



## **Pay Transparency in Romania: What Companies Need to Keep in Mind**

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Much has been said recently about the EU Pay Transparency Directive (Directive (EU) 2023/970). It sets new standards for transparency and gender-based equal treatment in relation to pay.

Its implementation in Romania is still pending, and the deadline expires on **7 June 2026**. The national legislation is currently still only available as a **draft**, but it already shows quite clearly the direction in which things are moving.

Transposition will (have to) be one of the legislature's short-term priorities, meaning that it is high time for companies to understand the European and local requirements and, where necessary, start preparing.

### **Why This Matters Now**

Pay transparency is no longer solely a matter of equal treatment; it is becoming a real compliance issue for companies. The Directive and the Romanian draft aim to make unjustified pay differences between men and women visible and address them effectively.

At the center of the rules is not abstract equality, but the practical question of whether remuneration is based on objective, gender-neutral criteria. In particular, skills, effort, responsibility, and working conditions are relevant. It is important to note that, according to the purpose of the rules, remuneration should be determined less by reference to the employees themselves and more by reference to their work: the comparison is not between individuals, but between functions involving the same work or work of equal value.

### **Pay Structures**

A central issue is the design of pay structures. Companies must group employees into categories that reflect equal work or work of equal value. On that basis, clear pay ranges must be established so that pay decisions remain transparent and consistent.

Objective, gender-neutral criteria such as qualifications, responsibility, effort, and working conditions are decisive; purely discretionary or ad hoc decisions will no longer be sufficient in the future.

### **Transparency Starts in Recruitment**

A particularly noticeable change concerns the hiring process. Employers must provide the applicable pay range and transparent information, such as any relevant collective bargaining provisions, before the interview. In addition, they will no longer be allowed to ask applicants about their previous salary.

Also, the language of job ads and the overall structure of recruitment will matter more than before. Gender-neutral job titles, clear pay information, and objective criteria will no longer be merely good practice, but part of the mandatory standard.

### **Information Rights and Internal Structures**

Employees will be entitled, upon request, to receive information about their own pay and the average pay for the same or comparable work. The draft provides for a response deadline of 30 days; employees must also be informed proactively of this right on an annual basis..

Companies without organized data, categories, and pay logic will usually struggle to provide meaningful answers to simple questions. Internal structuring of pay is therefore not a luxury, but a prerequisite for transparency.

### **Reporting and Possible Consequences**

The obligations become particularly relevant for larger employers. The legislation provides for reporting duties to the authorities (ANES), depending on the employer's size, including information on the gender pay gap, also for variable pay components, and distribution across quartiles.

If an unjustified gender pay gap of at least 5% is found in a category and not corrected in time, a joint pay assessment becomes necessary. This brings the issue directly into day-to-day business practice: salary bands, job evaluation, and promotion criteria will be scrutinized for fairness, traceability, and consistency.

### **Confidentiality**

The often very strict approach to pay confidentiality is also set to change. Contractual or internal clauses that prevent employees from disclosing their pay will be unenforceable.

### **Risks in Case of Non-Compliance**

Violations may lead to fines ranging from RON 10,000 to RON 30,000. Affected employees may also claim back pay, damages, and the removal of discriminatory effects. For employers, another key point (besides their reputation) is that the burden of proof shifts once facts are presented that give rise to a presumption of discrimination.

### **Conclusion**

Companies should not wait until the Romanian rules enter into force before addressing this topic. Those who review pay structures, recruitment processes, information channels, and internal policies now will gain a clear organizational and legal advantage.

Once implementation takes place, what will matter in practice is not a quick reaction, but proper preparation.

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