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PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES SENATE

LAW

on pay transparency and the reinforcement of the principle of equal pay between women and men for equal work or work of equal value, and for the amendment and supplementation of certain normative acts

The Parliament of Romania adopts this law.

ART. I

Chapter I: General Provisions

Art. 1 - Purpose of the Law

This law establishes measures on pay transparency and mechanisms to reinforce the application of the principle of equal pay between women and men, with the aim of guaranteeing the right to equal remuneration for equal work or work of equal value.

Art. 2 - Scope of Application

(1) The provisions of this law apply to all employers in the public and private sector and, respectively, to all workers, including civil servants and military personnel in the public sector, as well as other categories of personnel whose status is regulated by special laws, hereinafter referred to as workers.

(2) The provisions of this law on pay transparency also apply to candidates for a vacant position.

Art. 3 - Definitions

(1) For the purposes of this law, the following terms and expressions have the following meanings:

- remuneration means any gross remuneration in the form of base salary, allowances, bonuses, other additions, as well as any other complementary or variable constituent elements of gross salary income received directly or indirectly by the worker for work performed;
- remuneration level means the annual gross remuneration and the corresponding gross hourly rate;
- gender pay gap means the difference between the average remuneration levels of female and male workers of an employer, expressed as a percentage of the average remuneration level of male workers;
- median remuneration level means the remuneration level at which half of the total number of an employer's workers earn more and the other half earn less;
- median gender pay gap means the difference between the median remuneration level of female workers and the median remuneration level of male workers of an employer, expressed as a percentage of the median remuneration level of male workers;
- quartile pay band means each of the four equal groups of workers into which they are divided according to their remuneration levels, from the lowest to the highest;
- equal work or work of equal value means remunerated activity which, following comparison based on the same indicators and units of measurement with another activity, reflects the use of similar or equal professional knowledge and skills and the application of an equal or similar amount of intellectual and/or physical effort, responsibilities and working conditions;
- worker category means the group of workers performing the same work or work of equal value, grouped in a non-arbitrary manner on the basis of non-discriminatory, objective and gender-neutral criteria established by the employer and, where applicable, agreed with workers' representatives;
- direct discrimination has the meaning set out in Article 4(a) of Law No 202/2002 on equal opportunities and treatment between women and men;
- indirect discrimination has the meaning set out in Article 4(b) of Law No 202/2002 on equal opportunities and treatment between women and men;
- enforcement body means the body exercising control and inspection functions on the labour market within the meaning of Article 6 of Law No 108/1999 on the establishment and organisation of the Labour Inspectorate;
- equality body means the body that is the state authority in the field of discrimination within the meaning of Article 16 of Government Ordinance No 137/2000 on the prevention and sanctioning of all forms of discrimination;
- monitoring body means the body promoting the principle of equal opportunities and treatment between women and men with a view to eliminating all forms of discrimination based on sex within the meaning of Law No 202/2002;
- workers' representatives means the trade union or workers' representatives pursuant to Article 102(B)(a) of Law No 367/2022 on social dialogue;
- pay structure means the pay system/department existing at the unit level ensuring compliance with the principle of equal pay in order to eliminate pay

inequalities and differences based on sex between workers performing the same work or work of equal value;

- harassment and sexual harassment has the meaning set out in Article 4(c) and (d) of Law No 202/2002;
- intersectional discrimination has the meaning set out in Article 4(h) of Law No 202/2002, where one of the grounds of discrimination on which the discriminatory act is based is always the sex criterion;
- complementary or variable constituent components of remuneration means any benefits in addition to the ordinary or minimum base salary or pay that the worker receives directly or indirectly, in cash or in kind, for work performed.

(2) In order to achieve a comparable situation for female and male workers performing the same work or work of equal value, the assessment is not limited to workers of the same employer but extends to the relevant pay components for their comparison, where such elements are established by law or by the applicable collective agreement.

(3) Combating intersectional discrimination and ensuring the protection of workers does not entail additional obligations for employers to collect data relating to grounds of discrimination other than sex.

(4) For the purposes of this law, discrimination includes one or more of the following elements: harassment and sexual harassment; any instruction to discriminate on grounds of sex; any less favourable treatment related to pregnancy or maternity leave; any less favourable treatment on grounds of sex regarding paternity leave, parental leave or carers' leave; intersectional discrimination.

Art. 4 - Assessment and Comparison of the Value of Work

(1) In order to comply with the right to equal pay between women and men, employers shall establish at unit level a pay department/system to ensure equal remuneration for workers performing the same work or work of equal value.

(2) Through the pay structures referred to in paragraph (1), an assessment shall be made as to whether workers are in a comparable situation regarding the value of their work, based on objective and gender-neutral criteria, agreed together with workers' representatives.

(3) Employers must ensure that all remuneration components, including variable or complementary ones, and any other advantage in cash or in kind related to work performed, are gender-neutral and granted on the basis of transparent and objectively justified criteria.

(4) In support of employers' application of paragraph (1), the National Agency for Equal Opportunities between Women and Men (ANES), in consultation with the National Council for Combating Discrimination (CNCD), shall make available to employers and social partners, in an easily accessible manner, tools and methodologies for establishing objective and gender-neutral criteria.

(5) In order to assess pay inequalities, ANES, in consultation with CNCD, shall develop support tools based on an analysis of the causes of the gender pay gap, in particular the guidelines and analytical tools of the European Institute for Gender Equality (EIGE).

(6) To ensure compliance with the principle of equal pay, the Labour Inspectorate, Territorial Labour Inspectorates, CNCD, ANES and social partners shall cooperate to implement the provisions of this law.

Chapter II: Pay Transparency

Art. 5 - Pay Transparency in the Recruitment Process

(1) Employers are obliged to provide candidates for a vacant position with information on:

- the initial remuneration level or the corresponding range, established on the basis of objective, gender-neutral criteria, to be assigned to the position in question;
- the relevant clauses of the applicable collective agreement at employer level, where applicable.

(2) The information referred to in paragraph (1) shall be included in the job vacancy notice published on the employer's website or in any publicly accessible space, or shall be communicated in writing to the candidate before the job interview, in a manner that enables informed and transparent wage negotiation.

(3) In the procedure for filling a vacant position, employers are prohibited from requesting information about candidates' remuneration levels from their current or previous employment relationships.

(4) Job vacancy notices and job titles shall be gender-neutral. The recruitment of workers shall be carried out in a non-discriminatory manner, in accordance with Article 9 of Law No 202/2002, respecting the right to equal pay for equal work or work of equal value.

Art. 6 - Transparency of Pay-Setting Policies

(1) Employers are obliged to make available to workers within the unit, in a manner easily accessible to each worker, the criteria used to determine remuneration, remuneration levels and the arrangements for remuneration progression, where applicable.

(2) For staff paid from public funds, employers are obliged to also make available to workers, in addition to the provisions of paragraph (1), the pay scales.

(3) The provisions of paragraph (1) regarding the obligation to inform about remuneration progression criteria do not apply to employers with fewer than 50 workers.

Art. 7 - Workers' Right to Information

(1) Workers have the right to request and receive, in writing, personally or through workers' representatives, information on their individual remuneration level and average remuneration levels, broken down by sex, for categories of workers performing the same work or work of equal value. The employer shall provide the requested information within a reasonable period, but no later than 30 working days from the date of the request.

(2) Workers may also request and receive the information referred to in paragraph (1) through the National Council for Combating Discrimination. CNCD, after receiving the request from workers, shall take the necessary steps with the employer and, after receiving the necessary information, shall transmit it to the applicants in electronic format within no more than 30 working days.

(3) Employers are obliged, annually by the end of the first quarter, to ensure that workers are informed of the right referred to in paragraph (1) and the procedures to be followed to exercise it.

(4) If the information received is inaccurate or incomplete, workers have the right to request from the employer, personally or through workers' representatives, clarifications and additional reasonable information regarding any of the data provided, and to receive a reasoned response within a maximum of 30 working days.

(5) Where, following the provision of information under paragraph (1), workers or workers' representatives have obtained information other than that relating to the remuneration or remuneration level of the worker, the worker or workers' representatives are obliged to use this information only in connection with the exercise of rights under this law.

Art. 8 - Accessibility of Information

The information provided under Articles 5, 6 and 7 shall be made available to workers or job applicants in a format accessible to persons with disabilities, adapted to their specific needs.

Chapter III: Reporting on Gender Pay Gaps and Joint Pay Assessments

Art. 9 - Reporting Obligation

(1) Employers with at least 100 workers are obliged to collect, provide and periodically report information on pay gaps between female and male workers.

(2) The information subject to reporting includes at least the following data:

- the gender pay gap;
- the gender pay gap in complementary or variable remuneration components;
- the median gender pay gap;
- the median gender pay gap for complementary or variable remuneration components;
- the proportion of female and male workers receiving complementary or variable remuneration components;
- the proportion of female and male workers in each quartile pay band;
- the gender pay gap by worker category, broken down by base salary and complementary or variable remuneration components.

(3) Reporting of data referred to in paragraph (2) shall be made to ANES as follows:

- for employers with at least 250 workers: information relating to the previous calendar year, by 7 June 2027 and thereafter annually by 7 June;

- for employers with 150 to 249 workers: information relating to the previous calendar year, by 7 June 2027 and thereafter every 3 years by 7 June;
- for employers with 100 to 149 workers: information relating to the previous calendar year, by 7 June 2031 and thereafter every 3 years by 7 June.

(4) The reporting methodology, standard reporting format and exact deadlines shall be established by order of the Minister of Labour, Family, Youth and Social Solidarity, at the proposal of ANES.

(5) Employers with fewer than 100 workers may voluntarily report the information referred to in paragraph (1).

(6) The accuracy of the reporting information must be confirmed by the employer after consultation with workers' representatives. Workers' representatives have access to the methodologies applied by the employer.

(7) The information referred to in paragraph (2) shall be communicated to ANES.

(8) The employer may publish the information referred to in paragraph (2)(a)-(f) on its website or make it available in any publicly accessible space.

(9) The employer shall provide the information referred to in paragraph (2)(g) to all its workers and workers' representatives. Employers shall provide this information to the competent Territorial Labour Inspectorate and CNCD upon their request. Information from the four preceding years, if available, must also be provided upon request.

(10) Workers, workers' representatives, Territorial Labour Inspectorates and CNCD have the right to request from employers clarifications and additional details regarding any data provided, including explanations of any gender pay gap. Employers shall respond to such requests within 30 working days, with the possibility of extension by up to 30 working days, providing a reasoned response.

(11) Where gender pay gaps are not justified on the basis of objective, gender-neutral criteria, employers shall remedy the situation within 90 working days, in cooperation with workers' representatives, the Territorial Labour Inspectorate and/or CNCD, as appropriate.

(12) By way of exception, in duly justified situations, the deadline referred to in paragraph (11) may be extended, but by no more than 6 months.

Art. 10 - Joint Pay Assessment

(1) Where the reporting provided for in Article 9(2) reveals an average gender pay gap of at least 5% in any worker category, and the employer has not justified this gap on the basis of objective, gender-neutral criteria and has not remedied the unjustified gap within 6 months of the submission of the pay report, the employer is obliged to carry out a joint pay assessment in consultation with workers' representatives.

(2) The purpose of the assessment is to identify, remedy and prevent unjustified pay differences that are not justified by objective, gender-neutral factors.

(3) The assessment includes at least the following aspects:

- an analysis of the proportion of female and male workers in each worker category;

- information on average remuneration levels of female and male workers and complementary or variable components for each worker category;
- any differences between average remuneration levels of female and male workers in each worker category;
- the reasons for such differences in average remuneration levels, based on objective, gender-neutral criteria, where applicable, as agreed by workers' representatives and the employer;
- the proportion of female and male workers who benefited from any remuneration improvement after returning from maternity, paternity, parental or carers' leave, where such improvement occurred in the relevant worker category during the period of leave;
- measures to eliminate pay differences where they are not justified by objective, gender-neutral criteria;
- an evaluation of the effectiveness of measures taken following previous joint pay assessments, where applicable.

(4) The employer is obliged to make the joint pay assessment available to workers and workers' representatives and to communicate it to ANES.

(5) The employer shall make the joint pay assessment available to the Territorial Labour Inspectorate and CNCD upon their request.

(6) When implementing the measures resulting from the joint pay assessment, the employer shall remedy unjustified pay differences within 6 months, in consultation with workers' representatives. The Labour Inspectorate, competent Territorial Labour Inspectorate and/or CNCD may be invited to participate in the process.

(7) Implementation of measures includes an analysis of existing job evaluation and classification systems that are gender-neutral, or the introduction of such systems, to ensure the exclusion of any direct or indirect discrimination on grounds of sex in matters of remuneration.

Chapter IV: Remedies and Enforcement

Art. 11 - Data Protection

(1) To the extent that information provided pursuant to Articles 7, 9 and 10 involves the processing of personal data, such processing shall be carried out in compliance with Regulation (EU) 2016/679 (GDPR) and applicable national data protection legislation.

(2) Personal data processed under Articles 7, 9 or 10 of this law shall be used only for the purpose of applying the principle of equal pay. Where disclosure of information under Articles 7, 9 or 10 would lead to the direct or indirect disclosure of the remuneration of an identifiable worker, only workers' representatives, the Territorial Labour Inspectorate or CNCD shall have access to such information.

Art. 12 - Social Dialogue

For the prevention and combating of acts of discrimination based on sex in the field of employment, the contracting parties to collective agreements at national, sector,

group of units and unit level shall establish clauses prohibiting discriminatory acts and clauses on the manner of settling complaints/claims made by persons harmed by such acts.

Art. 13 - Defence of Rights

(1) Workers who consider themselves to be discriminated against in pay on grounds of sex have the right to approach the employer or the competent institution, to resort to conciliation or to submit a claim to the competent court under labour jurisdiction, and, where appropriate, to claim material and/or moral damages or full reparation, and/or the elimination of the consequences of discriminatory acts by the employer who committed them.

(2) The procedures referred to in paragraph (1) are accessible to workers and persons acting on their behalf, even after the termination of the employment relationship in which the discrimination is alleged to have taken place, within 12 months of the termination of the employment relationship.

(3) Workers, their representatives or any person who files a complaint or supports a victim of pay discrimination are protected against dismissal and any adverse treatment by the employer in connection with the complaint/efforts to support a victim of pay discrimination, in accordance with Law No 202/2002.

(4) In proceedings before the competent court concerning alleged direct or indirect discrimination in pay on grounds of sex relating to pay transparency obligations under Articles 5-7, 9 and 10(1)-(7), workers who are victims of discrimination shall present facts on the basis of which the existence of direct or indirect discrimination may be presumed, and the burden of proof that the principle of equal treatment has not been violated shall lie with the person against whom the complaint has been made.

(5) Paragraph (4) shall not apply if the employer proves that the breach of obligations under Articles 5-7, 9 and 10(1)-(7) was manifestly unintentional and of a minor nature.

(6) Claims filed with the competent court by workers referred to in paragraph (1) are exempt from stamp duty.

Art. 14 - Court Costs

Where, in an equal pay action brought before the courts, the defendant succeeds, the court may order that the claimant shall not be required to pay court costs if, after evaluating the evidence, it finds that the claimant had reasonable grounds for bringing the action.

Art. 15 - Procedures on Behalf of or in Support of Workers

(1) Trade union organisations may initiate any administrative or judicial procedure regarding an alleged breach of rights or obligations related to the principle of equal pay.

(2) The administrative or judicial procedure referred to in paragraph (1) may be carried out on behalf of or in support of a worker who is an alleged victim of a breach of any right or obligation related to the principle of equal pay, with the consent of that person.

Art. 16 - Right to Compensation

(1) The compensation or full reparation referred to in Article 13(1) constitutes real and effective compensation or reparation, awarded by the court in accordance with the law, proportionate to the damage suffered.

(2) Compensation or full reparation may include: full recovery of outstanding payments and related bonuses or payments in kind, compensation for lost opportunities, moral damages or any harm caused by other relevant factors, including intersectional discrimination, as well as default interest.

Art. 17 - Other Remedies

(1) In the event of a breach of rights and obligations concerning the principle of equal pay between women and men, the competent court may, at the request of the claimant and at the expense of the defendant, order:

- a measure to bring the infringement to an end;
- a measure to apply the rights or obligations relating to the principle of equal pay.

(2) In the event of the defendant's non-compliance with the measures referred to in paragraph (1), the competent court may order the imposition of penalty payments.

Art. 18 - Proof of Equal Work or Work of Equal Value

(1) Proof of equal work or work of equal value shall be assessed with reference to the provisions of Article 3(1)(g) and (2).

(2) The assessment to determine whether workers are in a comparable situation is not limited to situations where female and male workers work for the same employer or to workers employed at the same time as the worker in question, but extends to relevant pay elements for the comparison, where such elements are established by law or by the applicable collective agreement.

Art. 19 - Access to Evidence

(1) In proceedings relating to an equal pay action, CNCD or the competent court may order the employer to produce any relevant evidence within its control, in accordance with the law.

(2) CNCD or the competent court may order the employer to produce evidence containing relevant confidential information for the equal pay action. Where confidential information is provided by employers, the worker, CNCD or the competent court shall ensure its confidentiality.

Art. 20 - Sanctions

(1) The following acts constitute contraventions and shall be sanctioned:

- failure to comply with the obligation to inform candidates, as provided for in Article 5(1);
- asking questions about salary history, contrary to the prohibition in Article 5(3);

- failure to ensure access to pay criteria, pursuant to Article 6;
- refusal to provide information requested by workers, pursuant to Article 7;
- failure to comply with reporting obligations, pursuant to Article 9;
- failure to carry out the joint pay assessment, under the conditions of Article 10.

(2) The contraventions referred to in paragraph (1) shall be sanctioned with a fine of between RON 10,000 and RON 20,000.

(3) Where a breach of the principle of equal pay is based on two or more criteria, one of which is sex, intersectional discrimination constitutes an aggravating circumstance.

(4) The identification of contraventions and the application of sanctions shall be carried out by inspection staff of the Territorial Labour Inspectorates, in accordance with their legal powers.

(5) Repeated infringement of the rights and obligations referred to in paragraph (1) constitutes an aggravating circumstance and shall be sanctioned with a fine of between RON 20,000 and RON 30,000.

Art. 21 - Statistical Data Reporting

(1) ANES shall annually provide the European Commission with updated national data for the calculation of unadjusted gender pay gaps.

(2) The statistics shall be broken down by sex, economic sector, working time (full-time/part-time), economic control (public/private) and age, and shall be calculated annually.

(3) By 7 June 2028 and thereafter every two years, ANES shall carry out the following tasks and provide the corresponding data to the European Commission: collect data received from employers under Article 9(7) and promptly publish the data referred to in Article 9(1)(a)-(f); collect reports on joint pay assessments under Article 10(3); aggregate data on the number and types of actions regarding pay discrimination cases brought before competent authorities, including equality bodies, and complaints filed before national courts.

Chapter V: Application and Awareness

Art. 22

(1) For compliance with the principle of equal pay, the Territorial Labour Inspectorates, CNCD, ANES and, where applicable, social partners shall cooperate to implement the provisions of this law.

(2) ANES, CNCD, the Labour Inspectorate and Territorial Labour Inspectorates shall ensure that the provisions of this law are brought to the attention of interested parties at national level, by publishing them on their own websites and by any other means they deem necessary.

(3) ANES and CNCD shall cooperate to raise awareness among businesses and public and private organisations, social partners and the public regarding the promotion of the principle of equal pay and the right to pay transparency, including

by combating intersectional discrimination in equal pay for equal work or work of equal value.

Chapter VI: Final Provisions

Art. 23

The provisions of this law are supplemented by the provisions of Law No 53/2003 - the Labour Code, Law No 202/2002 on equal opportunities and treatment between women and men, and Government Ordinance No 137/2000 on the prevention and sanctioning of all forms of discrimination.

Art. 24

This law transposes the provisions of Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, published in the Official Journal of the European Union, series L, No 132 of 17 May 2023, Directive (EU) 2024/1499 of the Council of 7 May 2024, and Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024.

Art. 25

The implementation of the provisions of Article 2(2), Article 5, Article 6(2) and Article 7 by employers in the defence, public order and national security system shall be carried out in compliance with the principle of equal pay between women and men through an internal procedure approved within 90 days of the entry into force of this law.

ART. II - Amendments to the Labour Code (Law No 53/2003)

1. In Article 16, after paragraph (1³), a new paragraph (1⁴) is inserted with the following content:

"The individual employment contract may not prohibit or limit the possibility of employees disclosing information about their remuneration."

2. In Article 17, after paragraph (4), a new paragraph (4¹) is inserted with the following content:

"The individual employment contract may not contain elements contrary to the provisions of Article 163(2) of this code."

3. In Article 39, after paragraph (1)(n), a new letter (o) is inserted with the following content:

"the right to request and receive, in writing, information on average remuneration levels, broken down by sex, for categories of employees performing the same work as them or work of equal value."

4. In Article 40(2), after letter (j), a new letter (k) is inserted with the following content:

"to respond, in writing, within 30 working days of receiving the worker's request provided for in Article 39(1)(o)."

5. In Article 159, after paragraph (3), three new paragraphs (4)-(6) are inserted:

"Employers shall make available to employees information on the criteria used to determine base salary, remuneration levels and remuneration progression, in an easily accessible manner. Such criteria must be objective and comply with the principle of equal treatment between women and men. The obligation to inform about remuneration progression does not apply to employers with fewer than 50 employees."

6. In Article 163, a new paragraph (3) is inserted:

"By way of exception, the worker may disclose information about their individual salary level for the purpose of applying the principle of equal treatment between women and men."

ART. III - Amendments to Law No 202/2002 on Equal Opportunities

1. In Article 23, after paragraph (2)(d), a new letter (e) is inserted:

"as a monitoring body, through which monitoring of equal pay for equal work or work of equal value between women and men is ensured."

ART. IV - Amendments to Government Ordinance No 137/2000 on Non-Discrimination

1. Article 19(1)(a) is amended to read:

"prevention of discriminatory acts, taking into account the appropriate communication tools and formats for each target group;"

2. After Article 19(1), a new paragraph (1¹) is inserted on initial specialist assistance to discrimination victims, covering: the legal framework; the services offered by the Council and related procedural aspects; available remedies; applicable confidentiality rules and personal data protection; and the possibility of psychological or other support from other bodies or organisations.

3. After Article 19(2), a new paragraph (3) is inserted allowing the Council to initiate court actions in duly justified cases in the public interest.

4. After Article 20(1), two new paragraphs are inserted providing for a preliminary examination of complaints and written notification of the outcome to the applicant within a reasonable period.

5. Article 22(2) is amended: the Council's annual activity report shall be debated and approved by Parliament and submitted by 15 April of the following year.

6. Additional provisions require the Council to produce a quadrennial report on priorities and recommendations, and grant it access to relevant statistics for that purpose.

This document is a translation of the draft Law on pay transparency and reinforcement of the principle of equal pay between women and men (Romania, 30 March 2026). This translation is provided for informational purposes only.