied by 20.7 percentage points, ranging from -0.2% in Luxembourg to 20.5% in Estonia. According to the data of the National Bureau of Statistics, for the Republic of Moldova this gender difference in salaries amounted to 13.6% in 2021. It has declined only by very little in the last ten years.

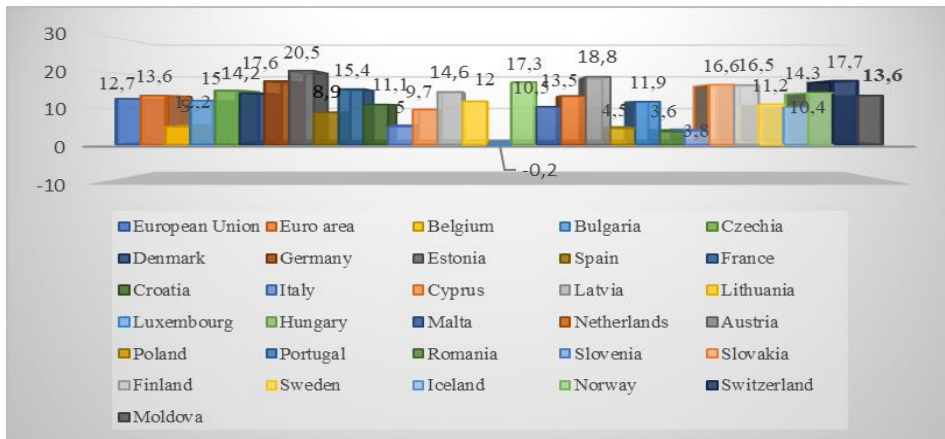


Figure 1. The gender pay gap, 2021

Source: Authors' elaboration with data from Eurostat ([sdg_05_20](#)); StatBank <http://statbank.statistica.md>

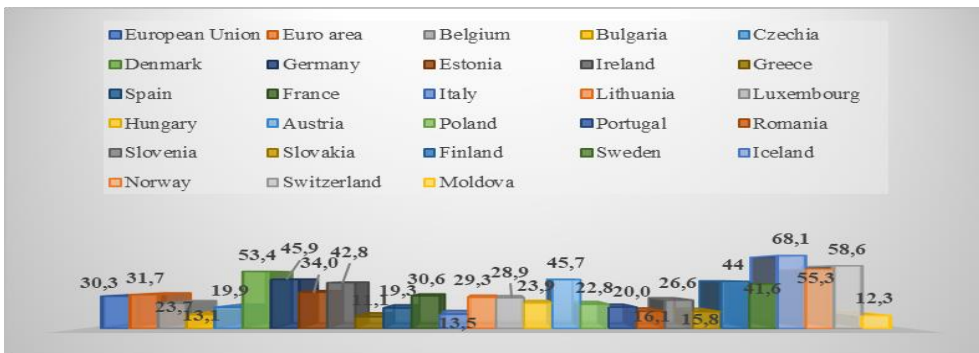


Figure 2. Employment rates, less than 25 years, 2021, %

Source: Developed by the author, data from Eurostat ([lfsa_ergaed](#)); StatBank <http://statbank.statistica.md>

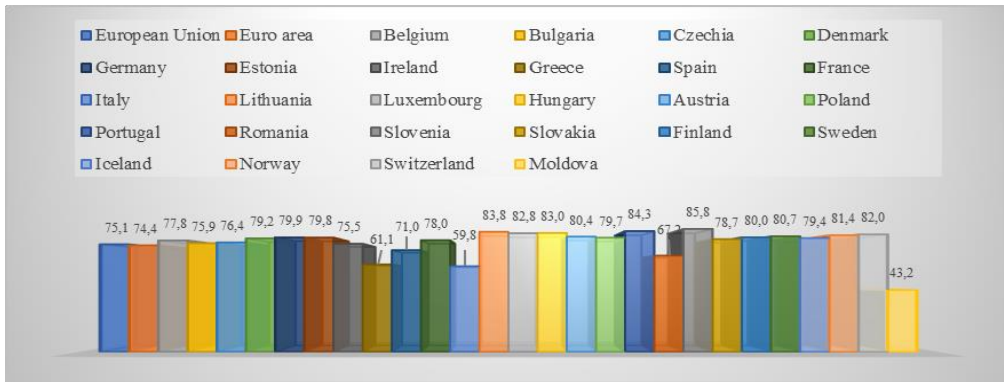


Figure 3. Employment rate for the 25-49 age group, 2021, %

Source: Developed by the author, data from Eurostat ([lfsa_ergaed](https://ec.europa.eu/eurostat));

StatBank <http://statbank.statistica.md>

The gender pay gap is generally much smaller for new entrants to the labour market and tends to widen with age. However, these differences according to age groups may have different patterns in EU member states. The gender pay gap could increase with age as a result of career disruptions that women may face during their working lives. However, information at this level of detail is not available to all EU member states. According to the data of the National Bureau of Statistics, for the Republic of Moldova this difference was 12.3% in 2021 for young people aged 15-24 years and 43.2% for the age group 25-49 years.

Employment inequalities for young people, especially for the 25-49 age group, are explained by the fact that women in this group withdraw from the labour market due to family care responsibilities. The very low employment rate of young people aged 15-24 years is explained by their inclusion in study programs.

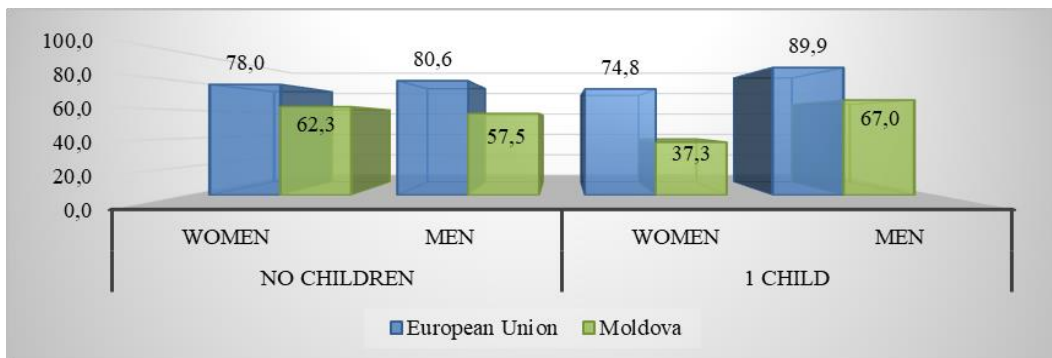


Figure 4. Employment rate by sex, age groups, number of children, 2021 (%)

Source: Developed by the author, data from Eurostat ([lfst_hheredch](https://ec.europa.eu/eurostat));

StatBank <http://statbank.statistica.md>

The more children, the greater the gender gap. On average, in the EU, the employment rate of people aged 18-64 was higher for men than for women in 2021. However, the gap between the employment rate of men and women increases with the number of children. The employment rate for childless men was 80.6%, while it was 78% for childless women, resulting in a gap of 2.6 pp. For people with a child, the gap between the employment rates of men 89.9% and women 74.8% amounted to

15.1 pp. This pattern is observed in the vast majority of member states. For the Republic of Moldova, the employment rate for childless men was 57.5%, while for childless women it was 62.3%. And for people with a child, the gap between employment rates of 67% men and 37.3% women resulting in a gap of 29.7 pp.

Causes of the gender pay gap:

- **Working part-time**

On average, women do more hours of unpaid work (for example, caring for children or doing housework at home). This leaves less time for paid work: according to some statistics from 2022 (Eurostat, 2023), almost a third of women 28% work part-time, while only 8% of men work part-time. If both unpaid and paid work hours are taken into account, women work more hours per week than men. In the Republic of Moldova in 2022 women who worked part-time were 6.2%, while men only 4%. The share of men who worked part-time was lower by 2.3 pp. than in women (StatBank, 2022).

- **Career choices influenced by family responsibilities**

Women are more likely to have career interruptions (Eurostat, 2019): in 2018 one third of employed women in the EU stopped working for childcare reasons, compared to 1.3% of men. Some career choices are influenced by family and care responsibilities for women (European Parliament, 2018). In the Republic of Moldova women to a greater extent than men are involved in care activities, respectively 78.3% women and 28.7% men, the proportion of women involved in family and care responsibilities is 49.6 pp. bigger than men. Family responsibilities are the main cause of economic inactivity for every second woman of 25-54 years.

- **More women in lower paid sectors**

24% of the gender pay gap can be explained by over-representation of women in low-wage sectors such as care, health and education. The number of women in sectors such as science, technology and engineering has increased to 41% of the total workforce in these fields in 2021 (Eurostat, 10 February 2023).

- **Fewer women in leadership positions**

At the same time, women occupy few leadership positions: in 2020 they accounted for a third (34%) of the managers of EU companies (Eurostat, 5 March 2021), although they account for almost half of the total number of employees. The managerial field is also the one where women are most disadvantaged compared to men: women managers earn 23% less than men in the same positions. In the Republic of Moldova, the share of women in leadership positions is 38.6%, compared to 61.4% of men.

The European Parliament's struggle in the EU to protect women's rights and to promote equality in the workplace, in politics, but also in other areas.

What is the EU doing to tackle gender inequality?

Since its inception, the European Union has promoted gender equality and the creation of a more social Europe. The EU has adopted laws (European Union, 2019), issued recommendations, exchanged best practices and provided funding to support member states' actions.

What is the European Parliament doing against the gender pay gap?

In March 2023, the European Parliament adopted new mandatory pay transparency measures (European Parliament, 2023) to make it easier for employees to compare wages and expose the gender pay gap. If wage reporting shows a pay gap of at least 5%, employers will have to conduct a salary assessment together with workers' representatives. EU countries will have to impose sanctions, such as fines, on employers who break the rules. Job advertisements and their names will have to be gender neutral. The board must formally approve the deal for the rules to take effect. Our findings show that there are a number of advantages to adopting the new measures, such as:

- *Increase the number of applicants to Job Opportunities posted;
- *Shortening the recruitment processes, because, knowing the salary, candidates will apply more targeted;
- *Increase candidates' trust towards companies that promote transparency of information;
- *The possibility of a finer filtering of candidates, through the competence – salary expectations relationship;
- *Reduce or eliminate differences in amounts and promote equality between employees-studies show that when employees are treated equally, their productivity increases by 50% (Human Capital, 2023);
- *Companies that offer salaries above the market average will be clearly advantaged;
- *Align salary levels in the market and reduce imbalances created by certain companies.

In addition, the European Parliament wants to make it easier for women and girls to access leadership positions and to increase gender equality on company boards (European Parliament, 2022). In November 2022, MEPs approved rules for transparent recruitment procedures so that at least 40% of non-executive director posts or 33% of director posts would be filled by women by the end of June 2026.

What does the Republic of Moldova do against the gender pay gap?

In April 2023, the government approved the program to promote and ensure equality between women and men in the Republic of Moldova for the years 2023-2027 (Government of the Republic of Moldova, 2023). This programme aims to reduce gender inequity, change perceptions that there are professions only for women or only for men, and ensure respect for the right to equal pay for equal work. The document focuses on five general objectives, aimed at reducing the gender pay gap for equal work or equal value, increasing social protection for people involved in long-term care activities of family members by creating new support services and promoting women in management positions and in the decision-making process. It is also counting on increasing the number of men to promote gender equality. Currently, in terms of gender equality, our country records an indicator of 62 points out of 100 possible, which shows that in the last 10 years the Republic of Moldova has advanced only by 5 points, most of the progress being made in 2021, thanks to the increase in the number of women elected to Parliament. The programme to promote and ensure equality between women and men will be implemented over five years, with the participation of

several public authorities and institutions.

For example, the UK pilot programme, initiated in early 2022, is the largest to be organized globally so far. The whole idea of the pilot program is based on the 100:80:100% model, that is, 100% of the salary for 80% of the time, in exchange for a commitment to maintain 100% productivity. The more rested the employees are, the more motivated and focused they are to complete the tasks, knowing that they will have an extra day off, respectively productivity increases, benefiting from this both employees and employers. After the news that in the UK the testing of the 4-day working week was a resounding success, we wondered what the employees and employers in the Republic of Moldova think about this topic? According to data collected by magenta consulting during 2023, through the methods CAPI (computer Assisted Personal Interview) Face to face and CATI (telephone survey), on a sample of 1011 employees and 439 employers across the country. The margin of error is +-3%. Employees and employers have practically the same visions regarding the implementation of the 4-day work schedule, keeping the limit of 8 hours per day, the same salary and workload, 58% of employees and 54% of employers participating in the study support this idea (Magenta Consulting, 2023). Implementing a four-day workweek in the Republic of Moldova could have several potential benefits for both employees and employers. Here are some aspects to consider:

1. Increased Productivity: Studies have shown that reducing the workweek to four days can actually increase productivity. Employees may be more focused and motivated, leading to higher efficiency during their working hours.

2. Work-Life Balance: A shorter workweek would provide employees with more time to spend with their families, pursue personal interests, or engage in leisure activities. This improved work-life balance can lead to greater job satisfaction and overall well-being.

3. Health and Well-being: A four-day workweek can contribute to better physical and mental health. Employees may have more time for rest, relaxation, and self-care, which can reduce stress levels and improve overall health.

4. Recruitment and Retention: Implementing a shorter workweek could be an attractive perk for potential employees, making companies more competitive in the job market. It may also lead to increased employee loyalty and retention rates.

5. Environmental Impact: With one fewer workday, employees would commute less, resulting in reduced traffic congestion and lower carbon emissions. This can have a positive impact on the environment and contribute to sustainability goals.

Conclusions. After analyzing the pay gap between women and men in the Republic of Moldova, several legal strategies can be implemented to help reduce this disparity. These strategies include:

Enacting Equal Pay Legislation: The government should pass comprehensive legislation that prohibits gender-based pay discrimination and enforces equal pay for equal work. This would ensure that men and women are paid equally for performing the same job.

Strengthening Pay Transparency: Implementing measures to improve

pay transparency can help identify pay gaps and encourage employers to rectify wage disparities. This includes requiring companies to disclose salary ranges for different positions, promoting salary negotiation training, and conducting regular pay equity audits.

Establishing Gender-neutral Hiring Practices: Implementing policies that advocate for gender-neutral hiring practices can prevent discrimination during the recruitment and selection process. This includes adopting blind hiring techniques, eliminating bias from job advertisements, and conducting diversity training for hiring managers.

Legislation promoting reduced working hours: Introduce new labour laws or amend existing legislation to specifically promote a 4-day working week. This could involve establishing a maximum number of hours worked per week, encouraging employers to provide flexible working hours, or incentivizing companies to adopt shorter work weeks voluntarily. It is important to note that implementing these strategies requires a comprehensive approach that involves stakeholders at various levels. By combining legal measures with educational initiatives, societal change, and continuous evaluation, the Republic of Moldova can strive towards reducing the pay gap and achieving greater gender equality in the workplace.

Recommendations:

1. Implement and enforce equal pay legislation: The government of the Republic of Moldova should introduce robust legislation that mandates equal pay for equal work across all sectors. This legislation should include provisions for penalties and sanctions for employers who do not comply.

2. Improve transparency in pay practices: Companies should be required to disclose salary ranges for different positions, as well as the criteria used to determine pay. This will enable employees to have a clear understanding of salary structures and identify any disparities.

3. Invest in education and skills training: To address the underlying factors contributing to the gender pay gap, the Republic of Moldova should invest in educational programs and vocational training aimed at empowering women and providing them with equal opportunities for career advancement. This will help break down societal stereotypes and biases that perpetuate wage disparities.

4. Awareness campaigns: Launch public awareness campaigns to raise awareness about the gender pay gap and the benefits of a 4-day working week. These campaigns can target both employers and employees, emphasizing the positive outcomes of shorter working hours for gender equality and work-life balance.

5. Conduct regular pay audits: Employers should be required to conduct periodic pay audits to identify any gender pay gaps within their organizations. This will provide them with a better understanding of any discrepancies and enable them to take corrective actions to address them.

6. Monitor and evaluate progress: The Republic of Moldova should establish a system to monitor and evaluate the effectiveness of these policy recommendations regularly. This will allow for adjustments and improvements to be made based on the outcomes and progress achieved.

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