

**LAW OF THE REPUBLIC OF MOLDOVA**  
**on indemnities for temporary work disablement**  
**and other allowances of social insurances**

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Chapter III

## SOCIAL ALLOWANCES

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Parliament adopts the present organic law.

### Chapter I GENERAL PROVISIONS

**Article 1.** The purpose and sphere of application of this law

(1) The present law establishes the right to allowances of social insurances for preventing, limiting, eradication of social risks and financial assistance to the persons eligible to receive them, in case such risks occur, as well as the right to monthly indemnity for maintenance of a child aged between 3 and 16 years for insured persons.

(2) Provisions of this law shall be applied in case of the following insured social risks: illness, maternity and death.

### Chapter II ALLOWANCES OF SOCIAL INSURANCES

**Article 2.** The right to allowances of social insurances

(1) The right to allowances of social insurances, in conditions of this law, is exercised via the public system of social insurances.

(2) The insured persons resident in the Republic of Moldova and unemployed ones entitled to receive the unemployment benefit (henceforth - unemployed people) have to the right to allowances of social insurances.

(3) A person has the right to allowances of social insurances related to the social risks against which he / she is insured.

(4) Insured persons have the right, in conditions of this law, to allowances of social insurances also in the case when the insured risk have occurred in probation period or on the day of dismissal.

(5) Categories of those persons who are obligatory insured in the public system are specified in the Law no.489-XIV from 8<sup>th</sup> of July 1999 on the public system of social insurances.

**Article 3.** International agreements (conventions)

If international agreements (conventions) joined by the Republic of Moldova concerning the social insurances establish other provisions than those of the present law, the provisions of these agreements (conventions) shall be applied.

**Article 4.** Sources for financing the allowances of social insurances

Payment of allowances of social insurances shall be made from the budget of state social insurances.

**Article 5.** Types of allowances of social insurances

(1) Insured persons from public system of social insurances have the right to the following allowances:

- a) indemnity for temporary work disablement caused by ordinary illnesses or by work-unrelated accidents;
- b) allowance for preventing the illnesses (quarantine);
- c) allowance for recovering the work capacity;
- d) indemnity of maternity;
- e) single indemnity at childbirth;

- f) indemnity for child rising till the age of 3 years;
  - g) indemnity for maintenance of a sick child;
  - h) aid in case of death.
- (2) Unemployed people have the right to allowances stipulated in p.(1) 1.a), d) and h).
- (3) The procedure of granting the allowances of social insurances is established by the Government.

**Article 6.** Conditions for granting the allowances of social insurances

- (1) Insured persons have the right to allowances of social insurances if they have a total length of insurance of at least 3 years.
- (2) Insured persons who have a total length of insurance till 3 years benefit from the allowances of social insurances if they have a total length of insurance of at least 3 months, accomplished during the last 12 months previous to the occurrence of the insured risks.
- (3) Insured persons who carry out or activate on basis of individual work contract on unlimited period, including those who work seasonally, benefit from allowances of social insurances if they have the length of insurance specified in p.(1) or (2) or at least 12 months, accomplished in the last 24 months previous to the occurrence of the insured risk.
- (4) Unemployed people benefit from allowances of social insurances with the condition that for this period the payment of unemployment benefit or the scholarship is suspended.
- (5) The aid in case of death is granted to insured persons regardless of the insurance length, as well as to persons who have no insured status, but who confirm the insurance length of at least 3 years.

**Article 7.** The calculation basis for indemnities of social insurances

- (1) The calculation basis for indemnities of social insurances constitutes the average monthly income accomplished during the last 6 calendar months precursory to the month when the insured risk occurred, the income from which the contributions of social insurances were calculated.
- (2) In case when the months taken for calculation, according to p.(1), are incompletely worked because of well-grounded reasons, when determining the calculation basis there shall be taken into consideration the assured income during the completely worked calendar months in the appropriate period.
- (3) If the insured person has worked less than 6 months, the calculation basis shall be the average monthly income, accomplished the completely worked calendar months, and in case when there is accomplished an insurance length less than a calendar month, there is taken into consideration the assured income in the worked days.
- (4) In case of motivated absence of assured income during the last 6 calendar months precursory to the month when the insured risk occurred, the calculation basis shall be the tariff salary or the official salary of the beneficiary.
- (5) The calculation basis for the indemnity of maternity, granted to the wife under the maintenance of working husband, shall be the average monthly assured income of the husband and shall be determined in conditions stipulated in this article.

**Article 8.** Confirming the right to indemnity for temporary work disablement

The right to indemnity for temporary work disablement shall be confirmed through a certificate of medical vacation, issued in the procedure approved by the Government.

**Article 9.** Period for which the indemnity for temporary work disablement is granted

- (1) Period for which there is granted the indemnity for temporary work disablement is maximum of 180 days during one calendar year and starts from the first day of medical vacation.
- (2) Indemnity for temporary work disablement, starting from the 120<sup>th</sup> day, shall be paid in case of prolonging the medical vacation, agreed on by the Council of Medical Expertise of Vitality (henceforth - CMEV).

(3) Period for which the indemnity for temporary work disablement is granted to insured persons with individual work contract with an indefinite period, including to those employed in seasonal works and unemployed people, is maximum of 30 days during a calendar year and, accordingly, during the period when the unemployment benefit is granted.

(4) Period for which the indemnity for temporary work disablement is granted to all beneficiaries falling under action of this law, in case of tuberculosis, AIDS and cancer of any kind, agreed on by the CMEV, is maximum of one year during the last 2 years.

(5) Indemnity for temporary work disablement because of pregnancy is granted for the period of medical vacation without restrictions.

**Article 10.** The right to prolong the period for which the indemnity for temporary work disablement is granted

(1) The attending physician proposes appointment of a degree of infirmity in case if the patient was not recovered till the expiration of the period for which the indemnity for temporary work disablement, established according to this law, is granted.

(2) In well-grounded situations concerning the possibility for recovering, the attending physician proposes to prolong the medical vacation over 180 days, aiming at avoiding appointment of a degree of infirmity and to maintain the insured person active.

(3) CMEV decides, on case by case basis, the prolongation of the medical vacation in order to continue the recovery programme, temporary transfer to another job, reduction of the working programme, restarting the professional activity or appointing of a degree of infirmity.

(4) Prolongation of medical vacation over 180 days shall be made for maximum of 30 days, depending on the development of the case and the results of recovery actions, on the basis of CMEV' opinion.

(5) In case of prolongation of the medical vacation over 180 days, the indemnity for temporary work disablement shall be granted for whole period of prolonged medical vacation.

**Article 11.** Payment of indemnity in case of establishment of a degree of infirmity

If CMEV decided to establish a degree of infirmity, the indemnity for temporary work disablement shall be paid till the date when the person was appointed a degree of infirmity, without exceeding the maximum period for which the indemnity, provided for by this law, is granted.

**Article 12.** The right to indemnity for temporary work disablement in certain situations

(1) Indemnity for temporary work disablement is granted also when the work disablement came upon during the annual vacation. The last one shall be prolong with the period of temporary work disablement that occurred in its limits.

(2) The indemnity for temporary work disablement is not granted for the days during which the worker was in an unpaid vacation.

**Article 13.** The rate of indemnity for temporary work disablement

(1) The monthly rate of indemnity for temporary work disablement is established on case-by-case basis, depending on the period of insurance length, as follows:

a) 60% of the calculation basis established according to art.7 - in case of an insurance length till 5 years;

b) 70% of the calculation basis established according to art.7 - in case of an insurance length between 5 and 8 years;

c) 100% of the calculation basis established according to art.7 - in case of an insurance length over 8 years.

(2) The rate of indemnity for temporary work disablement caused by tuberculosis, AIDS or cancer of any kind is 100% of the calculation basis established according to art.7.

**Article 14.** Allowance for illness prevention

(1) Aiming at illness prevention, the insured person has the right to indemnity for quarantine.

(2) Indemnity for quarantine is granted to insured person who is forbidden to continue his / her activity because of quarantine, for a period established by a certificate of medical vacation, issued according to the legislation in force.

(3) Allowance for illness prevention is established in conditions and rates stipulated in art.13 p.(1).

**Article 15.** Allowances for recovering the work capacity

(1) Aiming at recovering the work capacity, the insured person has the right to:

a) indemnity for temporary work disablement because of orthopaedic prosthetics;

b) balneal-sanatorium treatment.

(2) Indemnity for temporary work disablement because of orthopaedic prosthetics is granted, in case when the insured person is put in hospital for prosthetics and / or for orthopaedic intervention, for entire period for finding in the hospital.

(3) Procedure for granting the tickets for balneal-sanatorium treatment is established by the Government.

**Article 16.** Indemnity of maternity

(1) The insured women, wives under maintenance of working husbands and unemployed women who have the right to maternity vacation, which includes prenatal postnatal vacation, benefit from the indemnity of maternity.

(2) Indemnity of maternity is granted, starting with the 30<sup>th</sup> week of pregnancy, for a period of 126 calendar days, and in case of difficult births of one or more children - of 140 calendar days.

(3) In case when the child is born dead or dies during the period of postnatal vacation, the indemnity of maternity is granted for the period established according to p.(2).

(4) The monthly rate of the indemnity of maternity is 100% of the calculation basis established according to art.7.

**Article 17.** Single indemnity on childbirth

The insured person benefits from the single indemnity on childbirth in rate of at least 500 lei for each child born alive. Since the year 2005, the rate of single indemnity on childbirth is established annually through the law on state social insurances.

**Article 18.** Indemnity for child rising

(1) The Insured person who is in vacation for child maintenance has the right to monthly indemnity for child rising starting from the date of birth and until the age of 3 years.

(2) The indemnity for child rising shall be granted, on request, optionally: one of the parents, grandfather, grandmother, another relative person who is involved directly in child maintenance or the tutor if they observe the conditions of accomplishing the insurance length stipulated by art.6.

(3) The monthly rate of indemnity for child rising is of 20% of the calculation basis established according to art.7, but not less than 100 lei.

**Article 19.** Indemnity for maintenance of a sick child

(1) The indemnity for maintenance of a sick child until 7 years old, and in case of a child with a handicap for intercurrent affections - until reaching the age of 16 years is granted on basis of a certificate of medical vacation, issued in conditions of legislation in force.

(2) The rate of indemnity for maintenance of a sick child is established according to the art.13 p.(1).

**Article 20.** Period for which the indemnity for maintenance of a sick child is granted

(1) Period for which there is granted the indemnity for maintenance of a sick child is maximum of 14 calendar days in case of providing the ambulatory medical assistance and maximum of 30 calendar days in case of providing the hospital medical assistance for the period during which the child needs maintenance.

(2) In case when the child suffers from contagious illnesses, is immobilised in an plaster device or has undergone some surgical interventions, the period of medical vacation is established by the consultative medical council, and the indemnity shall be granted for the integral period of medical vacation.

**Article 21.** The aid in case of death

(1) In case of death of an insured person, pensioner of public system of social insurances, unemployed one or a person who accomplished an insurance length of at least 3 years, the aid in case of death is granted to one person, who may be, depending on case, the survived spouse, child, parent, tutor, curator, according to the legislation in force, or, in case of his / her absence, the person who proves that he / she supported the expenditures related to death (burial).

(2) Insured person, unemployed one or pensioner benefit from the right to aid in case of death if the person who died was a family-member under his / her maintenance and who had no right of social insurances.

(3) In sense of present article, a family-member is considered:

a) spouse;

b) parents;

c) children until the age of 18 years or, if they studied at day-time section in an educational institution, - until graduation, but till reaching the age of 23 years, as well as children unable to work, regardless of age, if they lost the labour capacity before reaching the above-mentioned age.

(4) The aid in case of death is provided only once, in a fixed amount.

(5) The rate of the aid in case of death is established by the law on budget of state social.

**Article 22.** Payment of the indemnity for temporary work disablement in case of employer's bankruptcy

In case if employer's bankruptcy, the indemnity for temporary work disablement, that started before this situation, shall be paid analogical to salary, on basis of art.54 of the Law on insolvability no.632-XV from 14<sup>th</sup> of November 2001, from the resources of the budget of state social insurances.

**Article 23.** Granting the indemnities of social insurances to persons who carry out activities in several units

For the person who carries out activities in several units (places), being insured in each of them according to the legislation, the indemnities of social insurances shall be calculated depending on the total assured income, calculated according to art.7.

**Article 24.** Calculation and payment of the indemnities of social insurances

Calculation and payment of the indemnities of social insurances is carried out by entitled bodies, in compliance with the legislation in force.

**Article 25.** Payment terms of the indemnities of social insurances

(1) Payment of the indemnities of social insurances is carried out:

a) monthly, not later than the date of paying the salary for the referred month, in case of insured persons with an individual work contract;

b) on the date of submitting the medical certificate or in maximum 10 days since this date in case of other categories of insured persons, pensioners and unemployed ones.

(2) Payment of the aid in case of death is carried out in maximum 3 working days from the date of submitting all the necessary acts.

**Article 26.** Persons who are paid the indemnity of social insurances

(1) The indemnity of social insurances shall be paid to the beneficiary, legal representative or his / her confidential person.

(2) The indemnity of social insurances established for the ongoing month and not paid to the dead insured person shall be paid to the survived spouse, children, parents or, in their absence, to the person who proves that he / she took care about him / her till the date of death.

(3) The indemnity of social insurances not paid in due time because of the body which establishes or pays it shall be integrally paid to the survived spouse, children, parents or to the person who proves that he / she took care about the dead insured person.

**Article 27.** Limitation period for payment of the indemnity of social insurances

(1) The indemnity of social insurances can be requested, on basis of justified acts, in period of 12 months calculated from the date of accomplishing the conditions for establishing this indemnity.

(2) The established, but not demanded in due time, indemnity shall be paid retroactively for a period of maximum 3 years anterior to the date of request.

(3) The indemnity not paid in due time because of the body which establishes or pays it shall be paid without any time-limit.

**Article 28.** Termination, suspension and renewal of payment of the indemnities of social insurances

(1) Payment of the indemnity of social insurances terminates starting from the date next to that when the beneficiary:

- a) died;
- b) does not comply anymore with the legal conditions for receiving the indemnity;
- c) settled on the territory of another state with which the Republic of Moldova did not conclude conventions of social insurances.

(2) Payment of the indemnity of social insurances terminates in case if the indemnity was acquired on the basis of false documents.

(3) Payment of the indemnity of social insurances is suspended for the period when the beneficiary falls under the indemnity stipulated in art.18 from the parents' rights, abandoning the child or placing him / her in a social institution.

(4) Renewal of paying the indemnity of social insurances, suspended according to p.(3), shall be made on request, starting from the day next to that when the reason for suspension ceased.

**Article 29.** Cancellation of the right to indemnity for temporary work disablement

The insured person is not entitled to receive the indemnity for temporary work disablement in case when he / she:

- a) harmed health deliberately;
- b) lost the work capacity because of committing an offence;
- c) followed a forced treatment, according to a court decision, except for the psychic handicap;
- d) is in detention or in process of medico-legal expertise.

**Article 30.** The control over granting the indemnities of social insurances

The control over the correctness of establishing, calculation and payment of the indemnities of social insurances shall be exercised by the National Office of Social Insurances, the Department of financial Control and Revision and by their territorial structures.

**Chapter III**  
SOCIAL ALLOWANCES

**Article 31.** Monthly indemnity for maintenance of a child aged between 3 and 16 years

(1) Insured persons, except for the allowances of social insurances, have the right to monthly indemnity for maintenance of a child aged between 3 and 16 years. In case of pupils of schools, gymnasiums and high schools, the indemnity shall be granted till the graduation from the educational institution.

(2) The right to monthly indemnity for maintenance of a child aged between 3 and 16 years shall be granted taking into consideration the income level of the family.

(3) The rate of monthly indemnity for maintenance of a child aged between 3 and 16 years, starting from the year 2006, shall be established annually through the law of the budget of state social insurances.

(4) The income level of a family that provides it with the right to monthly indemnity for maintenance of a child aged between 3 and 16 years, the procedure of its establishment and payment shall be established by the Government.

(5) The indemnity for maintenance of a child aged between 3 and 16 years shall be paid from the budget of state social insurances.

#### **Chapter IV** FINAL PROVISIONS

##### **Article 32.** Returning the sums inappropriately paid sums

(1) The employer or workers of the territorial offices of social insurances because of whom there were inappropriately established and paid sums from the budget of state social insurances, due to non-observance of the provisions of the legislation in force, are obliged to return them.

(2) The sums paid without legal basis, due to presentation of false acts, shall be detained from the resources of those persons who improperly received them.

(3) The sums not returned from dead beneficiaries shall not be pursued.

##### **Article 33.** Settlement of litigations concerning the application of this law

Litigations concerning the application of this law shall be settled by the National Office of Social Insurances, the decision of which may be appealed against in the court, according to the legislation in force.

##### **Article 34.** Entering into force of this law

(1) The present law enters into force on 1<sup>st</sup> of January 2005, except for art.7 p.(5) and art.16, that enters into force on the date of issuance.

(2) The Government, in term of 6 months:

a) shall submit to the Parliament proposals for adjusting the legislation in force in compliance with this law;

b) shall approve the normative acts necessary to implement the present law.

PRESIDENT OF THE  
PARLIAMENT

Eugenia OSTAPCIUC

Chişinău, 22<sup>nd</sup> of July 2004.  
No.289-XV.



