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From Transposition to Implementation: Romania's Experience and Lessons from Slovenia's PAY DAY Initiative

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Abstract

Romania is in the process of transposing Directive (EU) 2023/970 and, despite recording one of the lowest unadjusted gender pay gaps in the European Union, is facing several practical implementation challenges. Current discussions focus less on the principle of pay transparency itself and more on the operationalisation of concepts such as work of equal value, employee information rights, gender pay gap reporting methodologies, data protection requirements and implementation readiness, particularly among SMEs.

This paper argues that the key challenge for Romania is not the introduction of new legal obligations, but the development of the practical infrastructure needed to support their implementation. In this context, Slovenia's PAY DAY initiative provides valuable lessons. Its combination of methodologies, digital tools, training and stakeholder engagement demonstrates how implementation support can complement legislative reform, reduce compliance uncertainty and help employers translate legal requirements into day-to-day practice while preserving flexibility in the design of remuneration and job architecture frameworks.

1. Relevant country context

1.1 Legal and institutional context

Romania already has a legal and institutional foundation supporting equal treatment and equal pay. The Labour Code, Law No. 202/2002 on Equal Opportunities and Equal Treatment between Women and Men and Government Ordinance No. 137/2000 on preventing and sanctioning discrimination prohibit sex-based discrimination in remuneration and recognize the principle of equal pay for equal work and work of equal value. Additional institutional and enforcement arrangements are provided through legislation governing the Labour Inspectorate, equality bodies and social dialogue structures, as evidenced in the References section.

The institutional framework consists primarily of the National Agency for Equal Opportunities between Women and Men (ANES), the Labour Inspectorate, the National Council for Combating Discrimination (CNCD) and the courts. These bodies already exercise responsibilities related to equal treatment, discrimination, monitoring

and enforcement.However, existing legislation does not contain the comprehensive transparency, reporting and enforcement mechanisms introduced by Directive (EU) 2023/970. The key implementation challenge is therefore not the absence of an equal-pay principle, but the creation of the transparency infrastructure required by the Directive.

The Directive introduces several obligations that are largely new in the Romanian context, including pay transparency during recruitment, employee access to pay information, mandatory gender pay gap reporting, joint pay assessments, enhanced burden-of-proof rules and requirements for gender-neutral pay structures based on objective criteria and categories of workers performing equal work or work of equal value.

1.2 Gender pay gap and broader gender-equality indicators

Romania continues to record one of the lowest unadjusted gender pay gaps in the European Union, at 3.7% in 2024 compared with the EU average of 11.1%.

Nevertheless, a low headline gender pay gap should not be interpreted as evidence that broader gender inequalities have been resolved. Women are less likely than men to be employed (18.7 percentage points gender employment gap in 2025), have lower full-time-equivalent employment rates (40% vs 58% for men) and shorter expected working lives (29 years compared with 36 for men). Women also remain underrepresented in leadership positions (34%) and have higher ratios of low paid workers (16% vs 7% for men).

In addition, considerably larger pay gaps persist in certain sectors, including financial and insurance activities (30.9) and manufacturing (18.3). The private sector also records larger pay disparities (9.5) than the public sector (3.8), suggesting that important differences remain beneath the relatively favourable national average.

A relatively low national gender pay gap may also reduce the perceived urgency of implementation, creating a challenge similar to that identified in Slovenia.

1.3 Transposition status

As of 6 September 2026, Romania had not yet completed the transposition of Directive (EU) 2023/970. In March 2026, the Ministry of Labour launched a public consultation on a draft transposition law. The proposal subsequently entered the parliamentary process as Legislative Proposal No. 445/2026 and remained under consideration as at early September.

The draft legislation broadly follows the Directive and would introduce obligations regarding pay transparency in recruitment, objective and gender-neutral remuneration structures, employee information rights, gender pay-gap reporting, joint pay assessments and strengthened enforcement mechanisms. It would also introduce a 30-working-day deadline for responding to employee information requests, and establish fines linked to multiples of the national minimum wage. The proposal would assign significant implementation and monitoring responsibilities to ANES, while reinforcing the roles of CNCD and the Labour Inspectorate.

Although the final form of the legislation may change during the parliamentary process, the draft law provides a clear indication of the direction of reform and of the institutional arrangements currently envisaged for the implementation of pay transparency in Romania.

2. Policy debate and likely developments

While the overall direction of reform is largely determined by Directive (EU) 2023/970, relevant discussions and the ongoing legislative process have focused primarily on the practical implementation of the future obligations. Stakeholders generally support the objectives of the Directive, while debate has centred on how the framework should be operationalised in a manner that is both effective and proportionate.

A prominent theme concerns the proportionality of compliance requirements, particularly for smaller employers. Discussions have focused on the implementation timeline, the interaction between transparency and reporting obligations, the mechanisms associated with responding to employee information requests, pay gap reporting methodology and the need for practical tools and implementation support. Several stakeholders have also called for transition periods, standardized templates and digital solutions to facilitate compliance.

Another key topic relates to the practical application of the concept of *work of equal value*, with discussions around job evaluation methodologies, objective classification of workers, comparability of roles, and the establishment of gender-neutral remuneration structures capable of supporting future reporting and enforcement requirements.

Discussions have also addressed the balance between transparency and confidentiality. Particular attention has been given to employee access to pay information, the treatment of remuneration confidentiality provisions and data protection considerations.

Finally, stakeholders have debated the design of the enforcement framework, including the proportionality of sanctions, the institutional capacity of enforcement bodies and the level of practical support to be provided by public authorities.

Beyond the legislative debate, organisations are increasingly focused on implementation readiness. Key concerns include the identification of work of equal value and the development of objective job-classification frameworks, the practical operation of employee information rights, the methodology for calculating and reporting gender pay indicators, data protection considerations and the capacity of smaller employers to comply with the new requirements. Practical guidance and implementation support are therefore widely regarded as critical for effective implementation.

3. Practical examples and support structures

Romania does not currently have a dedicated national implementation-support programme comparable to Slovenia's PAY DAY initiative. However, several building blocks supporting pay transparency already exist.

The public sector provides a relatively high degree of remuneration transparency through the publication of pay structures and remuneration rules under the public-sector remuneration framework, although ongoing discussions on the reform of Framework Law No. 153/2017 illustrate that objective classification criteria alone do not eliminate broader debates regarding pay structures, remuneration differentials and perceptions of fairness.

Listed companies are also subject to remuneration disclosure requirements applicable to directors and senior executives. Although these obligations target corporate governance rather than equal pay, this is an existing example of remuneration transparency within the Romanian market.

More recently, salary ranges have become increasingly visible in recruitment processes through job advertisements and recruitment platforms, reflecting broader market demand for transparency.

A growing number of employers have also started preparing for the implementation of Directive (EU) 2023/970 by reviewing job architectures, pay structures and governance frameworks. In parallel, employer associations, HR professional bodies, social partners and consulting organisations have launched conferences, webinars, training programmes and practical guidance initiatives aimed at raising awareness and supporting implementation readiness.

A more recent development concerns ANES' participation in a broader public sector digitalisation project financed through Romania's National Recovery and Resilience Plan. Within this initiative, ANES is developing an automated workflow designed to support the future collection and management of pay transparency reports submitted by employers. The proposed solution is based on standardized reporting templates, automated extraction of key reporting data, record validation and database management functionalities. While the system does not perform substantive analysis of pay-gap reports, it represents an important first step towards building the administrative infrastructure required for future reporting obligations and may reduce the administrative burden associated with data collection and processing.

While these initiatives demonstrate increasing awareness and preparedness, implementation support remains fragmented. A coordinated national framework bringing together methodology, practical tools, training and stakeholder engagement has not yet emerged.

4. Transferability of Slovenia’s PAY DAY initiative

The Slovenian PAY DAY initiative appears highly relevant for Romania because it addresses several implementation challenges that are currently emerging in the Romanian debate on Directive (EU) 2023/970.

One of the most transferable features of the initiative is its focus on practical implementation support rather than legislative transposition alone. The project directly addresses issues that are also attracting significant attention in Romania, including the operationalisation of the concept of work of equal value, gender pay gap reporting as well as organisational and stakeholder readiness. By combining methodologies, digital tools, training and stakeholder engagement, PAY DAY recognizes that successful implementation requires much more than the adoption of legal requirements.

The PAY DAY job evaluation framework is another relevant element. From a Romanian perspective, its main value lies not in promoting a standardized national grading structure, but in providing employers with a practical, gender-neutral methodology that can be used where robust job evaluation systems do not already exist, while remaining compatible with organisations that already operate established job evaluation frameworks or choose to adopt alternative methodologies. This flexibility is important, as compliance with the Directive should not require the replacement of existing job architecture or reward frameworks, nor the adoption of a single job evaluation approach, provided that the chosen methodology supports objective and gender-neutral decision-making.

The initiative's approach to pay gap reporting offers another potentially valuable lesson for Romania. Rather than creating a completely separate reporting exercise, PAY DAY seeks to build on remuneration data that employers already report through existing administrative channels. Importantly, the design appears to preserve the employer's central role in validating and complementing the information used for reporting purposes, including worker categorisation and other data elements that may not already be available through administrative reporting channels. This has the potential to reduce duplication of effort, improve consistency and lower the administrative burden associated with reporting.

A further strength is the availability of a voluntary digital reporting platform provided free of charge to employers. Beyond facilitating compliance, the platform can support methodological consistency by providing a common reporting structure and calculation logic. This is particularly relevant in light of discussions currently taking place in Romania, where employers express concerns regarding reporting formats, calculation methodologies, the interpretation of reporting requirements and the comparability of results. The availability of a common reporting tool may also reduce uncertainty regarding the interpretation of reporting requirements and improve comparability of results across employers. While the feasibility of replicating a similar model in Romania would require further assessment and adaptation to the national reporting and institutional context, the Slovenian experience highlights how practical implementation tools can help translate legislative requirements into operational processes.

The Mutual Learning seminar discussions in Ljubljana around the PAY DAY initiative also highlighted that the most significant practical challenge is not the calculation of gender pay gap indicators itself, but the establishment of meaningful categories of workers performing work of equal value and the interpretation of reporting outcomes. This suggests that future implementation support should focus not only on reporting processes, but also on guidance helping employers interpret results, understand potential root causes and identify appropriate follow-up actions. This point appears particularly relevant for Romania, where discussions increasingly focus on practical implementation challenges rather than on the principle of pay transparency itself.Another noteworthy aspect is the sequencing of legislative reform and implementation support. PAY DAY is being developed in parallel with the transposition process, enabling practical implementation challenges to be identified and addressed while the legislative framework is still being shaped. This integrated approach has the potential to reduce uncertainty and improve organisational readiness. The Romanian context differs in this respect, as the draft transposition law is already at an advanced stage of the legislative process. Nevertheless, the Slovenian experience highlights the benefits of developing practical implementation tools and guidance as early as possible rather than after legal obligations have already entered into force.

While the feasibility and desirability of adopting specific elements of the PAY DAY model would ultimately depend on national policy choices, institutional capacity and available resources, the initiative provides a useful reference point for addressing several implementation challenges that are particularly relevant in the Romanian context.

5. Conclusions and recommendations

The Romanian debate around Directive (EU) 2023/970 suggests that the main implementation challenges are likely to be practical rather than legislative. While the objectives of pay transparency are generally supported, organisations continue to seek clarity regarding work of equal value categories, employee information rights, gender pay gap reporting methodologies, data protection requirements and implementation readiness, particularly among SMEs.

In this context, future implementation efforts in Romania should focus not only on legal compliance, but also on the development of practical methodologies, reporting tools and guidance that can support consistent application of the new requirements. The Slovenian PAY DAY initiative provides a useful example of how implementation support can complement legislative reform. Its combination of methodologies, digital tools, training and stakeholder engagement helps reduce implementation uncertainty while preserving the flexibility needed for employers to adopt solutions that fit their own organisational context.

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Slovenian PAY DAY draft discussion paper.

Relevant Romanian legal and institutional framework:

Romanian legal and institutional framework. Relevant legislation includes:

- Law No. 53/2003 (Labour Code);
- Law No. 202/2002 on Equal Opportunities and Equal Treatment between Women and Men;
- Government Ordinance No. 137/2000 on Preventing and Sanctioning All Forms of Discrimination;
- Government Decision No. 933/2013 approving the Regulation on the Organisation and Functioning of the National Commission on Equal Opportunities between Women and Men;
- Law No. 108/1999 on the Establishment and Organisation of the Labour Inspectorate;
- Law No. 98/2016 on Public Procurement;
- Law No. 99/2016 on Sectoral Procurement;
- Law No. 100/2016 on Works Concessions and Service Concessions;
- Law No. 363/2018 on the Protection of Personal Data by Competent Authorities.