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EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of the
European Social Charter

submitted by

THE GOVERNMENT OF BOSNIA AND HERZEGOVINA

(Articles 2, 4, 5, 6, 21, 22 and 28

for the period 01/01/2009 – 31/12/2012)

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BOSNIA AND HERZEGOVINA

**THE FOURTH REPORT OF BOSNIA AND HERZEGOVINA ON
IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER
/REVISED/**

**ARTICLES 2,4,5,6,21,22,28
(GROUP 3 – LABOUR RIGHTS)**

**REPORTING PERIOD:
1 DECEMBER 2008 - 31 DECEMBER 2012**

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INTRODUCTION

Bosnia and Herzegovina ratified the European Social Charter (revised) on 7 October 2008 and is delivering its Fourth Report on implementation of accepted provisions of the European Social Charter (revised) in accordance with Article 21 thereof.

This Report includes provisions of the European Social Charter (revised) from the third thematic group (labour rights) relating to articles: 2, 4, 5, 6, 21, 22&28, which Bosnia and Herzegovina accepted ratifying the Charter, for the period December 2008-December 2012.

The Report was prepared in accordance with the new reporting system, which was adopted by the Committee of Ministers of the Council of Europe on 31 October 2007, and in accordance with the form for reports to be submitted on the implementation of accepted provisions of the European Social Charter (revised)¹ and concentrates on all relevant information on adopted measures for the purpose of its implementation, on the following in particular:

- 1) The legal framework – any laws or regulations, collective agreements or other provisions that contribute to such application;
- 2) Measures taken (administrative arrangements, programmes, action plans, projects etc.) to implement the legal framework;
- 3) Pertinent figures, statistics or any other relevant information enabling an evaluation of the extent to which these provisions are applied.

All instructions derived from the interpretation of articles of the Charter given by the European Committee for Social Right and summed up as the Digest of the Case Law were taken into account so that the subject-matter of the provisions can be fully clear.

The Report is accompanied with the annex consisting of the main laws and regulations forming a foundation for implementation of the accepted provisions of the Charter, in the electronic version and in the language of the original.

In its responses, Bosnia and Herzegovina, whenever appropriate, was explicit in explaining:

- a. whether provisions concern the situation of nationals or whether they apply equally to nationals of other Parties;
- b. whether they are valid for the national territory in its entirety;
- c. whether they apply to all categories of persons included in the scope of the provisions.

The required information, statistical data in particular, is presented for the reporting period.

In accordance with Article 23 of the European Social Charter (revised), copies of this Report have been communicated to relevant employers' organizations and trade unions:

- The Confederation of Independent Trade Unions of Bosnia and Herzegovina,
- The Confederation of Trade Unions of the Republika Srpska
- The Trade Union of Brčko District of Bosnia and Herzegovina,
- The Association of Employers of Bosnia and Herzegovina,
- The Association of Employers of the Federation of Bosnia and Herzegovina,
- The Association of Employers of the Republika Srpska,
- The Confederation of Association of Employers of the Republika Srpska
- The Association of Employers of Brčko District of Bosnia and Herzegovina.

¹Adopted by the Council of Europe Committee of Ministers on 26 March 2008.

Article 2 – All workers have the right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1 to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

2 to provide for public holidays with pay;

3 to provide for a minimum of four weeks' annual holiday with pay;

4 to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;

5 to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;

6 to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;

7 to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

International instruments Bosnia and Herzegovina has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families,
- ILO Convention no. 14 concerning the Application of the Weekly Rest in Industrial Undertakings (1921),
- ILO Convention no. 91 concerning Vacation Holidays with Pay for Seafarers (Revised 1949),
- ILO Convention no. 106 concerning Weekly Rest in Commerce and Offices (1957),
- ILO Convention no. 109 concerning Wages, Hours of Work on Board Ship and Manning (Revised 1958),
- ILO Convention no. 132 concerning Annual Holidays with Pay (Revised) (1970)

Primary legislation (laws)

- Constitution of Bosnia and Herzegovina,
- Labour Law in the the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10);

- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No. 12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10, 40/12);
- Law on Salaries in the Institutions of BiH („Official Gazette of BiH“ No. 50/08);
- Law on Associations and Foundations of BiH („Official Gazette of BiH“, No. 32/01, 42/03, 63/08, 76/11);
- Law on the Labour and Employment Agency of BiH (“Official Gazette of BiH” No. 21/03, 43/09);
- Law on Movement and Stay of Aliens and Asylum, („Official Gazette of BiH“ No. 36/08, 87/12);
- Law on Police Officers of BiH („Official Gazette of BiH“, No. 27/04, 63/04, 5/06, 33/06, 58/06, 15/08, 63/08, 35/09, 7/12),
- Law on Service in the Armed Forces of BiH ("Official Gazette of BiH", No. 88/05, 53/07, 59/09, 74/10, 42/12);
- Constitution of the Federation of Bosnia and Herzegovina;
- Labour Law („Official Gazette of FBiH“, No. 43/99, 32/00, 29/03);
- Law on Civil Service of FBiH („Official Gazette of FBiH“, No. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06);
- Law on Safety and Health at Work («Official Gazette of SRBIH, No. 22/90);
- Law on Employees in the Civil Service of FBiH („Official Gazette of FBiH“, No. 49/05);
- Law on Employees’ Council («Official Gazette of BiH», No. 38/04)
- Law on Police Officers of FBiH („Official Gazette of FBiH“, No. 27/05, 70/08),
- General Collective Agreement for the Territory of FBiH (“Official Gazette of FBiH”, No. 54/05, 62/08)
- Collective Agreement for Employees in the Federation Ministry of the Interior (“Official Gazette of FBiH”, No. 44/04),
- Law on Declaration of 1 March the Independence Day in BiH ("Official Gazette of RBiH", No. 9/95);
- Law on Declaration of 25 November the Statehood Day of BiH ("Official Gazette of RBiH", No. 9/95);
- Constitution of Republika Srpska („Official Gazette of RS“, No. 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/03, 98/03);
- Labour Law (“ Official Gazette of RS” No. 55/07);
- Law on Safety and Health at Work (“Official Gazette of RS” No.1/08, 13/10);
- Law on Civil Servants (“ Official Gazette of RS” No. 118/8, 117/11, 37/12);
- Law on Workers’ Councils (“ Official Gazette of RS ” No. 26/01);
- Law on Inspection (“ Official Gazette of RS” No. 74/10);
- Law on Holidays of RS (“ Official Gazette of RS” No. 43/07) ;
- General Collective Agreement (“ Official Gazette of RS” No. 40/10);
- Statute of the Brčko District of Bosnia and Herzegovina;
- BD Labour Law - consolidated text („Official Gazette of BD" No. 19/06, 19/07, 25/08, 20/13);
- Law on Civil Service in the BD Public Administrative Bodies (“Official Gazette of BD”, No. 28/06, 29/0, 19/07, 2/08, 9/98, 44/08, 25/09, 26/09, 4/13);
- Law on Police Officers of BD („Official Gazette of BD“ No. 41/07, 4/08, 36/09, 60/10);
- BD Law on Safety and Health at Work („Official Gazette of BD“ No. 31/05, 35/05);
- BD Law on Safety and Health at Work („Official Gazette of BD“ No. 20/13).

Secondary legislation (by-laws)

- Rulebook on Keeping the Registry of Associations and Foundations of BiH and Foreign and International Associations, Foundations and Other Non-Profit Organizations („Official Gazette of BiH“, No. 44/10, 14/12);
- Decision on Terms and Conditions of the Annual Leave for Civil Servants and Employees in Ministries and Other Public Administrative Bodies of Bosnia and Herzegovina, Services, Bodies and Institutions of the Council of Ministers („Official Gazette of BiH“, No. 27/04);
- Decision on the Programme of Training of Newly Employed Civil Servants in the Institutions of BiH („Official Gazette of BiH“, No. 51/06);
- Decision of the Council of Ministers on the Special Bonus Pays to Professional Military Personnel in the Ministry of Defence and the Armed Forces of BiH ("Official Gazette of BiH ", No. 2/09);
- Decision on Terms and Conditions of the Annual Leave for High Officials and Their Counsellors in the Council of Ministers and the Ministries of BiH (“Official Gazette of BiH” No. 10/03);
- Decision on Working Time in the Federation Civil Service („Official Gazette of FBiH“ No. 17/06);
- Decree on Benefits Other Than Salaries ("Official Gazette of FBiH", No. 63/10 22/11, 66/11, 51/12);
- Instruction on Shifts in BD Police No. 05-2576/05, dated 21 December 2005;
- Employees' Work Rules in the Public Administrative Bodies of BD („Official Gazette of BD“ No. 2/07, 34/09);
- Decree on the Core Activities within Competences of the Civil Service That the Civil Servants Perform, Conditions for Such Activities and the Exercise of Certain Labour Rights (“Official Gazette of FBiH”, No.25/04, 3/06, 19/12).

Article 2, paragraph 1 - Reasonable daily and weekly working hours

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BIH

Pursuant to Article I, paragraph 2 and 3 of the Constitution of Bosnia and Herzegovina, (hereafter: BiH), BiH is a complex democratic country consisting of two entities: the Federation of Bosnia and Herzegovina (hereinafter: the FBiH) and the Republika Srpska (hereinafter: the RS) and Brčko District of Bosnia and Herzegovina (hereinafter: BD).

The whole country consists of 14 administrative units, with five levels of administration.

The FBiH consists of 10 Cantons. The Cantons consist of municipalities. There are 79 municipalities in the FBiH.

The RS consists of 62 municipalities.

Grounds for the exercise of all rights deriving from employment are found in the Constitution of Bosnia and Herzegovina (Annex 4 to the General Framework Agreement for Peace in

Bosnia and Herzegovina (hereinafter: GFAP) signed in 1995), in which Article II - Human Rights and Fundamental Freedoms, paragraph 1 provides that: Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms, paragraph 2 provides that: the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina and these shall have priority over all other laws and paragraph 3, point c) provides that: all persons have the right to be protected against slavery or servitude and forced or compulsory labour.

Pursuant to Article III, paragraph 3 of the Constitution Bosnia and Herzegovina, entities (FBiH and RS) and BD are responsible for regulating independently labour and employment as an inherent part of social policy.

The Labour Law in the Institutions of BiH („Official Gazette of BiH“ No. 26/04, 7/05, 48/05, 60/10), as *lex generalis*, respecting labour, governs employment, the right to reasonable working hours in terms of daily and weekly number of working hours, including overtime.

Article 19 of the Labour Law in the Institutions of BiH provides that the number of working hours is 40 hours a week, while Article 20 provides that overtime work does not exceed 10 hours weekly and can be ordered only in case of *force major* or an extraordinary increase of the workload or in cases of pressing need. The article provides for further limitations of overtime work and limits the duration of overtime to three weeks in a row and 10 weeks during one calendar year, with an obligation of the employer to inform thereabout in writing the Administrative Inspectorate of the Ministry of Justice of BiH. This Article also provides that a pregnant woman may not work overtime, while the mother of a child of up to three years of age or a single parent of a child of up to six years of age can work overtime provided that he/she provides a written statement of voluntary consent to such work. These provisions are aimed at protection of pregnant women, mothers of children of up to three years of age and single parents of a child of up to six years of age.

The Labour Law in the Institutions of BiH allows a possibility that, if the nature of the job so requires, full-time employment working hours may be re-distributed so that during one period they last shorter, and in another period longer than the full-time employment working hours, provided that the average of working hours shall not exceed 40 hours a week.

The Law defines that work in the period between 22 hours in the evening and 6 hours in the morning of the following day is considered night work

Working hours of employees in BiH institutions is 40 a week and the working hours are distributed into five working days, i.e. daily working hours are eight hours.

Articles 21 and 22 of the Labour Law in the Institutions of BiH regulate duties of an employee and provides for cases when an employee is obliged to work longer hours (overtime work), not exceeding 10 a week and for redistribution of working hours. Given the Law on Civil Service in the Institutions of BiH does not govern working hours of civil servants, the Labour Law in the Institutions of BiH applies.

Obligations deriving from the legal provisions include an obligation to define weekly working hours in employment contracts. Further, there is an obligation of the employer to inform about overtime work in writing the Administrative Inspectorate of the Ministry of Justice of BiH,

which takes appropriate measures in the event of non-compliance with the legal provisions respecting working hours.

Article 20 provides that an employment contract may also be concluded for part-time work provided that the employee exercises all the rights deriving from employment as a full-time employee, except for the rights depending on the duration of working hours.

The Administrative Inspectorate is obliged to prohibit overtime work introduced contrary to the provisions above.

The manner and procedure of the exercise of entitlements to overtime compensation is determined in the Decision by the Council of Ministers of BiH, VM 234/08 dated 29 December 2008.

Working hours in the Ministry of Security of BiH is governed in Articles 19, 20, 21, 22 of the Labour Law in the Institutions of BiH and Article 95 and 96 of the Law on Police Officers of BiH („Official Gazette of BiH“ 27/04, 63/04, 5/06, 33/06, 58/06, 15/08, 63/08, 35/09, 7/12).

Article 19 of the Law on Police Officers of BiH provides that the average working hours of employees is 40 hours a week.

Police officers work eight hours a day or in shifts (twelve hours) with hours off to compensate for longer hours (12 - 24 - 48 hours) if it is necessary to maintain continuous work and when certain assignments must be completed by a certain deadline or within a planned period of time.

Employees in the Ministry of Defence have the right to reasonable working hours both in a day and in a week, including overtime.

Article 55(1) of the Law on Service in the Armed Forces of BiH ("Official Gazette" 88/05, 53/07, 59/09, 74/10, 42/12) (hereinafter: the Law on Service) provides for 40 hours per week as full-time employment.

Paragraph (2) of the same article provides that the redistribution of working time must provide a break of 30 minutes in a working day for full-time employment, a daily rest of at least 12 consecutive hours between two consecutive working days and a weekly rest of at least 24 hours in a row.

Article 56 of the Law on Civil Service provides that the brigade commander, an officer of the same or higher rank may order for working more than full time in the following situations:

- a) increase in force readiness is announced,
- b) an emergency alert is announced in the military unit or institution,
- c) during military exercises,
- d) when a military unit is responding to emergencies caused by natural disasters and other hazards,
- e) while a duty officer or on similar duties,
- f) when discharging tasks whose suspension or interruption would be detrimental to military readiness or would result in substantial property damage or risk to life and limb of the militaries and others,

g) when it is needed to meet requirements under directives, regulations and orders of the Minister of Defense,

(2) Exceptionally, a commander in the position of the brigade commander or higher may order overtime hours in other extraordinary tasks of the military unit or institution.

(3) The work referred to in paragraph (2) of this Article may last up to 30 days in a calendar year and the order of the competent commander for that work must be in writing.

(4) Orders to work after hours for professional military personnel are made in accordance with directives, regulations and orders of the Minister of Defense.

Article 102(1)(c),(g)(h) of the Labour Law in the Institutions of BiH provides for a fine from BAM 800 to BAM 3,000 to be imposed on an employer who fails to conclude an employment contract with an employee or the employment contract does not contain information prescribed in Article 12 of this law (*inter alia* the duration of working hours) - point (c); who signs an employment contract stipulating working hours to exceed 40 hours a week – point (g); who introduces overtime when it is not allowed or fails to inform relevant body about introduction of overtime – point (h).

FBiH

The FBiH Labour Law („Official Gazette of FBiH“ 43/99, 32/00, 29/03) determines that an employment contract can be concluded for full time and part time employment.

Article 20 of the FBiH Labour Law provides that that the average working hours may not exceed 40 hours a week. Only full-time employees are entitled to a break during working hours in the duration of at least 30 minutes, which are not calculated in working hours.

Given the Law determines that the average working hours may not exceed 40 hours a week, the branch collective agreements determines the precise duration of working hours in full-time employment. Thus, bearing in mind Article 37 of the Labour Law, according to which a break during working hours in the duration of at least 30 minutes is not calculated in working hours, the majority of collective agreements determine that the average working hours may not exceed 37.5 hours a week.

Imprecise wording of working hours in full-time employment in the valid Labour Law has brought about in its application specific problems and arbitrary determination of the duration of working hours in full-time employment. For this reason, provisions of the new Labour Law which is in under deliberation, clearly define working hours in full-time employment at 37.5, any working hours shorter than that being considered part-time employment.

The working week can be organized into a set of five or six working days which is regulated in the branch collective agreements and employees' work rules, depending on the process of work and the type of business of the employer.

Working longer hours than full-time employment working hours is considered overtime that can be introduced in cases and in the manner determined by Law. Reasons for the introduction of overtime work are *force major* (fire, earthquake, flood) or an extraordinary increase of the workload and the like). The overtime cannot last for more than 10 hours a week.

If the overtime work of an employee exceeds three weeks in continuity or exceeds 10 weeks during one calendar year, the employer informs of the overtime work the authority in charge of labour inspection.

No overtime work is allowed for minor employees, while a pregnant woman, mother or an adoptive parent with a child of up to three years of age or a single parent or adoptive parent with a child of up to six years of age, may work overtime if he/she provides a written statement of voluntary consent to such work.

An employer who acts contrary to the articles of the provisions of the Law respecting overtime work perpetrates a misdemeanour carrying a fine and, besides it, the Labour Inspection prohibits such overtime work.

The Labour Law allows a reduction of working hours in jobs where, irrespective of the work protection measures, it is not possible to protect employees from harmful effects. The working hours are reduced in proportion to the harmful effect of the work conditions on health and working ability of the employees. In exercising the rights to salary and other rights deriving from employment and in relation to employment, reduced working hours are equalled with full-time employment working hours.

The jobs where working hours are reduced due to the harmful effects on health of the employees and the duration of the working hours are determined in the Employees' Work Rules and employment contract, in accordance with the separate Law on Safety and Health at Work which provides for the manner and procedure of reduction of working hours to this end.

The laws and by-laws governing employment of civil servants and employees determine that the average working hours may not exceed 40 hours a week distributed in at least 5 working days. The working hours apply to all civil servants and employees in FBiH: Federation, cantonal, city and municipal administrative authorities. The working hours can be distributed in 5 or 6 working days.

Distribution of working hours in the Federation administrative authorities is determined by the FBiH Government, while in the cantons, municipalities and cities it is done by respective statutory authorities. The FBiH Government issues a decision to determine the working hours. The working hours are determined in:

Article 48 of the Law on Employees in the Civil Service of FBiH ("Official Gazette of FBiH" 49/05) determines that working hours last 40 hours distributed in at least 5 working days.

The Decision on Working Time in the Federation Civil Service ("Official Gazette" 17/06) determines that the weekly working time in the Federation civil service, supporting services of the Federation Government and other bodies of the Federation government is 40 hours and is distributed within five (5) working days of eight (8) hours each.

Working hours of the Federation bodies start at 8 a.m.

A daily break of 30 minutes of which the use is determined by the head of the administrative body is not included in the working time.

Article 6 of the Law on Salaries and Benefits in BiH Institutions ("Official Gazette of BiH" 45/10, 111/12) provides for full-time employment working hours of 40 hours a week, too. Article 29 of the FBiH Labour Law determines that a full-time employee is entitled to a break during daily work in the duration of at least 30 minutes, while Article 40 of the Law provides that an employee may not be denied the right to a break during work, a daily rest period or a weekly rest period.

All other conditions applicable to annual leave under Articles 37 to 45 of the Labour Law are applicable to civil servants and employees in accordance with Article 47 of the Law on Civil Service of FBiH and Article 2 of the Law on Employees in the Civil Service of FBiH.

Overtime work is defined in the FBiH Labour Law, too, of which Article 32 determines reasons for overtime work and its duration. Reasons for overtime work are *force major* (fire, earthquake, flood) or an extraordinary increase of the workload or in cases of pressing need, when an employee is obliged to work longer hours at the employer's request, but the overtime work cannot last for more than 10 hours a week.

If the overtime work of an employee exceeds three weeks in continuity or exceeds 10 weeks during one calendar year, the employer informs of the overtime work the authority in charge of labour inspection.

If an employer fails to inform the relevant labour inspector about the introduction of overtime the employer is obliged to inform and if the employer requires an employee to work overtime contrary to Article 32 of the Labour Law, the employer perpetrates a misdemeanour, being liable for a fine from BAM 1,000 to BAM 7,000.

Working hours of employees in the Federation Ministry of the Interior (hereinafter: FMoI) are regulated in the Labour Law as the basic law and the Law on Police Officers of the Federation, the Law on Civil Servants of the Federation, the Law on Employees in the Civil Service of the Federation, as *lex specialis*.

Working hours last eight hours from 7.30 to 16.00 for civil servants and employees, with a daily break of 30 minutes, which is not paid. Working hours of police officers lasts eight hours, too and some police officers work from 7.30 to 15.30 with a paid daily break of 30 minutes and some police officers work in rotating shifts.

Unauthorized employees work five days a week and Saturday and Sunday are non-working days.

Authorized employees work in rotating shifts: two days in the first shift, two days in the second shift, two days in the third shift and two days are days off.

Overtime work in the Federation Ministry of the Interior cannot exceed 20 hours per week in accordance with Article 32 of the Federation Labour Law.

An overtime work rate paid to civil servants and employees is salary compensation for each hour of work increased by 50% of the amount of the base salary in accordance with Article 6(1)(a) of the Decree on Benefits Other Than Salaries ("Official Gazette" 63/10), while an overtime work rate paid to police officers is made in accordance with Article 37 of the Collective Agreement for Employees in the Federation Ministry of the Interior.

In accordance with Article 38(1) of the Collective Agreement for Employees in the Federation Ministry of the Interior ("Official Gazette" 44/04), rather than by salary increments, the hours of overtime may be compensated by hours off, provided that one overtime hour is one hour and 30 minutes in compensation.

RS

The right to just conditions of work is guaranteed by the RS Labour Law ("Official Gazette" 55/07), the Law on Workers' Councils ("RS Official Gazette" 26/01), the Law on Inspection ("Official Gazette RS" 74/10), the Law on Holidays of Republika Srpska ("RS Official Gazette" 43/07) and the General Collective Agreement ("RS Official Gazette" 40/10).

Article 40 of the RS Labour Law provides that full-time employment working hours are 40 hours a week. An employee may conclude a contract for a full-time job with only one employer, which means that he/she works full-time employment working hours with only one employer. The Law does not provide for daily working hours. They depend on the organization of work with the employer over a working week. An employer is obliged to schedule working hours for at least 30 days in advance and announce the schedule in the way accessible to all employees and to keep a shift list recording attendance of employees so that weekly working hours cannot exceed 40 hours. If the work with a particular employer is organised in shifts, the shift rotation is made at the times and in the way specified by the collective agreement, rule book and employment contract.

The Law (Article 41) allows a reduction of working hours in jobs where, in spite of the compliance with health and safety regulations, there are harmful effects of the working conditions on health of the employees. The working hours are reduced in proportion to harmful effects, but not more than by 10 hours a week (jobs performed under hazardous working conditions – 3D jobs). The reduction of the working hours is decided on by the ministry in charge of labour, at the request of the employer, the worker concerned, a labour inspector or the trade union, on the basis of an analysis by recognised scientific or expert organisation. As to the exercise of employees' rights, the reduced working hours are equalled to working full-time. Therefore, this is not about a reduction of working week in order to increase productivity but due to working in jobs performed under difficult/hazardous working conditions.

The General Collective Agreement contains only one provision (Article 13), which refers to working hours, which determines that an employer who organizes work in shifts makes the shifts at the time and in the manner determined in the branch and collective agreements, employees' work rules and employment contracts. Only two Branch Collective Agreements out of 16 (RS Energy Collective Agreement ("Official Gazette of RS" 31/08) and the Special Collective Agreement for Employees in Education and Culture Matters ("RS Official Gazette" 17/08, 26/09) contain provisions relating to working hours and mainly determine distribution of working hours in a five-day working week, while regulation of schedules, shift work, daily and weekly rest are delegated to the Employees' Work Rules.

Articles 14, 26, 56 and 60 of the RS Law on Inspection provide that the inspection authorities cooperate directly with the Ministry of the Interior of RS in accordance with the law and that the mandatory immediate cooperation involves taking measures by officers of the Ministry to

ensure smooth performance of the inspection by an inspector who is obstructed or prevented from performing inspection; that the labour inspection performs inspection in respect of compliance with the regulations pertaining to the following: employment, labour and labour relations, safety and health at work and other areas set forth in the legislation; that, based on the facts and circumstances found in an inspection, an inspector takes administrative measures and actions and can also take simultaneously a number of measures provided for in this Law and other laws.

The RS Labour Law provides for fines for misdemeanours which are perpetrated when an employer requires an employee to work longer than his/her working hours contrary to Article 40(1) of the Labour Law (weekly working hours exceeding 40 hours) and if the employer fails to make a schedule of working hours or fails to keep a shift list recording attendance of employees under Article 40(3) of this Law. For these misdemeanours the employer is fined in an amount from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

Article 83(1) of the Law on Police Officers ("RS Official Gazette" 43/10, 78/11) provides for the average working time of 40 hours per week, including rest periods during the day prescribed by applicable law. The usual working time is 8 hours per day, and the Director may specify longer hours in the following cases:

- a) when it is necessary to maintain continuous work and
- b) when certain assignments must be completed by certain deadline or within a planned period of time.

Paragraph 2 of the article provides that in the case of urgent job or assignment by a certain deadline or within a specified period of time, an order is issued to police officers to work overtime and paragraph 3 of the article provides that overtime work under paragraph 2 of this Article may last up to 4 hours a day and not more than 20 hours a week or 150 hours in a calendar year.

Article 84 of the Law provides that a police officer is obliged to work under difficult/hazardous conditions when such conditions are necessary to complete assignments ordered the MoI and the specific conditions are: an extraordinary schedule, split shifts, shift work, work on Saturdays and Sundays, public holidays and other days off, work at night and work on certain sites, when required by the security reasons and when that is the only way to complete certain assignments in a specified period, as decided by the Chief of Police.

Article 10 of the Special Collective Agreement for Employees in the Ministry of the Interior of RS ("Official Gazette of RS" 72/06, 16/08) stipulates that overtime work cannot be ordered to:

- a pregnant woman and the mother of a child under 3 years of age,
- an employee under 18 years of age,
- a single parent or adoptive parent of a child under 6 years of age,
- an employee disabled in wartime or at work with 70% and higher degree of physical disability,
- an employee with poor health whose health would deteriorate due to overtime work, as stated in a doctor's opinion.

Article 12 of the Collective Agreement for Employees in the Ministry of the Interior of RS provides that night work is work between 22 hours and 6 a.m. the next day and Article 134 provides that night work is prohibited for:

- employees under 18 years of age,
- pregnant women,
- mothers with children under three years of age.

In the period 2008 – 2012, the labour inspectors found 23 irregularities and violations of rights respecting daily and weekly working hours and took necessary measures and actions to rectify them.

BD

In BD the right to just conditions of work is governed by the BD Labour Law - consolidated text („Official Gazette of BD" 19/06, 19/07, 25/08) and the Law on Civil Service in the BD Public Administrative Bodies (“Official Gazette of BD” 28/06, 29/0, 19/07, 2/08, 9/98, 44/08, 25/09, 26/09, 4/13) (hereinafter: Law on Civil Service).

Article 22 of the BD Labour Law determines that the number of working hours is 40 hours a week. An employment contract may also be concluded for part-time work. An employee, who has signed the employment contract for part time work, is entitled to sign a number of such contracts and thus accumulate full-time employment working hours. The Labour Inspectors of BD are in charge of overseeing of enforcement of these provisions.

Article 25(3) of the Law on Amendments to the Labour Law ("Official Gazette of BD" 20/13), provides for a possibility that an employee may work overtime up to 10 hours a week and up to 300 hours in a calendar year at the request of employer provided that the employee gives a written consent.

In the period 2008 – 2012, the labour inspectors found 23 irregularities and took necessary measures and actions to rectify them.

The labour inspectors found irregularities respecting working hours of employees with the employers. When they found the irregularities, they issued decisions ordering that irregularities would be rectified and in serious cases they filed misdemeanour charges or issued tickets in accordance with the law.

Article 70 of the Law on Civil Service determines that full-time employment working hours of civil servants and employees is 40 hours a week, that the mayor may decide on shorter working hours in certain jobs in accordance with a separate law, that a civil servant/employee may also conclude an employment contract for part-time work and then he/she exercises all the rights deriving from employment as a full-time employee, except for the rights depending on the duration of working hours (salary, benefits etc.), in accordance with the law or employment contract in which case such rights are founded on proportional basis.

Article 71 of the Law on Civil Service regulates overtime work:

- Paragraph (1) determines that, in case of *force major* or an extraordinary increase of the workload, as well as in cases of pressing need, the mayor or the head of administrative authority may require that a civil servant/employee should work overtime not exceeding 12 hours a week so that the total working hours will be 52 hours.

- Paragraph (2) determines that, if the overtime work of an employee exceeds three weeks in a row or exceeds 10 weeks in one calendar year, the administrative authority informs of the overtime work, in written form, the Administrative Inspectorate prior to it.
- Paragraph (3) determines that a civil servant/employee may consent, at the request of their mayor or the head of administrative authority, to work overtime not exceeding 10 hours a week, provided that that the total overtime work will not exceed 22 hours a week.
- Paragraph (4) determines that other issues relevant to overtime work are regulated in accordance with the Labour Law, the administrative inspector being in charge of oversight of the enforcement of these provisions.
- Paragraph (5) determines that overtime work is compensated by days off in the manner and procedure set forth in the Employees' Work Rules.

Article 44(1)(b) of the Law on Police Officers of BD ("Official Gazette of BD" 41/07, 4/08, 36/09, 60/10) provides for the right of police officers on leave in accordance with the law.

Article 109 of the Law prescribes that the average working hours are 40 hours per week; a break during the day up to 30 minutes does not count as working hours; usual working time is eight hours a day, police officers work in shifts because the jobs performed by police officers requires twenty-four-hour presence.

Article 110 provides for the limitation of overtime and, in certain circumstances and dictated by needs of the service, it can last up to four hours a day and a maximum of 20 hours a week.

The Instruction on Shifts in BD Police No. 05-2576/05 dated 21 December 2005 regulates in details shift work of police officers.

Articles 61 to 66 of the Law on Police Officers of BD prescribe the rights and duties of police officers, civil servants and employees in BD Police. These articles generally define police powers, basic duties, education and training of police officers. The rights and obligations of civil servants and employees in BD Police are governed in the Law on Civil Service in the BD Public Administrative Bodies.

Articles 70, 71, 72 and 73 of the Law on Civil Service govern full-time employment working hours of civil servants, overtime work, daily and weekly rest, which also applies to both civil servants and employees in Police;

- full-time employment working hours of civil servants and employees is 40 hours a week; overtime work, in certain circumstances, may be up to 12 hours a week; with consent of an employee, overtime work may last 22 hours a week at the most; overtime is compensated for with hours off, which is elaborated in more details in the Employees' Work Rules; which also applies to both civil servants and employees in Police.

The Employees' Work Rules in the BD Public Administrative Bodies („Official Gazette of BD“ No. 2/07, 34/09) regulates in details: rights of the employees; conduct of civil servants and employees, the right to just conditions of work, the right to salary and other benefits, the right to equal treatment and equal opportunities for promotion, the right to protection from unjust transfer or removal from the workplace, the right to appeal, the right to organize, the right to permanent employment, the right to limited working hours and holidays, the right to severance pay, the right to sick leave, the right to protection of physical and moral integrity, the right to strike.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply pertinent figures, statistics or any other relevant information, in particular: average working hours in practice for each major professional category; any measures permitting derogations from legislation regarding working time.

RS

USUAL AVERAGE WEEKLY HOURS OF WORK ON MAIN JOB BY TYPES OF
ECONOMIC ACTIVITY AND SEX

Year	2008	2009	2010	2011	2012
TOTAL	45.6	44.2	43.9	42.2	43.3
Agricultural industries	49.1	47.0	45.2	41.1	44.2
Non-agricultural industries	45.7	43.8	44.3	43.9	43.6
Service industry	42.9	42.1	42.8	42.2	42.4

Source: RS Statistics Agency

USUAL AVERAGE WEEKLY HOURS OF WORK ON MAIN JOB BY
OCCUPATIONAL GROUPS AND SEX

Year		2012	2011	2010	2009	2008
ARMED FORCES OCCUPATIONS	0	42.0	40.0	41.6	42.4	39.7
MANAGERS	1	42.6	43.0	43.0	43.0	42.4
PROFESSIONALS	2	39.7	39.2	39.3	39.3	39.4
TECHNICIANS AND ASSOCIATE PROFESSIONALS	3	41.9	41.2	41.9	40.6	41.0
CLERICAL SUPPORT WORKERS	4	41.3	41.0	42.0	41.8	41.6
SERVICE AND SALES WORKERS	5	45.0	44.0	44.4	44.2	45.2
SKILLED AGRICULTURAL, FORESTRY AND FISHERY WORKERS	6	43.9	40.9	45.5	48.5	49.7
CRAFT AND RELATED TRADES WORKERS	7	43.6	43.7	45.7	43.6	46.0
PLANT AND MACHINE OPERATORS AND ASSEMBLERS	8	44.5	44.0	45.5	45.3	47.4
ELEMENTARY OCCUPATIONS	9	43.2	43.8	42.1	40.1	44.1

Source: RS Statistics Agency

BD

In 2012 employees of BD Police (police officers, civil servants and employees) had a total of 33,333 hours of overtime work, which were compensated for with days off. Accordingly, the

procedure of hiring new employees in accordance with the approved 2013 budget is underway.

Article 2, paragraph 2 - The right to public holidays with pay

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Workers are guaranteed the right not to work on public holidays. Employees exercise this right in accordance with the Entity laws on public holidays, as BiH has not passed a law regulating this particular area at the State level.

The right to compensation for work during public holidays is governed in Article 36 of the Law on Salaries and Benefits in BiH Institutions ("Official Gazette of BiH" 50/08, 35/09, 75/09, 32/12, 42/12, 50/12, 32/13). The method and procedure for the exercise of the right to compensation for work on public holidays are determined in the Decision of the Council of Ministers, VM 234/08 dated 29 December 2008. For the time spent at work during public holidays, an employee is entitled to reimbursement of base salary in proportion to the duration of the work, increased by 35%.

The right to compensation for work during public holidays in the Ministry of Security is in line with the Entity legislation defining public holidays. Employees of the Ministry of Security use paid leave on public holidays depending on the place of residence, i.e. the employees residing in the RS use paid leave on public holidays defined in the Law on Public Holidays of Republika Srpska and the employees residing in the Federation use paid leave on public holidays defined in the Law on Public Holidays in the Federation.

Police officers of the Border Police, as well as employees of the Department for the Reception and Accommodation - Immigration Centre within the Foreigners' Affairs Department and the Operational Communications Centre of the Ministry of Security work in three shifts, so they work on public holidays, too. Compensation for work on public holidays is calculated in accordance with the Law on Salaries and Benefits in BiH Institutions.

Article 62 of the Law on Service in the Armed Forces of BiH provides that a professional military person receives an increase of the base salary in the amount of 20%, but then he/she is not entitled to compensation for work in excess of statutory working time, night work, work on public holidays, work as duty officer, mandatory attendance and stand-by duty.

FBiH

In FBiH, there is no single law on public holidays. Public holidays are celebrated on the grounds of separate laws and laws taken over from the previous legal system. Although there have been several initiatives and attempts to pass a single law on public holidays in both FBiH and at the State level, because of the lack of political will, no results have been achieved.

The Law on Public Holidays ("Official Gazette of RBiH" 2/92, 13/94), which was taken over and which is applied as a Federation law in compliance with the Constitution of FBiH, determines that the following international holidays are celebrated in the Federation:

- a) New Year - celebrated on 1 and 2 January
- b) First of May - Labour Day is celebrated on 1 and 2 May.

If one of the days when New Year and Labour Day are celebrated falls on Sunday, the next day after the two days is considered a holiday.

The Law Declaring 1 March the Independence Day of BiH ("Official Gazette of BiH" 9/95) determines that 1 March is a holiday and on that day the authorities, businesses and other legal entities do not work.

The Law Declaring 25 November the Statehood Day of Bosnia and Herzegovina ("Official Gazette of BiH" 9/95) determines that 25 November is Statehood Day of Bosnia and Herzegovina and on that day public authorities, businesses and other legal entities do not work.

Should the need arise for working on public holidays, compensation for work on public holidays is provided for public servants and employees, which is found in Article 24(1) of the Law on Salaries and Benefits in the Authorities of the Federation, while the amount of the compensation is determined in Article 6(1)(d) of the Decree on Benefits Other Than Salaries ("Official Gazette" 63/10, 22/11, 66/11, 51/12) and the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities in FBiH („Official Gazette" 23/00, 50/00), where Article 27(2) provides that, for the work on a public holiday, civil servants are entitled to reimbursement of salary and a salary increment of at least 50%.

Police officers and employees in the Federation are also entitled to a salary increment of at least 50% for work on public holidays.

Article 71 of the Labour Law establishes the right of employees to a salary increment for difficult working conditions, overtime and night work and for work on Sundays and public holidays in accordance with the collective agreement, employees' work rules and employment contracts.

Article 72 of the Labour Law provides for the right of employees to salary for the period in which he/she does not work for legitimate reasons defined by law, cantonal regulations, collective agreement and employees' work rules.

On the grounds of this provision, employees are entitled to salary compensation on public holidays, which are statutory non-working days.

Should employees work on a public holiday due to requirements of the work process, they are entitled to a salary increment by at least 50% in accordance with the General Collective Agreement.

Article 69 of the Labour Law provides that an employer may not pay to an employee a salary that is less than the one determined in the collective agreement, employees' work rules and employment contracts.

An employee who acts contrary to this provision is liable to a fine in an amount from BAM 1,000 to BAM 7.000.

In practice, in the Federation, regardless of the fact that the laws on public holidays clearly determine that businesses do not work on public holidays, this provision is respected and applied mainly by public authorities and public institutions, while most employers, regardless of the type of activity performed, work full-time employment working hours. A lack of penalties for such conduct does not allow inspectors to appropriately act and they can only inspect payments of salary increments for work on public holidays.

The right of employees not to work during religious holidays established in Article 47 of the Labour Law, which provides that an employer must grant employees a leave of absence of up to four days in one calendar year for their religious and traditional practices, an absence of two days being with salary compensation - paid leave.

There are no penalties provided for possible violations of the right, but the employee can seek protection of the right before the competent court in accordance with Article 103 of the Labour Law.

RS

Article 95 of the RS Labour Law determines *inter alia* the right to compensation while using public holiday in an amount of at least 100% of the average salary the employee earned in the appropriate previous period of time or would have earned if he had been working. Article 7 of the Law on Public Holidays of RS determines which religious holidays are public holidays in RS. In addition, Article 8 of the Law provides for the right to paid leave, by one's own choice, of two days in a calendar year on the days of one's own religious holidays.

The RS has five public holidays which are celebrated for seven days and, if the second day of the holiday that is celebrated for two days falls on Sunday, it is transferred to Monday. There are eight religious holiday that are celebrated in the RS for two days, which means 14 days altogether. Employees are entitled to compensation for the public holidays in accordance with the Labour Law and they are: a) New Year b) Day of the Republic, c) International Labour Day, g) Day of Victory over Fascism, d) Day of the General Framework Agreement for Peace in Bosnia and Herzegovina.

Further, employees are entitled to compensation for religious holidays that are public holidays in the RS celebrated according religious affiliation: a) the Orthodox Christmas b) Catholic Christmas, c) Kurban Bayram, d) Orthodox Good Friday, e) Orthodox Easter, f) Catholic Good Friday, g) Catholic Easter, h) Bayram. The General Collective Agreement and Branch Collective Agreements do not contain provisions governing compensation for salary for the public holidays under the Law on Public Holidays, but regulate only the matter of salary increments of employees working on public holidays.

The General Collective Agreement and 17 Branch (Special) Collective Agreements govern the matter of salary increments for work on public holidays. So, Article 28 of the General Collective Agreement provides that the base salary is increased for *inter alia* work on days of public holidays and other non-working days at least by 50%. In the Branch Collective Agreements and employees' work rules, employers may increase the salary by higher

percentage than the one set forth in the General Collective Agreement, which hardly happens in life.

The Labour Law provides for fines to be imposed on an employer who perpetrates misdemeanours if „he denies or pays salary or compensation in the amount lower than the one determined by law, in the collective agreement, the employees’ work rules or employment contract or if he fails to pay salary within statutory timelines (Articles 90 to 96). These misdemeanours carry a fine from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

BD

The Law on Public Holidays of BD ("Official Gazette of BD" 19/02) determines public holidays in BD and they are:

- New Year (1 and 2 January)
- Day of the Establishment of the District (8 March),
- Labour Day (1 and 2 May).

If any of the public holidays falls on Sunday, the first day after the holiday is a non-working day.

Days off for religious holidays are determined in a decision of the District Assembly for each calendar year.

Article 60 of the BD Labour Law provides for the right to salary increments for work on Sundays or public holidays, overtime and night work, while Article 61 of the Law provides that an employee is entitled to compensation for the period in which he/she does not work for legitimate reasons defined by law, cantonal regulations, collective agreement and employees’ work rules.

Article 111 of the Law on Amendments to the Labour Law of BD („Official Gazette of BD“ 20/13) provides for a fine in an amount from BAM 1,000 to BAM 7,000 for violations of Articles 60 and 61 of the Law.

Article 8 of the Law on Salaries of Employees in the BD Public Administrative Bodies („Official Gazette of BD“ 14/06, 41/06, 3/13) provides that employees are entitled to base salary during public and religious holidays, while Article 9 provides for salary increments for night work, work on weekends and during the holidays; (base salary of employees is increased for the time spent at night by 30%, for work on Saturdays and Sundays by 20%, for the work on holidays by 35%; the salary increments above are not mutually exclusive.

Police officers are not entitled to salary increments for work at night and work on Saturdays and Sundays.

Besides the Law on Public Holidays of BD, the BD Assembly decides on the establishment of non-working days during important religious holidays, while Article 81 of the Law on Civil Service defines that a civil servant or employee is entitled to paid leave on religious holidays for two days in a calendar year.

Article 95(5) of the Law on Police Officers of BiH, provides for salary increments for work on public holidays and then the base salary is increased for work on public holidays by 35%.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) Please supply pertinent figures, statistics or any other relevant information, if appropriate.**

Article 2, paragraph 3 – The right to a minimum of four weeks’ (20 calendar days) annual holiday with pay

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BiH

The right to annual holiday with pay is governed by the Labour Law in the Institutions of BiH (art. 25-29) and by the Law on Civil Service (Article 46). For each calendar year, an employee is entitled to paid annual leave in the duration of at least 18 working days and 30 working days at the most, which is provided for in Article 25 of the Labour Law in the Institutions of BiH.

An employee is entitled to an annual leave after he has worked for a minimum of six (6) months (Article 26(1)), i.e. a proportional number of working days for each month of work, if he/she does not meet the previous requirement (Article 26(2)). Paragraph 3 of this Article provides that absence from work due to temporary incapacity, maternity leave, military training or other absence not of employee’s own accord are not to be considered an interruption of service, so they cannot be deemed an interruption nor may the employee be denied the right to full annual leave if this period is counted as a period of six months of uninterrupted employment.

The Law provides for a minimum annual leave and thereby guarantees an annual leave of at least four weeks in a year, provided that the number of days is increased in proportion to the criteria set out in the Decision on Terms and Conditions of the Annual Leave for Civil Servants and Employees in Ministries and Other Public Administrative Bodies of Bosnia and Herzegovina, Services, Bodies and Institutions of the Council of Ministers.

In addition to the statutory minimum number of days of annual leave, the Law also provides for the maximum number of days of annual leave and it is 30 working days. The Law determines what days are included in the days of annual leave, excludes weekends/non-

working days, as well as public holidays and other days recognized as pensionable period of service.

Likewise, the Law leaves an option of using annual leave in one or two parts, with the first part of annual leave to be taken without interruption for at least 10 days and the remainder of the leave until 30 June next year. The head of the institution approves the annual leave to employees by issuing a decision (rjesenje) on annual leave (Article 28(4) of the Labour Law in the Institutions of BiH).

The Law provides for the right of an employee to take one day of annual leave when he/she so wishes, with the obligation to inform the employer to this effect at least three days before taking it. Article 29 of the Labour Law provides that an employee may not waive his/her right to take annual leave nor may he/she be denied the right to take annual leave, nor may he/she be paid compensation in lieu of annual leave.

An annual leave may be taken in one or two parts, provided that, if it is taken in two parts, the first part of annual leave is to be taken without interruption for at least 10 days and the remainder of the leave until 30 June next year (Article 28(1)).

Article 30 of the Labour Law in the Institutions of BiH provides that an employee is entitled to paid absence from work of up to five working days in one calendar year in the case of marriage, wife's birth-giving, serious illness or death of a close family or household member or exceptionally up to six working days to meet his/her religious or traditional or other needs, provided that the absence of two days in this case is a paid leave of absence. This paid leave is used independently of annual leave.

Article 46 of the Law on Civil Service in the Institutions of BiH regulates the right of civil servants to annual leave.

In accordance with this Article, civil servants take annual leave depending on the position in which they are employed according to the Rulebook on the Internal Structure or a decision on appointment. So, the civil servants in the position of an officer, senior officer or expert advisor are entitled to annual leave of at least 20 working days.

The civil servants in the positions of heads of internal organizational units and appointed to managerial positions (assistant ministers and chief inspector) are entitled to annual leave of at least 25 working days.

All civil servants are entitled to paid leave for up to five working days.

The Decision on Terms and Conditions of the Annual Leave for Civil Servants and Employees in Ministries and Other Public Administrative Bodies of Bosnia and Herzegovina, Services, Bodies and Institutions of the BiH Council of Ministers no. 24/04 dated 27 May 2004 determines terms and conditions of the annual leave for civil servants and employees in ministries and other public administrative bodies of Bosnia and Herzegovina, services, bodies and institutions of the BiH Council of Ministers. The total length of annual leave for civil servants and employees, with all the criteria fulfilled, may not exceed 30 working days (paragraph 4 of the Decision). In accordance with this Decision, the civil servants and employees who have at least 6 months of continuous service can exercise this right. If the termination of employment is more than eight days, employees and civil servants are entitled to three days of paid leave for each full month of employment.

The Decision on Terms and Conditions of the Annual Leave for High Officials and Their Counsellors in the Council of Ministers and the Ministries of BiH No. 10/03 regulates the right to annual leave of the ministers, deputy ministers and their counsellors.

In accordance with the Decision, a minister and a deputy minister are entitled to annual leave of at least 27 working days. In accordance with this Decision, the number of working days of annual leave is increased depending on the length of service, but will not exceed 30 working days.

The Law on Police Officers of BiH governs the right to paid annual leave and statutory paid leave of employees in some of the institutions of BiH, i.e. the Ministry of Security.

Article 57(1) of the Law on Service in the Armed Forces of BiH provides for the right of professional military personnel to annual leave depending on years of pensionable service:

- a) up to 10 years of pensionable service – 20 working days;
- b) from 10 to 20 years of pensionable service – 25 working days;
- c) 20 and more years of pensionable service – 30 working days.

Article 58 of the Law on Service in the Armed Forces of BiH governs annual leave:

“1) Annual leave shall be fully used during the calendar year.

(2) Notwithstanding paragraph (1) above, annual leave may be taken in two parts based on a request of the serviceman and needs of the service.

(3) If a professional soldier/officer takes his/her annual leave in parts, the first part of the leave period of at least ten working days shall be taken in the calendar year, while the second part shall be taken by 30 June next year.

(4) Professional military personnel cannot waive the right to annual leave nor may it be denied to him, nor may compensation be paid in lieu of unused annual leave.

(5) Professional military personnel take annual leave in accordance with the annual leave schedule.

(6) If a professional soldier/officer has not begun his/her annual leave during the calendar year, he/she shall take it in full by 30 June next year.

Article 59 of the Law on Service in the Armed Forces of BiH provides for conditions of and authorisation for interrupting or delaying an annual leave.

A professional soldier/officer's annual leave may be interrupted or delayed or he/she may receive an order not to leave the place of residence if the immediate performance of a defence job so requires as long as such reasons exist, in a decision of the Minister of Defence.

Article 102(1)(i) of the Labour Law in the Institutions of BiH provides for a fine to be imposed on an employer in the amount of BAM 800 to BAM 3,000 if the employer denies the right to annual leave or pay the employee compensation for unused annual leave.

FBiH

The right to annual leave is guaranteed by the FBiH Labour Law which provides for a paid annual leave in the duration of at least 18 working days. An employee employed for the first time or with an interruption of work between two jobs exceeding eight days is entitled to annual leave after six months of continuous work.

The law guarantees a minimum duration of annual leave, while a total length of annual leave is determined in accordance with the collective agreement which sets criteria for longer annual leave such as length of work experience, health status of an employee, level of education, social status, motherhood and the like.

In the Federation the right to compensation for salary during annual leave, the manner, terms and conditions under which it is calculated and paid is governed in, apart from the Labour Law, the General Collective Agreement and the Employees' Work Rules.

All other terms and conditions for use of annual leave are set out in Articles 37 to 45 of the Labour Law and apply to the civil service.

Article 41 of the FBiH Labour Law provides for the right of employees to "paid annual holiday" so that the matter is not disputable and it is not challenged in practice. An employee receives his/her average or normal salary during the annual leave. Article 19 of the General Collective Agreement for the Territory of FBiH provides that an employee is entitled to an annual leave bonus in the amount of at least 50% of the average net salary earned by all employees of the employer in the month preceding the payment of bonus, provided that the employer did not end the previous financial year with a loss.

Article 42 provides that an employee employed for the first time or with an interruption of work between two jobs exceeding eight days shall be entitled to annual leave after six months of continuous work. If he/she has not qualified for an annual leave as provided above, he/she is entitled to at least one day of annual leave for each full month in accordance with the collective agreement, employees' work rules and employment contracts.

Article 43(2) of the Law provides that the duration of an annual leave does not include the period of temporary incapacity for work, holidays which are non-working days, other absences from work that are included in pensionable service.

This Article provides that an annual leave does not include weekly rest periods.

Article 44 provides for a possibility of taking an annual leave in two parts, provided that, if it is taken in two parts, the first part of annual leave is to be taken without interruption for at least 12 days and the remainder of the leave until 30 June next year.

Article 45 of the Law provides that an employee cannot waive the right to annual leave nor may it be denied to him, nor may any compensation be paid in lieu of unused annual leave.

Denying the right to annual leave an employer perpetrates a misdemeanour under the Labour Law carrying a fine from BAM 1,000 to BAM 7,000.

A minor employee is entitled to a longer annual leave, i.e. in the duration of at least twenty-four working days, and, if it is not possible for an employer to protect an employee from harmful hazards related to the workplace, the employee is entitled to annual leave of at least thirty working days.

In order to bring the length of annual holiday in line with the provisions of the European Social Charter, the new FBiH Labour Law, which is in the process of adoption, provides for the right to annual leave of 20 working days (corresponding to the requirement of 4 weeks

under the Charter) for all employees equally, with a possibility of its extension in accordance with the collective agreement, employees' work rules and employment contracts.

The legislation that governs labour relations and employment of civil servants provides for an annual leave of at least 20 working days in a calendar year, except for the Law on Employees in the Civil Service of FBiH, which determines a minimum of 18 days.

Article 48 of the Law on Civil Service of FBiH („Official Gazette of FBiH“ 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, 4/12) provides for a minimum number of days of annual leave of 20 working days and for a maximum number of days of annual leave of 30 working days in a calendar year.

The Law on Employees in the FBiH Public Administrative Bodies („Official Gazette of FBiH“ 49/05) provides that an employee is entitled to paid annual leave in the duration of at least 18 working days and 30 working days at the most, provided that the duration of annual leave of each employee is determined in the Rulebook on Labour Relations of the particular civil service authority in accordance with the collective agreement.

Article 33 of the Decree on Core Activities within Competences of the Civil Service Performed by Civil Servants, the Conditions for Such Activities and the Exercise of Certain Labour Rights ("Official Gazette" 25/04, 3/06, 19/12) defines criteria for determining the duration of annual leave.

Articles from 12 to 18 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities in FBiH ("Official Gazette" 23/00, 50/00) determine terms and conditions of annual leave, too.

A new Law on Civil Servants and Employees in Public Administrative Bodies of the FBiH has been deliberated and passed in the FBiH House of Representatives and it has not been passed in the FBiH House of Peoples, so it has been returned to follow the procedure again. The draft law provides for the civil servants' right to annual leave of at least 20 working days.

The total duration of annual leave of police officers is regulated by the Law on Police Officers of the Federation and cantonal laws on police officers.

Police officers are entitled to a paid annual leave of at least 18 and a maximum of 30 working days, depending on length of service. Article 48 of the Law on Civil Service of the Federation provides that civil servants are entitled to annual leave of at least 20 and a maximum of 36 working days and, pursuant to the same article, heads of internal organizational units/high officials are entitled to annual leave of at least 25 and a maximum of 36 working days, while, in accordance with Article 49 of the Law on Employees in the Civil Service of the Federation, employees are entitled to annual leave of at least 18 and a maximum of 30 working days.

RS

Article 57 of the Labour Law provides that a worker is entitled to annual leave after six months of continuous work and the duration of the annual leave is at least 18 working days, while a minor worker is entitled to at least 24 working days. A worker who works under difficult/hazardous working conditions is entitled to at least 30 working days.

Collective Agreements govern the matter of annual leave, too. Article 15 of the General Collective Agreement determines that the annual leave defined in the Labour Law (18 working days) increases by one day for each three pensionable years of service. It also provides for a possibility of branch and special collective agreements providing other grounds for increasing the annual leave defined in the Labour Law and the General Collective Agreement. Article 16 of the General Collective Agreement provides that, if an employer's working hours are distributed in six days a week, in the determination of annual leave, the working hours are to be considered as distributed in five days a week, so Saturdays will not be counted in the days of annual leave.

It is very important to note that Article 64 of the Labour Law provides that workers who work as teachers in educational institutions take annual leave during school holidays and the length and schedule of annual leave may be regulated by another law.

The Labour Law does not contain provisions which specifically regulate the use of annual leave by workers in health care, but Article 57(2) provides that a worker who works under difficult/hazardous working conditions under Article 41 of the Labour Law is entitled to annual leave of at least 30 working days. Pursuant to Article 41, only some jobs in health care are considered jobs performed under difficult/hazardous working conditions, where Article 57(2) of the Labour Law applies.

The Labour Law provides for a fine for a misdemeanour perpetrated by an employer „if the employer denies the right to annual leave (art. 63 of the Law). This misdemeanour carries a fine of BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

A new RS Labour Law is being drafted to provide for a minimum annual leave of 4 working weeks.

Article 85 of the Law on Police Officers provides that a police officer is entitled to paid annual leave and Article 17 of the Special Collective Agreement for Employees in the Ministry of the Interior of RS provides that a worker is entitled to annual leave after six months of continuous work and the duration of the annual leave is at least 18 working days, that an annual leave increases by one day for each three pensionable years of service, that an annual leave cannot exceed 30 working days and that Saturdays and holidays will not be counted in the days of annual leave.

Besides under these conditions, Article 18 of the Special Collective Agreement provides that an annual leave increases:

- when a worker has a job where the pensionable days of service are counted more than the actual working days (four months more on every 12 months) by 5 working days,
- when a worker was disabled at work or in wartime, when a worker is a single parent with a child under 7 years of age and when a worker supports a child with special needs in his/her household by 2 working days,
- when a worker is under 18 years of age by 6 working days.

Article 19 of the Special Collective Agreement provides that a worker who has not worked for six months in a row is entitled to two days of annual leave for each full month of work.

BD

Article 32 of the BD Labour Law governs the matter of annual leave and determines that the duration of the annual leave is at least 18 working days in each calendar year.

Paragraph 2 of this Article determines that a minor employee is entitled to at least 24 working days.

If it is not possible for an employer to protect an employee from harmful hazards related to the workplace, the employee is entitled to annual leave of at least 30 working days.

For violations of Article 32 of the BD Labour Law (revised), effective legal remedies (Article 110(1)), a fine of BAM 1,000 to 7,000 to be imposed on the legal person and responsible person in it and judicial protection under Article 88(4) of the Law are provided for.

Article 113(1) of the Law on Police Officers of BD ("Official Gazette of BD 41/07, 4/08, 36/09, 60/10) provides for the right to paid annual leave days - the police officers are entitled to at least 18 and a maximum of 30 days of annual leave;

- the length of annual leave is determined according to the total pensionable years of service of police officers (from six months to three years of pensionable service - 18 working days, from 3 to 5 years of pensionable service - 20 working days, from 5 to 7 years of pensionable service - 22 working days, from 7 to 10 years of pensionable service - 23 working days, from 10 to 12 years of pensionable service - 24 working days, from 12 to 15 years of pensionable service - 25 working days, from 15 to 20 years of pensionable service - 27 working days, from 20 to 25 years of pensionable service - 29 working days, over 25 years of pensionable service - 30 working days).

Articles from 74 to 79 of the Law on Civil Service in the BD Public Administrative Bodies ("Official Gazette of BD" 28/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13) provide for at least 20 days of annual leave for civil servants and employees.

- The statutory basic 20 working days of annual leave are increased by the number of working days depending on pensionable years of service (for each full 3 years of service - 1 day), depending on the social welfare and health criteria (parent or guardian of a child under 7 years - 2 days for each child; single parent or guardian with a child with special needs - 2 days; person with disabilities (more than 70% disability) - 2 days);

- An annual leave is used in whole or in two parts, employees propose an annual leave schedule on the basis of which they get a decision (rjesenje) on the use of annual leave for each year; time not included in the annual leave is the period of temporary incapacity for work, holidays that are non-working days, other absences from work counted as pensionable years of service;

Article 74(2) defines those radiologists, X-ray technicians working in the area of ionizing radiation and specialist doctors - pneumophysiologists who perform bronchoscopy are entitled to paid leave of at least 30 days.

- Paragraph (3) of the Article defines that an employee who is employed in government administration for the first time or has a break between two jobs longer than 5 days is entitled to annual leave after six months of continuous employment in government administration.

- Paragraph (4) determines that an employee who has not qualified in accordance with paragraph (3) is entitled to at least one day of annual leave for each full month of work.

Article 8 of the Law on Salaries in the BD Public Administrative Bodies ("Official Gazette of BD, No. 14/06, 41/06, 3/13) provides for the right to the base salary for absence from work (annual leave, paid leave)

- employees are entitled to base salary for leave from work in the case of annual leave, paid leave, public holidays, religious holidays, downtime that occurred due to circumstances that are beyond control of employees;

Enforcement of the legal provisions above is under the oversight of the Labour Inspectors of BD.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) Please supply pertinent figures, statistics or any other relevant information, if appropriate.**

Article 2, paragraph 4 - The right to eliminate risks

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Article 32(1) of the Labour Law in the Institutions of BiH provides that an employer is required to give an employee an opportunity to familiarize himself with the labour regulations and safety at work regulations within 30 days from the day of the employee's start of employment.

Article 32(2) provides that an employer is required to equip an employee for work in the manner safeguarding life and health of the employee and preventing accidents. Paragraph 3 of this Article provides that an employer is required to provide safe working conditions to safeguarding of life and health of employees, as well as any other person with whom the employer comes into contact, in accordance with the law. Paragraph 4 provides that an employer may provide employees with group insurance in accordance with the general conditions of insurance in case of an accident. The premium amount is determined for the employees of BiH institutions by the Council of Ministers and for other employees by the employers to which the provisions of this Law apply.

Article 33 of the Labour Law in the Institutions of BiH provides that an employee is entitled to refuse to work if his/her life or health is under imminent threat due to the fact that the statutory safety at work measures have not been enforced and is required to report this immediately to the Administrative Inspectorate and the employer. In that case the employer may place the employee to another job, until it has been confirmed that the safety at work measures are of satisfactory standard.

No Law on Safety and Health at work has been enacted at the State level and the law taken over from SR BiH in 1990, which is applied at the State level and in the Federation and does not provide for the responsibility of the Minister of Defence for this matter, applies in accordance with the Article 2 of the Annex II of the BiH Constitution throughout the country until a law at the state level has been passed.

The other entity, i.e. the Republika Srpska, passed the Law on Safety and Health at Work.

An employer may provide the employees with group insurance in accordance with the general conditions of insurance in case of an accident. Please note that the Ministry of Defence has no group insurance of its servicemen.

The Ministry of Defence has drafted the Rulebook on Safety and Health at Work and the procedure of further development of this by-law is in progress.

Article 57(4) of the Law on Service in the Armed Forces of BiH provides that the professional military personnel on special duties are entitled to additional days of leave with the approval of the brigade commander or an officer of the same or higher level and the total duration of annual leave on all grounds cannot exceed 36 working days.

The Decision of the Council of Ministers on the Special Bonus Pays to Professional Military Personnel in the Ministry of Defence and the Armed Forces of BiH ("Official Gazette" 2/09) regulates special bonuses for the performance of duties that involve risks and additional stress. The Ministry of Defence has started the enactment of a bylaw to regulate the specified area, as a measure to bring about compliance with Article 32 of the Labour Law in the Institutions of Bosnia and Herzegovina. Further, Article 33 of the Law provides that an employee is entitled to refuse to work in his/her post or perform his/her usual duties if there is an imminent danger to life and health because the measures of safety at work have not been taken and he is obliged to immediately inform the Administrative Inspectorate and the employer. In this case, the employer may assign the employee to other jobs until it is confirmed that the safety measures are in line with safety standards.

The Rulebook on Determining the Manner and Criteria for Annual Leave and Leave of Absence of Professional Military Personnel serving in the Armed Forces of Bosnia and Herzegovina, which defines *inter alia* duties that carry additional days of annual leave on the basis of specific and difficult working conditions.

FBiH

The Law on Safety and Health at Work (1990) in force in the FBiH does not fully correspond and reflect changes and international standards in this area.

However, the valid Law on Safety and Health at Work, which is based on the relevant conventions of the International Labour Organisation and the Labour Law of the Federation, provides for certain benefits for employees in jobs that are defined by the employer as jobs performed under difficult/hazardous working conditions, such as shortening of working hours, longer annual leave and salary increments for difficult/hazardous working conditions.

Article 31 of the FBiH Labour Law provides that, if it is not possible to protect employees from harmful effects despite the application of safety measures, the working hours are

shortened in proportion to the harmful effects of working conditions on the health and work ability of employees. The procedure of reduction of working hours is governed by the Law on Safety and delegated legislation under that Law.

In exercising the right to salary and other labour rights, jobs with shortened working hours in this case equate to full-time jobs.

Pursuant to the Law on Safety and Health at Work, the reduction of working hours is based on prior findings by a certified professional organization that the existing measures of safety at work cannot eliminate adverse impacts in jobs performed under difficult/hazardous working conditions, as well as on an approval by the authorities in charge of labour.

The Labour Law provides for longer duration of paid annual leave for these employees. Working conditions are one of the criteria for determining the actual length of the annual leave, which is determined by collective agreements and employees' work rules of the employer.

The General Collective Agreement for the Territory of the Federation determines that an employee is entitled to an increased base salary due to difficult/hazardous working conditions such as noise, dust, heavy physical effort, working with coloured light and jobs where safety equipment is a statutory requirement, while the Branch Collective Agreements provide for an increase respecting the specific characteristics of each area of activity.

Safety at work of all employees and especially of employees who perform jobs under difficult/hazardous conditions are defined in the Law on Safety and Health at Work, which provides for a fine for employers who act contrary to provisions of the Law. Overseeing of the enforcement of the Law on Safety and Health at Work is carried out by the cantonal and Federation Labour Inspectorates.

However, the enforcement of this Law, especially of the penal provisions, faces difficulties due to the fact that, since the Law was passed in 1990, the fines provided for certain misdemeanours have not been aligned with the currency valid in BiH, so the amounts of fines are still expressed in former dinars.

Therefore, while performing inspections, the labour inspectors mainly take deterrent and administrative measures to remedy identified deficiencies and irregularities. Only if the employer fails to carry out the administrative measures in a timely fashion and in the manner ordered by the inspector or fails to notify the inspector of the administrative measures completion, the inspector resorts to sanctioning, i.e. imposes fines in accordance with the Law on Inspections.

When it comes to employees of the Federation Police and cantonal ministries of the interior, this matter is governed by the Law on Police Officers of the Federation and cantonal laws on police officers, the Law on Civil Service of the Federation of BiH and the Law on Employees in the Civil Service of the Federation, individual collective agreements, noting that these regulations are consistent with the Labour Law of BiH.

RS

The RS Labour Law (Article 41) provides that, in jobs where, in spite of the compliance with health and safety regulations, it is not possible to protect employees from harmful effects, the working hours are reduced in proportion to the harmful effects of the working conditions on health and working ability of the employees, but not more than by 10 hours a week (jobs under difficult/hazardous working conditions). The reduction of working hours is decided on by the ministry in charge of labour, at the request of the employer, the worker concerned, a labour inspector or the trade union, on the basis of an analysis by recognised scientific or expert organisation. The reduced working hours are equalled to full-time working hours. Therefore, this is not about a reduction of working week in order to increase productivity but due to working under difficult/hazardous conditions.

Article 13(1) of the Law on Safety and Health at Work ("Official Gazette" 1/08, 13/10), provides that an employer is obliged to make risk assessment of all jobs in the workplace and to determine methods and measures for risk removal. This paper is directly related to the working hours reduction under Article 41 of the Labour Law, as it provides grounds for a decision on the working time reduction.

A fine in the amount of BAM 2,500 to BAM 15,000 is provided for to be imposed on an employer for a failure to make the risk assessment under Article 67.

The RS Ministry of the Interior has not applied Article 41 of the Labour Law in any case nor is there any document on risk assessment for the jobs of police officers who are covered with Article 88 of the Law on Police Officers, which provides that, due to the nature of work and the difficult working conditions, pensionable years are calculated at an increased rate, so that every 12 months effectively spent at work are counted as 16 months of pensionable service.

BD

This matter is governed by Chapter VI (Protection of employee) of the Labour Law of BD in Articles 39 to 56 and Article 24, which regulate working hours. This matter is governed in more details by the Law on Safety and Health of BD ("Official Gazette of BD" 31/05, 35/05).

Effective remedies are provided for non-compliance with Article 24 of the Labour Law of BD as follows: Article 110(1) of the BD Labour Law provides for a fine to be imposed on a legal person and a responsible person and Article 88(4) of this Law provides for judicial protection.

The Law on Safety and Health of Workers at Work of BD ("Official Gazette of BD" 31/05, 35/05), which is currently in force, defines risks or jobs performed under difficult conditions (increased risk of injury or occupational disease).

Decision 01.1-02-016864/09 dated 2 June 2009 appointed a commission for drafting the Law on Safety and Health of Workers at Work. The Commission has prepared a draft law on the safety and health of workers at work, which is fully in line with EU Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work dated 12 June 1989.

The new Law on Safety and Health of Workers at Work of BD entered into force on 10 August 2013 ("Official Gazette of BD" 20/13).

EU Directive 89/391/EEC defines an occupational risk as the possibility of injuries and occupational diseases, i.e. all the steps and measures that are planned at all levels of the company to be implemented to remove or reduce a risk to a minimum.

Administrative proceedings involving the enforcement of the Law on Safety and Health of Workers at Work of BD in enterprises, which were initiated by Inspectors, triggered activities to improve working conditions in terms of safety, i.e. to apply the legislative framework. Labour inspectors and inspectors of safety at work monitor enforcement of the above-mentioned legal provisions.

The labour inspectors do not have any data for the reporting period.

After the passage of the Law on Safety and Health of Workers at Work ("Official Gazette of BD" 20/13) and the Law on Amendments to the Law on Inspections of BD, labour inspectors who were in charge of labour relations and inspectors of safety at work merged into one inspection service: Labour Inspection Service, which has been preparing, since the publication of the Law, the Rulebook on Risk Assessment (or making a risk assessment document) by Employer. It is mandatory to adopt the Rulebooks in 6 months.

Article 95 of the Law on Police Officers of BD ("Official Gazette of BD" 41/07, 4/08, 36/09, 60/10) provides for a bonus pay for difficult/hazardous conditions amounting to 30% of base salary;

- Given the risk and complexity of the work, difficult working conditions and authorisations vested in police officers, they are entitled to a bonus pay for difficult/hazardous conditions amounting up to 30 % of base salary;

- In addition to 30 %, some jobs (depending on the risk) carry a larger permanent increment amounting to 10% of base salary;

- The increments for difficult/hazardous conditions are paid to police officers during paid leave, annual leave and sick leave;

- Every 12 months of service of police officers are calculated as 16 months of pensionable service - reduced pensionable service (Article 112 of the Law on Police Officers of BiH BD" 41/07, 4/08, 36/09, 60/10), 2. Article 95(4) of the Law on Police Officers of BiH BD provides for higher permanent increments than 10% for police officers in certain positions.

- Police officers are entitled to an increment of 30 % during paid leave, annual leave and sick leave;

Article 110 of the Law on Police Officers of BD ("Official Gazette of BD" 41/07, 4/08, 36/09, 60/10) provides for limitation of overtime.

- It is a form of elimination of risk, considering the difficulty of the job of police officers;

The Decision on Determining Positions in Police of BD ("Official Gazette of BD" 26/10), which determines which positions are entitled to permanent increments;

- these are the police officers who are assigned to positions within the Unit for the Investigation of War Crimes (investigating the most serious war crimes) and Operational Support Unit (carries out short notice arrests and incident responses);

Article 112 of the Law on Police Officers of BD ("Official Gazette of BD" 41/07, 4/08, 36/09, 60/10) provides that police officers are entitled to pensionable years of service calculated at an increased rate, i.e. to special early retirement, where 12 months of work are counted as 16 months of pensionable service.

- Additional contributions are paid into the Pension and Disability Fund for the special early retirement of police officers;

- The payment of additional contributions enables retirement under special conditions provided for in the Law on Pension and Disability Insurance, which is earlier than retirement of other officers and employees.

Articles 61 to 66 of the Police Law of BD ("Official Gazette of BD" 31/09, 60/10, 31/11) provides for the rights and duties of police officers, civil servants and employees in BD Police.

- Article 66 provides for *inter alia* bonuses for civil servants and employees who are assigned to specific jobs requiring a high level of professionalism, accountability and independence in certain areas significant for the efficient operation of the Police;

- Civil servants and employees performing such work are entitled to a bonus in the amount of 5%, 10%, 15% or 20% of base salary;

Article 19 of the Rulebook of Internal Organization and Job Classification in Police of BD No. 14.05/1-02-706/10 dated 25 June 2010 and the Rulebook on the Amendments to Rules of Internal Organization and Job Classification in Police of BD No. 14.05/1-02-10106/11 dated 13 June 2012 provides for jobs of civil servants and employees carrying bonus pay.

The Rulebook on the Criteria for Determining the Amount of Bonuses Paid to Civil Servants and Employees in BD Police ("Official Gazette of BD" 59/10, 7/11) determines the amount of bonus pay for the jobs.

- Bonus pays range from 5%, 10%, 15% to 20% of the base salary, depending on the criteria and characteristics of the particular job;

The 2013 Annual Plan of Actions to Prevent, Eliminate and Reduce Risks in Police of BD gives guidelines for actions to be taken to reduce risks in the performance of duties.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply pertinent figures, statistics or any other relevant information, if appropriate.

BiH

The Ministry of Defence has received 9 claims from civilian employees serving in the Armed Forces of Bosnia and Herzegovina for compensation based on the performance of activities harmful to health. The claims were rejected as unfounded for the reasons set forth in Article 26(1)(b) and 26(1)(c) of the Law on Salaries and Benefits in BiH Institutions ("Official Gazette of BiH" 50/08, 35/09, 75/09, 32/12, 42/12, 50/12) specifying the jobs that are considered jobs performed under difficult/hazardous conditions carrying a bonus pay.

In terms of the above-mentioned legislation, the positions occupied by the claimants in accordance with their employment contracts do not fall in the group of jobs performed under difficult/hazardous conditions. The Council of Ministers has not adopted a decision to grant the entitlement to the bonus pay to civilian employees, as opposed to a decision on the manner

and procedure of paying the bonus to professional military personnel issued by the Council of Ministers.

In the Armed Forces of BiH, a total of 969 people have additional days of annual leave due to difficult/hazardous working conditions. Based on the decision of the Council of Ministers, a total of 3,384 professional military personnel receive a bonus pay on some or other statutory grounds.

FBiH

There is no data.

RS

Articles 14, 26, 56 and 60 of the Law on Inspections of RS provides that the inspectors directly cooperate with the Ministry of the Interior of RS in accordance with the law and that the mandatory direct cooperation involves authorized officials (police officers) of the Ministry taking actions to ensure smooth operation of the inspection by an inspector when he/she is obstructed or prevented from performing inspection oversight; that the labour inspectorate inspects compliance with regulations respecting the following: employment, labour and labour relations, safety and health at work and other statutory fields, that an inspector takes administrative measures and actions based on facts and circumstances found in the inspection, taking more than one measure provided for in this Law and other laws, as required.

The 2012 Report on Inspections states that the inspectors performed 40 checks of working hours in RS.

BD

In the period 2008 - 2012, the labour inspectors found irregularities in 21 cases and took necessary steps to have them removed.

Article 2, paragraph 5 - A weekly rest period

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Article 24 of the Labour Law in the Institutions of BiH provides that an employee is entitled to a weekly rest period in the duration of at least 24 hours without interruption. This Article defines a limitation in case of redistribution of working hours and makes it mandatory to provide one day in the period determined as agreed by the employer and the employee. Usual practice in the institutions of Bosnia and Herzegovina includes a weekly rest period over weekends and it lasts for two days (Saturday and Sunday), which is compliant with traditions and customs of the country and the region.

A weekly rest period of police officers is not regulated in the Law on Police Officers and provisions of the Labour Law in the Institutions of BiH apply. The provisions governing the

right of police officers to paid annual leave point out that Saturdays, Sundays, holidays and other non-working days are not counted in an annual leave.

Article 97 of the Law on Police Officers provides for an obligation of police officers to work under difficult/hazardous conditions when such conditions are necessary for the performance of the job of a police officer. The difficult/hazardous conditions, *inter alia*, include the work on Saturdays, Sundays, work on public holidays and other non-working days for which a police officer is compensated in a bonus or hours off.

FBiH

A weekly rest period of employees guaranteed in Article 39 of the FBiH Labour Law provides that an employee is entitled to a weekly rest period in the duration of at least 24 hours without interruption. The weekly rest period falls on the day which is traditionally recognized as a rest day and it is Sunday. Exceptions are employees who work in shifts or rotating shifts and have another day in a week as a weekly rest period.

If it is necessary that an employee works on the day of his weekly rest, he/she is provided with one day in the period determined as agreed by the employer and the employee.

The General Collective Agreement for the Territory of the Federation determines the right of employees who work on their weekly day of rest to a salary increment of at least 20% of the gross hourly wage. Sectoral collective agreements and the Employees' Work Rules of the employer can determine that the rate is higher.

An employer denying the right to weekly rest period perpetrates a misdemeanour under the Labour Law carrying a fine in an amount from BAM 1,000 to BAM 7,000.

Penal provisions of the Labour Law determines that if the misdemeanours under Article 140 are perpetrated against a minor employee, a fine imposed will be doubled. This provision applies to all misdemeanours under the Labour Law.

The laws and by-laws governing employment of civil servants and employees determine that the average working hours may not exceed 40 hours a week distributed in at least 5 working days. The working hours apply to all civil servants and employees in FBiH: Federation, cantonal, city and municipal administrative authorities. The working hours can be distributed in 5 or 6 working days.

Distribution of working hours in the Federation administrative authorities is determined by the FBiH Government, while in the cantons, municipalities and cities it is done by respective statutory authorities. The FBiH Government issues a decision to determine the working hours.

The Decision on Working Time in the Federation Civil Service ("Official Gazette" 17/06) determines that the weekly working time in the Federation civil service, professional services of the Federation Government and other bodies of the Federation Government is 40 hours and is distributed in five (5) working days of eight (8) hours each, while Saturdays and Sundays are days off. These days are traditionally considered a weekly rest period.

Police officers in the Federation have a weekly rest period on Saturdays and Sundays when work is not organized in rotating shifts and those police officers who work in rotating shifts

are provided with a weekly rest period of two days, which may fall on the days other than Saturdays and Sundays, depending on the schedule of shifts.

RS

Article 56 of the RS Labour Law provides that a worker is entitled to a weekly rest period in the duration of at least 24 hours without interruption in accordance with a schedule. If it is necessary that the worker should work on the day of the weekly rest, the worker is to be provided with one day rest in a period determined as agreed by the employer and the worker. The General Collective Agreement does not govern the matter of weekly rest period.

The Labour Law defines a failure of an employer to enable a worker to have a weekly rest period as a misdemeanour (Article 56). This misdemeanour carries a fine from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

BD

A weekly rest period is defined in Article 31 of the BD Labour Law and, if it does not fall on the day which is traditionally or customarily recognized as a rest day, Article 60 of the Law provides a salary increment for work on Sunday.

Effective legal remedies are provided for in case of violations of Article 31 of the BD Labour Law (Article 110(1) provides for a fine to be imposed on the legal person and responsible person in it and Article 88(4) of the Law provides for judicial protection).

Article 111 of the Law on Amendments to the BD Labour Law („Official Gazette of BD“ 20/13) provides for a fine in case of violations of Article 31 in an amount from BAM 1,000 to BAM 7,000.

Enforcement of the legal provisions above is under the oversight of the Labour Inspectors and Inspectors of Safety at Work of BD.

Paragraph (2) defines that if it is necessary that a civil servant or employee should work on the day of the weekly rest, he/she is to be provided with one day rest in a period determined as agreed by the employer and the civil servant or employee.

Article 73 of the Law on Civil Service in the BD Public Administrative Bodies („Official Gazette of BD“ 41/07, 4/08, 36/09, 60/10) provides for both daily and weekly rest

- a daily rest of at least 12 consecutive hours between two consecutive working days and a weekly rest of at least 24 hours in a row;

- if it is necessary that a civil servant or employee should work on the day of the weekly rest, he/she is to be provided with one day rest in a period determined as agreed by the employer and the civil servant or employee;

Article 110 of the Law on Police Officers of BiH BD provides for limitations to overtime work.

- 2) **Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) **Please supply pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.**

FBiH

There is no data.

RS

The 2012 Report on Inspections states that the inspectors performed 40 checks of working hours in RS, 25 of them relating to weekly working hours.

BD

In the period 2008 – 2012, the labour inspectors found 5 irregularities respecting weekly rests of employees and took necessary measures and actions to rectify them.

Article 2, paragraph 6 - The right of workers are informed in written form

- 1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

BiH

An employer must provide an employee who is taking a job with basic information relevant to the exercise of the rights and obligations deriving from employment.

Article 12 of the Labour Law in the Institutions of BiH provides for a mandatory content of employment contract. Pursuant to this provision an employment contract has to contain all data concerning the rights and obligations deriving from employment. Article 102 of the Law provides for a fine in an amount of BAM 800 to BAM 3.000 for a violation of the provision by an employer.

Articles 32 and 33 of the Law provides for an obligation of employer to enable employees to familiarize themselves with the labour, health and safety rules and regulations within 30 days of the start of employment and that an employee may refuse to work if his/her life or health are directly threatened due to inadequate application of safety at work regulations, with an obligation to inform thereabout in writing the Administrative Inspectorate and the employer. These provisions apply to civil servants and police officers alike.

Article 12 of the Law provides that an employment contract is made in writing and includes the particulars important for taking employment (name and seat of the employer, identity of the employee, duration of the employment contract, date of employee's starting work, duration of annual leave and the like). When signing the employment contract, an employee has to be able to see all elements of the contract.

Further, the Rulebook on the Internal Structure of the Ministry of Security of BiH, which governs labour relations in the institution, is available to all employees at the start of employment.

The Law on Civil Service and other laws and by-laws regulating labour relations of civil servants are available to all civil servants on the website of the Civil Service Agency of BiH.

Courses of training are organized for all newly employed civil servants, which are employed in the civil service for the first time, in accordance with the Programme of Training of Newly Employed Civil Servants in the Institutions of Bosnia and Herzegovina ("Official Gazette" 51/06). This type of training is aimed at people getting a job in the civil service, who should learn about characteristics of the job and the work environment, characteristics of the administration in terms of the code of ethics and organizational structures of public administration. This induction training also includes the legislation governing labour relations: the Law on Civil Service and the Labour Law in the Institutions of BiH.

Article 11 of the Law on Service in the Armed Forces of BiH provides that people join the service by signing an enlistment contract and the service starts running on the first day of coming to duty. The contract stipulates: the rank, military occupational specialty, regiment, salary, duties, length of service, the obligation to serve in the reserve under Article 102 of the Law and other rights and obligations during military service.

The signing of contract by professional military personnel implies that they are familiar with the basic information relevant to employment. Settlement of disputes over the contracts is under jurisdiction of courts cited in the contracts.

FBiH

Pursuant to the FBiH Labour Law a job is taken up after concluding an employment contract by the employee and employer. The employment contract is concluded orally or in writing.

Article 21 of the Labour Law provides that the written contract of employment includes the following in particular:

- Name and seat of the employer;
- Name, surname, residence or domicile of the employee;
- Duration of the employment contract;
- Day of start of employment;
- Location of employment;
- Position an employee is employed in and a brief job description;
- Length and schedule of working hours;
- Salaries, salary increments, benefits and periods of payment;
- Duration of annual leave;
- Dismissal/resignation notice period to be complied with by both the employee and the employer.

Since the statutory form of contract is a written contract, which is a bilateral legal transaction, a copy of the contract is served on the employee ensuring that he/she gets familiar with its contents.

However, the Labour Law provides for the oral form of the employment contract, too, but in this case, an employer must provide an employee with a written statement containing all of the elements of a written contract. This statement is served on the employee within one month of the employee's commencement of work in the case of a contract of indefinite duration or the day the employee starts working for the employer in the case of a contract for a specified period of time.

If an employer fails to deliver a written statement of employment contract for a specified period of time, the contract will be considered an employment contract of indefinite duration unless otherwise stipulated by collective agreement or if the employer proves that the contract was concluded for a specified period of time.

An employer who fails to deliver a written statement to an employee or concludes an employment contract not containing all statutory elements perpetrates a misdemeanour carrying a fine in an amount from BAM 1,000 to BAM 7,000.

Article 48 of the Labour Law provides for an obligation of employer to enable employees to familiarize themselves with the labour, health and safety rules and regulations within 30 days of the start of employment.

Information of employees about rights and duties deriving from employment are ensured by enacting the Employees' Work Rules that are drafted in pursuance of the Labour Law in consultations with the Trade Union and in pursuance of the Law on Employees' Council that specifically enumerates what matters employees have to be informed about. Article 22 of the Law on Employees' Council provides that an employer is obliged to, at least every six months, inform the employees' council about the issues that affect their interests in employment and relate to the situation and results of operations, growth plans and their impact on economic and social status of employees, movements and changes in wages, safety at work measures and measures to improve working conditions and other issues of importance to the rights of employees deriving from employment.

Article 31(2) of the Law on Civil Service provides for an obligation of any appointed civil servant to receive a written job description and description of conditions of service prior to taking office.

Police officers in the Federation and Cantonal Ministries of the Interior, upon employment, depending on the type of employment, are given decisions on employment (rjesenje) or employment contracts specifying the following details: date of taking employment, length of service and type and location of work and also decisions on salary specifying the amount of salary for the particular position and salary increments on the basis of the prior length of pensionable service etc., in accordance with the Law on Civil Service of FBiH and the Law on Employees in the State Administrative Authorities of FBiH. They are advised about the job description under the Rulebook on Internal Structure and Job Classification.

RS

The RS Labour Law does not bind the employer to inform the workers in writing of the essential aspects of the employment contract or relationship. However, Article 68 of the Labour Law obliges employers to enable workers to familiarize themselves with the labour, health and safety rules and regulations, including the rights and obligations deriving from the collective agreement and workers' work rules, within 30 days from the day of the start of employment.

Further, if a worker uses in his work means of production which may be dangerous to life and health of people or environment, the employer is to make sure before the worker starts work that he is trained to use the means of production in question.

Article 26 of the Law on Workers' Councils (" Official Gazette of RS " No. 26/01) defines obligations of employers and workers' councils relating to certain information about the employment relationship, where "The Workers' Council is entitled to give opinions and suggestions to the employer with a view to improving working conditions for workers, health and safety at work, providing daily meals to workers, organizing transport of workers to job and from job, providing financial assistance to workers in need, as well as upon termination of employment contracts to elderly and disabled workers, properly introducing of overtime, night work, shift work, eliminating of undeclared employment and other issues that the Workers' Counsel considers important for protecting rights of workers.

The Council monitors the fulfilment of statutory obligations by the employer in respect of the registration of workers in the health and pension and disability funds and regular payment of contributions and, if it notices that the employer does not fulfil these obligations, it may take necessary measures to protect the rights of workers (reporting it to the relevant labour inspector etc.). The Workers' Council may consider individual requests and suggestions of workers on the exercise of their rights, of which it will give its opinion to the employer and inform applicants."

Article 29 of the Law on Workers' Councils determines that an employer is obliged to inform the Workers' Council on the state of health and safety and working conditions of workers, the movement of wages and other issues of importance to wealth and social welfare of workers, which is another aspect of employment.

The Labour Law provides for a fine for a misdemeanour an employer perpetrates „if the employer fails to enable employees to familiarize themselves with the labour, health and safety rules and regulations in pursuance of Articles 68 and 69 of the Labour Law and if the employer fails to make sure before the worker starts work that he is trained to use the means of production in question (Article 69). This misdemeanour carries a fine from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

BD

Articles 17 and 18 of the Statute of BD ("Official Gazette of BD" 17/08, 39/09) provide for the right to information and an obligation of institutions to comply with any request for information filed by a person concerned in accordance with the law. Article 39(5) of the BD

Labour Law provides for an obligation of employer to enable employees to familiarize themselves with the labour, health and safety rules and regulations within 30 days of the start of employment.

While taking job, employees are informed by the employer about the most important aspects of employment contract and sign it. Article 14 of the BD Labour Law („Official Gazette of BD“ 19/06, 19/07, 25/08/) provides for the content of an employment contract that must be in writing and have information about workers' labour rights.

An employment contract or a decision on appointment (rjesenje) lists all details providing the employee with written information about his/her job, working hours, breaks, pay, annual leave and other rights arising from employment.

In addition, employees are given an option to exercise the right to form an employees' council, which will represent them before the employer in protecting their rights and interests. If the employees' council has not been established with an employer, the council's responsibilities can be transferred to the union in accordance with the law, as provided in Articles 93 to 95 of the BD Labour Law.

Effective legal remedies are provided for in case of violations of Article 14 of the BD Labour Law (Article 110(1) which provides for a fine to be imposed on the legal person and responsible person in it and judicial protection under Article 88(4) of the Law).

Article 111 of the Law on Amendments to the BD Labour Law („Official Gazette of BD“ 20/13) provides for a fine in case of violations of Article 31 in an amount from BAM 1,000 to BAM 7,000.

Enforcement of the legal provisions above is under the oversight of the Labour Inspectors and Inspectors of Safety at Work of BD.

Article 40 of the Law on Civil Service provides that the Mayor issues a decision on appointment, while Article 41 provides that the Mayor and an employee sign an employment contract. The form and content are prescribed by the Employees' Work Rules.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) Please supply pertinent figures, statistics or any other relevant information, if appropriate.**

FBiH

2010 Statistics of Undeclared Work in FBiH

Workers checked by inspectors 11110	Undeclared workers 284
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Source: 2010 Report on Performance of the Federation Inspection Authority

Statistics of Inspections with a View to Combating Undeclared Work in FBiH

Inspectors involved	107
Inspections carried out	11.018
Reports made	11.018
Workers checked	31.310
UNDECLARED WORKERS FOUND	1.729
Newly-registered workers during the inspections	482
NEWLY-REGISTERED WORKERS IN THE RECORDS OF THE TAXATION AUTHORITY OF THE FEDERATION OF BIH	14.575

Source: Federation Inspection Authority - Information Paper on Enhanced Inspections in Combating Undeclared Work in the Period 12 September – 29 October 2011

Note: Undeclared work is work which is in itself legal but is not declared to the authorities for tax, social security and/or labour law purposes

Statistics of Undeclared Workers Found in FBiH in 2012

2012	Inspections carried out /reports	Decisions (rješenja)	Tickets (prekršajni nalog -PN)	Amount of tickets	undeclared workers found	Employment contract concluded upon demand notices
January	30	4	16	10.700,-	14	/
February	23	/	5	3.700,-	15	9
Mart	95	/	31	22.800,-	41	13
April	109	1	34	27.210,-	53	19
May	46	/	28	19.300,-	20	3
June	48	2	21	17.700,-	86	4
July/August	85	2	49	36.300,-	425	14
September	56	5	28	21.400,-	39	6
October	171	/	55	45.500,-	65	6
November	226	1	67	44.170,-	48	42
December	86	1	45 + 1 ZPPP	37.050,-	41	18
Total	975	16	379 + 1ZPPP	285.830,-	847	134

Source: 2010 Report on Performance of the Federation Inspection Authority

BD

In the reporting period, the inspectors found 1,087 workers who had not concluded employment contracts and had not been registered in the competent pension and disability and health insurance funds.

Article 2, paragraph 7 - Compensatory measures for workers performing night work

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

Article 22(4) of the Labour Law in the Institutions of BiH provide that work in the period between 22 hours in the evening and 6 hours in the morning of the following day is considered night work.

Article 48 of the Law provides that an employee is entitled to a base salary increment for overtime and night work. These provisions also apply to the police and civil servants.

Article 102 of the Labour Law in the Institutions of BiH provides for a fine to be imposed on the employer in the amount of 800 to 3,000 KM in the case of non-compliance with these provisions.

The Labour Law provides for the right to compensation for work at night (Article 50(4)(1)). The compensation is defined in the Law on Salaries and Benefits in BiH Institutions and delegated legislation, the enforcement oversight of which is carried out by the Ministry of Finance and Treasury of BiH.

The method and procedure for the exercise of the right to compensation for work at night are determined in the Decision of the Council of Ministers, VM 234/08 dated 29 December 2008. For the time spent at work at night, an employee is entitled to reimbursement of base salary in proportion to the duration of the work, increased by 30%.

Salary increments for working under difficult/hazardous conditions are paid to police officer for the whole period of paid leave and sick leave at the expense of the employer, which means that a police officer who has been suspended over disciplinary action or criminal proceedings is not entitled to salary increments for working under difficult/hazardous conditions.

Police officers who believe that they have suffered discrimination may have their case considered within his/her institution as the first instance authority, then before the Appeal Board of Police Officers and the Appeals Committee of the Council of Ministers, as the second instance authority, and only then before ordinary courts, so an employee is fully provided with the protection of his/her labour rights.

Civil servants who believe that their labour rights have been violated may file a complaint with the Civil Service Appeals Committee within the Council of Ministers, as the second instance.

Employees who believe that their labour rights have been violated may appeal to the Appeals Chamber of the Council of Ministers, as the second instance.

So far, the Ministry of Defence has not introduced night work for civil servants, employees or civilians in service in the Armed Forces of BiH.

Article 62 of the Law on Service in the Armed Forces of BiH provides that a professional military person receives an increase of the base salary in the amount of 20%, but then he/she is not entitled to compensation for work in excess of statutory working time, night work, work on public holidays, work as duty officer, mandatory attendance and stand-by duty.

FBiH

Article 34 of the FBiH Labour Law defines night work. According to this Article, night work is work in the period between 22 hours in the evening and 6 hours in the morning of the following day, and in agriculture between 22 hours in the evening and 5 hours in the morning.

Article 36 of the Labour Law prohibits night work of minor employees.

This Article determines which work is considered night work for minor employees in industry and for minor employees not employed in industry. Exceptionally, minor employees may temporarily be exempted from the prohibition of night work in case of major breakdowns, *force major* and protection of interests of the Federation.

Pursuant to Article 14 of the Law on Safety and Health at Work, an employee may be ordered to work at night by decision of the employer, provided that during night work he/she is provided with a meal and can easily travel to and from work.

Before making a decision to order night work, the employer is obliged to consult with the Employees' Council/ Trade Union if the Council has not been established. Any decision on the introduction of night work taken without consultation with the Employees' Council is null and void according to Article 25 of the Law on Employees' Council.

If the work is organised in shifts, the shift rotation is made at the times and in the way specified by the collective agreement, employees' work rules and employment contract.

The Law on Safety and Health at Work provides that an employer organizing work in shifts ensures periodic changing of shifts, provided that an employee may not work in a night shift longer than one week.

Pursuant to Article 71 of the Labour Law, the General Collective Agreement for the Territory of the Federation determines the right of employees who work at night to a salary increment of at least 30% of the gross hourly wage.

Article 23 of the Law on Salaries and Benefits in BiH Institutions FBiH („Official Gazette of FBiH“ 45/10, 111/12) establishes the right of employees to a salary increment for difficult working conditions.

This right is also afforded by Article 27 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities in FBiH (Official Gazette of FBiH“ 23/00, 50/00) providing that a salary increment for night work is at least 35%.

Conditions and terms of night work are provided for in Articles 34 to 36 of the Labour Law.

Neither the Labour Law nor the Law on Safety and Health at Work requires a medical examination prior to getting a night job or periodic examinations of employees in night jobs. The new Labour Law, which is under deliberation in the Parliament, provides for an

obligation of the employer to provide periodic medical examinations to employees in night jobs at least once every two years.

Police officers in the Federation and Cantonal Ministries of the Interior, who work night shifts according to their job descriptions, receive a salary increment for night work in the amount of 35%, for work on non-working days in the amount of 30%, and for overtime and work on holidays in the amount of 50%, as determined in the Law on Police Officers and the Rulebook on Pay Scales and Coefficients for the Salaries and Other Benefits of Police Officers, Civil Servants and Employees.

RS

Article 50 of the RS Labour Law provides that night work is work in the period between 22 hours in the evening and 6 hours in the morning of the following day. For employees under 18 years of age, night work is work in the period between 20 hours in the evening and 6 hours in the morning of the following day and, if they are employed in industry – between 19 hours in the evening and 7 hours in the morning of the following day.

Night work of employees under 18 years of age is prohibited. Exceptionally, employees under 18 years of age may temporarily be exempted from the prohibition of night work in case of major breakdowns, *force major* and protection of interests of the RS, on the basis of the competent labour inspector's approval. Night work is prohibited for women six and more months pregnant and mothers with children less than one year of age.

Article 33(1)(g) of the Law on Safety and Health at Work determines that a worker is entitled to, *inter alia*, refuse work at night if, in the opinion of the occupational health services, such work could deteriorate his health. Article 15(1)(ž) of the Law provides that an employer is obliged to "provide required medical examinations of employees in accordance with this Law on the basis of a risk assessment and evaluation by occupational health services."

Apart from competences under Articles 4 and 5 of the Law on Home Affairs, the Ministry of the Interior performs:

- a) medical examinations of candidates recruited in the Ministry as police officers, High School students, students of the Police Academy, students in specialized courses and students trained in providing physical and technical security under the Law on People and Property Security Agencies and Private Investigation Activities,
- b) extraordinary medical examinations of employees in the Ministry,
- c) extraordinary work capacity evaluation and
- d) other activities in the health care services in accordance with the Law on Health Care.

The Rulebook on Uniform Health Requirements of Employees and Candidates for Jobs and Education in the Ministry of the Interior of RS ("Official Gazette of RS" 85/12) provides for uniform health requirements that police officers, civil servants, employees and candidates for jobs and education in the Ministry of the Interior of RS have to fulfil, organisation and performance of certain types of medical examination and examination procedures for the assessment of fitness to work and to be educated in the Ministry.

For the purpose of his Rulebook, performance of medical examinations is the performance of prior medical examinations of candidates for jobs and education in the Ministry and the performance of medical examinations that include periodic, systematic and extraordinary medical examinations of police officers, civil servants and employees in the Ministry.

Assessment of fitness to work, which applies to police officers, civil servants, employees and candidates for jobs and education in the Ministry of the Interior of RS, is within competences of the Unit for Health Prevention within the Ministry of the Interior of RS.

While fitness to work health assessment of police officers is carried out, their fitness for night work is assessed, too, because their job description includes, *inter alia*, night work.

Article 28 of the General Collective Agreement determines that workers receive a salary increment for night work in the amount of 35%

The Labour Law provides for a fine for a misdemeanour perpetrated by an employer that „orders a woman to work at night in violation of Article 52 of the Labour Law“. This misdemeanour carries a fine from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1,000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

However, a fine in the amount from BAM 2,000 to BAM 15,000 is imposed on an employer who orders a minor worker to work at night in violation of Article 51 of this Law.

BD

Night work is governed by Article 27 of the BD Labour Law providing that night work is work in the period between 22 hours in the evening and 6 hours in the morning of the following day. This matter is regulated in an employment contract or Employees' Work Rules. Article 60 of the BD Labour Law provides for a salary increment for night work.

Enforcement of the legal provisions above is under the oversight of the Labour Inspectors.

The Law on Safety and Health at Work („Official Gazette of BD“ 20/13) provides that an employer is obliged to make a risk assessment for each job and, on the basis of the risk assessment, a doctor of medicine prescribes preliminary and periodical medical examinations of workers and, consequently, they include assessment of fitness to work at night. The opinion of the doctor of medicine is an integral part of the risk assessment document.

Penal provisions of the Law, specifically Article 67(1)(j), provide for a fine in the amount of BAM 1,000 – BAM 7,000 to be imposed on an employer for a failure to ensure statutory medical examinations of workers on the basis of a risk assessment document and evaluation by occupational health services.

Article 9 of the Law on Salaries in the BD Administrative provides for salary increments for night work, work on weekends and during the holidays; (base salary of employees is increased for the time spent at night by 30%, for work on Saturdays and Sundays by 20%, for the work on holidays by 35%.

Police officers are not entitled to salary increments for work at night and work on Saturdays and Sundays. Given police officers have other emoluments and benefits the law determines that they are not entitled to a salary increment for night work, as opposed to civil servants and employees.

- 2) **Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) **Please supply pertinent figures, statistics or any other relevant information, in particular: the hours to which the term ‘night work’ applies.**

Article 4 - The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

- 3 to recognise the right of men and women workers to equal pay for work of equal value;

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage fixing machinery, or by other means appropriate to national conditions.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- ILO Equal Remuneration Convention no. 100 (1951),
- ILO Convention no. 131 concerning Minimum Wage Fixing (1970),
- ILO Convention no. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (1981),

Primary legislation (laws)

- Labour Law in the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10),
- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No.12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10, 40/12),
- Law on Salaries in the Institutions of BiH („Official Gazette of BiH“ No. 50/08),
- Law on Gender Equality of BiH (“Official Gazette of BiH” 16/03, 102/09);
- Law on Prohibition of Discrimination („Official Gazette of BiH“ 59/09),
- Labour Law („Official Gazette of FBiH“, No. 43/99, 32/00, 29/03),
- Law on Salaries and Benefits in the State Authorities of FBiH („Official Gazette of FBiH“ No. 45/10, 111/12)
- General Collective Agreement for the Territory of the Federation („Official Gazette of FBiH“, No. 54/05, 62/08),
- Labour Law (“Official Gazette of RS” No. 55/07),

- General Collective Agreement (“ Official Gazette of RS” No. 40/10),
- Law on Salaries in the BD Administrative Authorities („Official Gazette of BD“ No. 14/06, 41/06, 3/13),
- Law on Police Officers of BiH BD („Official Gazette of BD“ No. 41/07, 4/08, 36/09, 60/10),
- Law on Civil Service in the BD Administrative Authorities („Official Gazette of BD“ No. 28/06, 29/06, 19/07, 2/08, 9/08, 44/08, 25/09, 26/09, 4/13).

Secondary legislation (by-laws)

- Law on Salaries and Benefits of Police Officer in the Ministry of the Interior of FBiH
- Law on Salaries and Benefits of Civil Servants in the Ministry of the Interior of FBiH

Article 4, paragraph 3 -The right of men and women workers to equal pay

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH has ratified Article 20 of the European Social Charter (revised) (hereinafter: ESCR) and in its second report on the implementation of ESCR submitted a report on Article 20 and at the 127th meeting of the Governmental Committee of ESC and the European Code of Social Security orally presented the case in accordance with the Non-Compliant Conclusion.

BiH

Article 6 of the Labour Law in the Institutions of BiH provides that a person seeking employment, as well as a person who is employed, may not be discriminated against on the grounds of race, colour, sex, language, religion, political or other opinion or affiliation, ethnic or social background, sexual orientation, financial situation, birth or any other circumstance, membership or non-membership in a political party, a physical or mental impairment or based on other reasons opposite to fundamental human rights and freedoms set forth in the Constitution of BiH and the law.

Articles 86.a- 86.f of the Labour Law provides for non-discrimination, too, while Article 86.c(1)(b) of the Labour Law prohibits discrimination in relation to working conditions and all labour rights of employees.

Article 12 of the Law on Gender Equality of BiH (“Official Gazette of BiH” 16/03, 102/09) provides that everyone is equal on the basis of gender in the employment process. Any discrimination on the grounds of gender at work and in employment is prohibited. Prohibited discrimination is defined as:

- failure to pay equal wages and other benefits for the same work or work of equal value;
- failure to ensure equal opportunities for promotion at work;
- failure to provide equal opportunities for education, training and professional qualifications and the like.

Article 13 of the Law on Gender Equality of BiH, as a law that is *lex specialis* governing gender non-discrimination, expressly determines that discrimination on the grounds of gender at work and in employment occurs when there is a failure to pay equal wages and other benefits for the same work or work of equal value. Pursuant to these provisions, a person believing he/she is discriminated against with different pay for the same work or work of equal value may file a complaint with the competent court.

The Law on Gender Equality of BiH and the Law on Prohibition of Discrimination („Official Gazette of BiH 59/09) are mutually consistent in so far as the victims of discrimination have the possibility of using legal mechanisms to protect rights under these laws (types of actions, jurisdiction, deadlines, burden of proof, victimization and others). This ensures a legal protection mechanism that enables the protection of the rights guaranteed in the Law on Gender Equality of BiH before competent courts.

The Law on Salaries and Benefits in BiH Institutions does not provide for any discrimination of employees on the grounds of gender and Article 3 sets forth the principles for determination of salaries and other benefits to employees in the institutions of Bosnia and Herzegovina, where the basic principle is "equal pay for equal or similar work".

An employee believing he/she is a victim of discrimination or that it was discrimination that violated his/her right may seek the protection of the right in proceedings reviewing the right as the main question or may seek the protection in special proceedings for the protection against discrimination in accordance with the Law on Prohibition of Discrimination BiH.

Victims of discrimination are entitled to compensation under the Law on Contracts and Torts.

A fine from BAM 1,000 to BAM 30,000 is imposed on a legal person for a failure to undertake appropriate steps and use effective protective mechanisms against discrimination on the grounds of gender at work and in employment, as defined in Article 12 of the Law on Gender Equality of BiH.

FBiH

Article 5 of the FBiH Labour Law has a general provision prohibiting any discrimination of employees on the grounds of gender or any other grounds in respect to recruitment, training, promotion, terms and conditions of employment, termination of the contract of employment or other matters arising out of labour relationship.

The Labour Law provides that salaries of employees are governed by the collective agreement, the employees' work rules or employment contract.

Article 6 of the General Collective Agreement determines that employers must pay to the employees equal pay for work of equal value, regardless of their ethnic, religious, regional, gender, political or union membership or affiliation.

The Labour Law guarantees judicial protection to employees whose employer has violated provisions of the Anti-Discrimination Law and violated some of their labour rights. In this case, the burden of proof that there was no discrimination lies with the defendant/the employer.

Article 3 of the Law on Salaries and Benefits in FBiH Institutions („Official Gazette of FBiH No. 45/10, 111/12) provides that, while determining salaries and benefits of employees in the FBiH authorities, the principle of "equal pay for the same job" is respected. According to this principle, the government employees who are in the same jobs or perform the same or similar duties are entitled to the same base salary by level of education.

There is no explicit provision in the legislation governing the employment of civil servants and employees in the Federation, which guarantees equal pay without discrimination on the grounds of gender.

Police officers in the Federation and Cantonal Ministries of the Interior receive salaries calculated using pre-determined coefficients for any particular job in pursuance of the Rulebook on Pay Scales and Coefficients for the Salaries and Other Benefits of Police Officers, Civil Servants and Employees without gender discrimination, i.e. men and women are equally paid for the same job.

The level of salary depends solely on the rank when it comes to police officers or the type of positions to which employees are placed, if they are civil servants and employees, regardless of gender.

In any case of discrimination in the Federation, the Labour Law guarantees judicial protection of the victim(s), as already stated above. If the court finds the allegations in his/her complaint are founded, the court orders the employer to enable the exercise or restoration of all labour rights.

RS

Article 90 of the RS Labour Law provides that a worker earns his/her salary in accordance with the collective agreement, employees' work rules and employment contract. Workers are guaranteed equal pay for the same work or work of equal value performed with an employer. The Law provides that the work of equal value means the work which requires the same level of education, working capacity, responsibility and physical and intellectual effort. The Law also determines that a decision or agreement between the employer and employee failing to provide equal pay is null and void. Should an employee's rights be violated the employee is entitled to sue for damages. The Law provides that an employer may not pay an employee a lower salary than the one set forth in the collective agreement, employees' work rules and employment contract.

The Labour Law provides for fines to be imposed on an employer who perpetrates misdemeanours if „he denies salary or compensation or pays them in the amount lower than the one determined by law, in the collective agreement, the employees' work rules or employment contract or if he fails to pay salary within statutory timelines (Articles 90 to 96). For these misdemeanours the employer is fined in an amount from BAM 1,000 to BAM 10,000. A responsible person with the employer is fined for the misdemeanours in an amount from BAM 200 to BAM 1.000. If these misdemeanours are perpetrated against a minor employee, a woman during pregnancy, childbirth or maternity leave or an employee with disabilities, a fine imposed on a legal person may not be under BAM 3,000 and a fine imposed on a responsible person may not be under BAM 500.

The Law on Salaries in the Ministry of the Interior, Correctional Facilities and Court Police („Official Gazette of RS“ 18/07, 116/09, 1/11, 116/12) determines the salary of “authorized

official persons” (police officers), civil servants and other staff (employees), regardless of the gender.

BD

The Law on Salaries in the BD Public Administrative Bodies („Official Gazette of BD“ 14/06, 41/06, 3/13), the Law on Police Officers of BD („Official Gazette of BD“ 41/07, 4/08, 36/09, 60/10) and the Law on Civil Service in the BD Public Administrative Bodies („Official Gazette of BD“ 28/06, 29/06, 19/07, 2/08, 9/08, 44/08, 25/09, 26/09, 4/13) does not discriminate the employees on any grounds.

- The right to equal pay of all employees is afforded in the Law on Salaries in the BD Public Administrative Bodies („Official Gazette of BD“ 14/06, 41/06, 3/13)

Article 4(1) of the BD Labour Law provides, that any person employed may not be discriminated against on grounds of sex and in case of violation of this provision, paragraph 3 of this Article provides that any person whose rights have allegedly been violated can file a lawsuit with the competent court. If the claimant provides evidence showing the existence of any acts prohibited by this Law, the defendant is required to prove that such a distinction does not constitute discrimination.

Article 1a of the Law on Salaries of Employees of the BD Public Administrative Bodies provides, *inter alia*, that in determining the amount of salaries and other benefits of employees of the BD Public Administrative Bodies the following principle will be respected: the same pay for the same or similar work and that, in accordance with this principle, the employees of the BD Public Administrative Bodies placed in the same or similar jobs receive the same base salary.

Enforcement of the legal provisions above is under the oversight of the statutory authorities (Labour Inspectors, Administrative Inspectors and Internal Control).

Effective legal remedies are provided for in case of violations of Article 4 of the BD Labour Law (Article 110(1) provides for a fine to be imposed on the legal person and responsible person in it and judicial protection under Article 88(4) of the Law).

The Law on Salaries of Employees of the BD Public Administrative Bodies, the Law on Police Officers of BD and the Law on Civil Service in the BD Public Administrative Bodies do not discriminate employees on any grounds. The Law on Gender Equality of BiH is applied in BD, too.

The BD female police officers are members of the "Women Police Officers Network".

According to the information submitted by the Municipal Court of BD there have not been any lawsuits alleging gender discrimination and equal pay for equal work of men and women.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

BiH

With a view to improving labour market effectively and efficiently, in recent years the relevant institutions have been making policies of and drafting guidelines for the labour market and the implementation of active employment measures in 2011. Among other things, the State and Entities adopted the following policy documents:

- a) 2010 – 2014 Employment Strategy of Bosnia and Herzegovina,
- b) 2009 – 2013 Employment Strategy of the Federation of BiH,
- c) 2010 -2013 Employment Action Plan of the Federation of BiH,
- d) 2011-2015 Employment Strategy of the Republika Srpska

Basically, all the planned activities at the Entity level are aligned with the basic objectives of the 2010 – 2014 Employment Strategy of BiH and they are: urgent work to increase the quality and quantity of jobs and promotion of social inclusion and the fight against gender inequality. The selected combination of guidelines and policies includes interventions related to: the promotion of employment of hard-to-employ people with employers or thier self-employment, the improvement of support to economic growth based on new employment, the creation of a better supply of labour in the labour market in order to easier adapt the unemployed to labour market changes and the creation of equal opportunities for access to the labour market for all, as well as better management of passive policies and social programmes in the labour market.

In the context of these and other activities, relevant institutions were involved in the implementation of regional and international projects.

After the planned measures and their consistent implementation in practice, labour and employment are expected to be the centre of attention of the competent institutions, entrepreneurs and employees in the coming period and creative work and values creators are expected to be better appreciated. This will be the main deterrent and barrier to easy and various violations of one of the basic human right - the right to work.

In order to create conditions for reducing the wage gap between women and men, BiH has taken actions to eliminate the barriers that prevent equal participation of men and women in all pay grades. In this regard, the Agency for Gender Equality of BiH and Entity gender centres have been working on gender mainstreaming in 2008-2013 BiH Development Strategy and 2008-2013 Social Inclusion Strategy. These documents are intended to ensure a framework for the development and the allocation of government funds and other resources available in order to address identified priorities. Also, monitoring of the implementation of both strategic documents will include gender desegregated indicators.

The BiH Council of Ministers adopted the 2010-2014 BiH Employment Strategy, which is fully compliant with gender equality standards. The Strategy envisages an increase in the employment rate of women, keeping gender desegregated statistics, setting up of indicators to monitor the effect of the implementation of strategies on both sexes, the prevention of undeclared work and the like.

The RS Government adopted the RS Employment Strategy, which sets priorities in employment policy for the period 2010-2014. The Employment Strategy targets measures and activities at specific groups such as youth, women, older workers, people at risk of unemployment and vulnerable groups such as Roma, youth with disabilities and young people receiving social assistance.

- 3) **Please supply detailed statistics or any other relevant information on pay differentials between men and women not working for the same employer by sector of the economy, and according to level of qualification or any other relevant factor.**

BiH

The statistical system of BiH does not collect data about the differences in pay between men and women, although some researchers suggest that there are differences because males predominantly occupy highest-paying positions. There are no cases of differences in pay for the same work or work of equal value and, according to the information in possession of the Agency for Gender Equality of BiH, there have been no lawsuits for or complaints of violations of this right.

RS

In 2012 in RS, 268 inspections were performed where the subject of inspections was salaries and benefits and irregularities were found in 126 cases. The inspectors ordered administrative measures in 99 cases and one ban, issued 69 tickets and filed 14 misdemeanour charges. Only 11 regular inspections were carried out and irregularities were found in 5 cases, while 257 extra-ordinary inspections were carried out and irregularities were found in 121 cases. The inspections revealed that employers were late in payment of wages and benefits to mothers and pregnant women. In addition to direct check-list inspections of pay rolls, salaries and benefits were cross-checked in other checking lists so the number of inspections in this area is much larger and approximates 1,758.

It is important to note that the irregularities in this segment relate mainly to the following: regularity of salary payments, the level of salaries, delivery of pay slips - salaries and benefits, including compensation during maternity leave etc.²

The 2012 RS Report on Inspections has no information about inspections and oversight when it comes to the difference in determined or paid salaries between men and women.

Article 5 - The right to organise

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

² 2012 Report on Inspections.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- ILO Convention no. 11 concerning the Rights of Association and Combination of Agricultural Workers (1921),
- ILO Convention no. 87 concerning Freedom of Association and Protection of the Right to Organise (1948),
- ILO Convention no. 98 concerning the Right to Organise and Collective Bargaining (1949),
- ILO Convention no. 135 on Workers' Representatives (1971).

Primary legislation (laws)

- Labour Law in the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10);
- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No. 12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10, 40/12);
- Law on Associations and Foundations of BiH („Official Gazette of BiH“, No. 32/01, 42/03, 63/08, 76/11);
- Law on Movement and Stay of Aliens and Asylum („Official Gazette of BiH“ No. 36/08, 87/12).
- Law on Police Officers of BiH („Official Gazette of BiH“, No. 27/04, 63/04, 5/06, 33/06, 58/06, 15/08, 63/08, 35/09, 7/12),
- Law on Service in the Armed Forces of BiH ("Official Gazette of BiH ", No. 88/05, 53/07, 59/09, 74/10, 42/12)
- Labour Law («Official Gazette of FBiH», No. 43/99, 32/00, 29/03),
- Law on Civil Service of FBiH („Official Gazette of FBiH “, No.: 29/03, 23/04, 39/04, 54/04, 67/05, 8/06),
- Law on Employees in the State Administrative Authorities of FBiH („Official Gazette of FBiH “, No. 49/05),
- Law on Associations and Foundations („Official Gazette of FBiH“ No. 45/02),
- Law on Police Officers of FBiH („Official Gazette of FBiH“, No.: 27/05, 70/08),
- Collective Agreement for Employees in the Ministry of the Interior of Federation (“Official Gazette of FBiH”, No. 44/04),
- Labour Law (“ Official Gazette of RS” No.55/07),
- Law on Associations and Foundations (“ Official Gazette of RS” No.52/01, 42/05),
- Law on Inspection of RS (“ Official Gazette of RS” No.74/10),
- General Collective Agreement (“ Official Gazette of RS” No.,40/10),
- Special Collective Agreement for Employees in the Ministry of the Interior of RS (“ Official Gazette of RS” No. 72/06, 16/08),
- BD Labour Law - consolidated text („Official Gazette of BD" No. 19/06, 19/07, 25/08),
- Law on Police Officers of BD („Official Gazette of BD“ No. 28/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13),
- Law on Civil Service in the BD Public Administrative Bodies („Official Gazette of BD“ No. 28/06, 29/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13)

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

The Constitution of BiH (Annex IV of Dayton Peace Agreement) in its Article 2, as well as the Constitutions of FBiH (Article 2) and RS (Article 1 and 10) and Statute of BD, guarantee right to freedom of association. Further, this legislation prevents unequal treatment, i.e. discrimination on the basis of, *inter alia*, membership of the trade union.

The right to independent trade union organization in BiH is provided for in the laws of entities and the Statute of BD. This type of organization is guaranteed in entity constitutions and in more detail regulated in the labour laws adopted at the level of entities and BD. Provisions on the right to trade union organization are far more specific and detailed in branch and collective agreements.

In addition to the Labour Laws, there are other laws that directly or indirectly address individual and collective rights of employees. It is worth noting that the Law on Prevention of Discrimination which prevents discrimination based on membership of the trade union in the public and private sector. The Law on Gender Equality in BiH underlines the importance of trade unions in the protection of labour rights of women and their protection against any form of discrimination at work.

The Labour Law in the Institutions of BiH and the Law on Civil Service of the Institutions of BiH guarantees organization of civil servants in trade unions in accordance with the Law. The Labour Law in the Institutions of BiH regulates these issues in almost the same manner as in the entity labour laws and the Labour Law of BD.

At the level of Institutions of BiH, employees and employers have the right to found organisations of their choice and to join them, without any difference or prior approval.

Article 3 of the Labour Law in the Institutions of BiH provides that employees have discretion to organise a trade union and become its member, i.e. associate in more complex associations, select their representative bodies in accordance with the Law, Statute or rules of the trade union.

Article 4 of the above mentioned Law provides that an employer is banned from interfering in establishment, functioning or management of the trade union; advocacy and provision of assistance to the trade union aimed at controlling it, while Article 5 provides that the legal activity of the trade union cannot be permanently or temporarily banned.

Final provisions of the Labour Law in the Institutions BiH do not provide for fines for a failure to respect Article 3, 4, and 5 of the above mentioned Law.

A trade union can be established without any prior approval.

An employee cannot be put in less favourable position due to membership or non-membership in a trade union.

Trade unions, like other associations, can be founded by at least three physical persons who are BiH nationals or foreigners who have residency in BiH or legal persons registered in BiH in any combination; however, the founders cannot be the State of BiH, entities, cantons, cities, municipalities, local communities, public authorities, public enterprises and funds.

The founding act must be adopted in order to found an association that fulfils requirements for registration.

For the association to fulfil requirements for registration, the founding assembly of the association is obligated to adopt the founding act, the statute of the association and to nominate management authorities in accordance with this Law.

The founding act of the association contains: names, surnames and addresses, i.e. name and acronym and seat of the founder and address of the association, objectives and activities of the association, name and surname of the person authorised to enter the association into register, signatures of the founders or authorised representatives, signatures of founders or authorised representatives and citizen's ID number if the founders are BiH nationals.

According to the foregoing, there is no special provision of the Law in conjunction with the right to found organisations of certain categories of employees, civil servants and employees in public enterprises compared to all other associations and other forms of organisation.

Associations of employees and employers have the right to adopt their statutes and rules, freely select their representatives, organise their management or activities or formulate their programmes.

In accordance with Article 12 of the Law on Associations and Foundations BiH, the Statute of an association shall include:

- a) name of the association, acronym if any, and address of the association;
- b) objectives and activities of the association;
- c) procedures of admission and dismissal of members;
- d) bodies of the association, manner of their selection, authorisations they have, quorum and rules of voting, duration of the term of office, person authorized to convene the assembly, conditions and manner of dissolution/closure;
- e) rules for raising, using and allocating funds of the association, as well as the body authorized for supervision of using the funds;
- e1) manner of submission of financial reports and activity reports;
- f) publicity of work;
- g) procedure for amending of the Statute, authorization and manner of adoption of other by-laws;
- h) description of the format and content of stamp;
- i) representation of the association;
- j) conditions and procedure for merging, splitting or closure of the association, including any special quorum or rules for obtaining qualified majority in the voting procedure;
- k) procedure for utilization of the remaining assets or other assets in case of dissolution or closure of the association.

The assembly of the association or organisation of employees or employers is solely responsible for adoption of the Statute and other acts of the Association.

An organisation of employees and employers, as well as other associations may voluntarily stop working on the basis of the decision of the Assembly of the association, and, exceptionally, in accordance with Article 51. b) of the Law on Associations and Foundations of BiH, Court of BiH may prevent such organisations from working.

It has never happened that an order was issued to prevent any association or organisation of employees and employers from work or to suspend or dismiss them by the Court of BiH.

All organisations have right to found and join federations and confederations and to associate with international organisations of employees and employers.

Article 2 of the Law on Associations and Foundations of BiH provides the following:

- An association is any form of voluntary associating of three or more physical or legal entities in any combination in order to improve and achieve a common or general interest or objective in accordance with the Constitution and law, and the purpose of it is not to gain profit.
- associations may found their associations or other forms of associating where their interests are connected at higher level (association of higher level), unless otherwise regulated by law.
- associations of higher level have all rights and freedoms guaranteed by associations.
- associations and associations of higher level have the right to associate voluntarily with international organisations founded for the purpose of improvement of the same rights and interests.

Becoming a legal entity is provided for in Article 8, Paragraph 3. 1. of the Law on Associations and Foundations BiH. It provides that an association becomes a legal entity on the day of its registration. Therefore, becoming a legal entity is mandatory and the Law provides for no alternative in that sense.

The Law on Associations and Foundations BiH is applied in its entirety on organizations of employees and employers.

The laws applied in the Ministry of Security of BiH do not restrict the right to organization of employees with the purpose of protection of their economic and social interests.

The Labour Law in the Institutions of BiH, which is applied to employees and civil servants in conjunction to organization of employees, provides for the right of employees to conclude a collective agreement (Article 90) and to organize a representative trade union (Article 92) and to go on strike (Article 95).

Pursuant to Article 39, item f) police officers have the right to found and become members of a trade union or professional association in accordance with the law.

The Law on Civil Service in the Institutions of BiH provides for the right of civil servants to found or become members of a trade union or professional association in accordance with law without having to do so and the right to strike in accordance with the law (Article 15, paragraph 1) item h) and i)).

There has been a trade union organization since 30 March 2012 within the Ministry of Security BiH and it has 77 employees included. The operations of this trade union is regulated in detail in the Rulebook on organization and operations of the trade union of the Ministry of

Security of BiH and it was established as a member of the independent trade union of the civil servants and police officers and employees in the Institutions of BiH, judicial authorities and public institutions of BiH (representative trade union).

Every employee has the right to trade union associating and activities in accordance with the Labour Law in the Institutions of BiH.

Negotiations are ongoing with the Council of Ministers BiH regarding the development of the Collective Agreement and the Law on Strike. In that regard, the Council of Ministers of BiH nominated an inter-ministerial working group for the development of a draft Law on Strike of the Employees in the Institutions BiH and a draft Collective Agreement of the Employees in the Institutions of BiH.

The Trade Union of the Ministry does not have capacity of a legal entity.

The Foreigners' Affairs Service, as an administration organization of the Ministry of Security BiH, does not have a trade union; however, there are no obstacles for organizing civil servants and employees of the Foreigners' Affairs Service in a trade union, if they wish to, or for becoming members of the independent trade union of the civil servants and police officers and employees in the Institutions of BiH, judicial authorities and public institutions of BiH.

Within the Directorate for Coordination of Police Bodies of BiH, there is a trade union and the membership is regulated through the membership fee paid in the account of the trade union and used in accordance with founding acts of the trade union. The trade union is free to found associations and associate with national and international organizations. Employees have discretion to join or leave the trade union, and independence of the trade union is reflected in the complete freedom of selection of members and representatives. Police officers have discretion to negotiate their salaries and work conditions, freedom of associating and to participate in the development of the Law relevant to their rights. Mandatory membership is not regulated by by-laws of the trade union.

Within the State Investigation and Protection Agency, there is a trade union of the Agency as an association founded by the Decision on founding of the Agency trade union made by the founding assembly on 26 September 2012. The trade union is an independent, non-political, autonomous, voluntary, interest based association of the employees of the Agency, founded for the purpose of solving issues of common interest of its members with the purpose of the overall improvement of the status, work and living conditions of its members. The purpose and activities of the trade union are the following: influence on adoption and implementation of the legislation of importance to work, economic and social security of its members and their labour-related legal protection, ensuring of the appropriate working conditions, improvement of work and introduction of modern work system and technologies, promoting realistic price of labour force by which an employee may fulfil basic economic, social, cultural, educational and other needs, improvement of working conditions, safety at work, health of employees, consistent application of conventions and international agreements, declarations, charters protecting human rights, freedoms and principles of citizens in BiH.

A work stoppage cannot be conducted if that would significantly jeopardize the safety of the country and its citizens or would harm the operation of the Agency to a great extent. The membership of the trade union is voluntary and any police officer, civil servant, employee or

Agency's retired employee may become a member of the trade union. Any member of the trade union may leave the trade union on a voluntary basis based on written statement.

The laws applied in the Ministry of Security of BiH do not restrict the right to organizing employees for the purpose of protection of their economic and social interests.

As for the strike of the employees in this Ministry, it was announced in 2012 due to reduction of salaries by 4.5% and due to reduction of meal allowance. However, an agreement was reached and the strike was not organized.

Police officers, in accordance with Article 39, Paragraph f) of the Labour Law in the Institutions of BiH, have the right to found the trade union or professional association and join them in accordance with law.

According to the official records in the Registry of associations, trade unions of police organizations are registered in the Ministry of Justice BiH.

Article 26 of the Law on Service in the Armed Forces of BiH provides that professional military officers are prohibited from joining trade unions or political organizations.

The Ministry of Defence of BiH has no employee who is a foreign citizen, given the fact that one of the conditions for recruitment in the Institutions of BiH is the BiH citizenship.

According to Article 92 of the Labour Law in the Institutions of BiH, a representative trade union is a trade union registered at the level of BiH or two or more trade unions who act together and whose majority members are employees of one employer in the headquarters of the employer.

The Council of Ministers confirms the representative trade union following a proposal of the Ministry of Justice of BiH and an appeal may be filed against the confirmation or rejection or confirmation of the representative trade union with the Court of BiH (Article 93 of the Law).

Pursuant to the Law the representative trade union of employees has the right to:

- be consulted prior to adoption of a by-law relating to employment and salaries of its members,
- monitor if the employer acts in accordance with this law or other regulations relating to work relationships,
- report any violation of regulations to the administrative inspectorate,
- assist and represent employees upon their request in case of violation of their rights or disciplinary proceedings or action for damages.

On 24 May 2002, the Association of Independent Trade Unions of BiH submitted an application for being entered into the Registry of Associations of BiH. The competent institutions in BiH failed to process this application following the statutory procedure and complying with their jurisdiction and competences. Meanwhile, the Association addressed the International Labour Organisation (ILO) regarding the violation of Convention 87 on Freedom of Association and Protection of the Right to Organize and Convention 98 on the Right to Organize and Collective Bargaining.

The expert committee on application of the ILO Convention and recommendations requested on more than one occasion that the Council of Ministers of BiH should provide an opinion on this issue due to violation of provisions of the above mentioned Conventions. Having taken

into consideration requests of the expert committee, the Ministry of Justice of BiH took measures to amend the existing legislation, i.e. the Law on Associations and Foundations of BiH. The amendments to this Law were adopted following the parliamentary procedure, published in the Official Gazette No. 63/08 and entered into force on 13 August 2008.

Following the rejection of the appeal by the Review Committee of the Council of Ministers of BiH, the Association of Independent Trade Unions of BiH filed an application with the Court of BiH. The Decision of the Court of BiH dated 20 April 2012 sustained the application filed by the Association, following which, on 5 May 2012, the Association with its head office in Sarajevo was registered in the Registry of Associations and Foundations of BiH kept by the Ministry of Justice. The Decision replaces the act of the responsible administrative body i.e. the decision on entering into Registry with the Ministry of Justice.

The Ministry of Justice entered the Association of Independent Trade Unions of BiH into the Registry of Associations under number 1253, Book I and notified the Association of Independent Trade Unions of BiH of the enforcement of the Decision of the Court BiH.

The Association of Employers of BiH was founded at the 7 July 2004 assembly meeting and its founders are: the Association of Employers of FBH, the Association of Employers of RS, the Association of Private Employers of RS and the Association of Employers of BD. On 3 September 2004 the Association of Employers of BiH was entered into the Registry of Associations and Foundations under number RU-194, Book I and registered in accordance with the Law on Associations and Foundations BiH.

Since its founding in 2004, the Association of Employers of BiH has had active cooperation with ILO, IOE, Business Europe and employers' organizations across Europe and EUROMED countries (Euro-Mediterranean Partnership) and has been a member of AREC (Adriatic Region Employers' Centre).

FBiH

The Constitution of FBiH (Chapter II, Article 2) provides that any entity within the territory of FBiH has the right to freedom of associating, including freedom of associating and membership of trade unions.

In FBiH, Articles 9 to 11 of the Labour Law regulate the right to organizing and associating. They also provide that trade unions and associations of employers are founded without any prior approval of any governmental body.

It means that employees have the right to found a trade union on a voluntary basis and to join it under conditions that may be determined only in the Statute or rules of the trade union. The same rights are afforded to employers when founding their associations.

Joining or leaving a trade union is also on a voluntary basis and employees or employers cannot be put into unfavourable position because of their membership or non-membership in trade union or association.

Article 10 of the Labour Law FBiH prohibits mutual interfering of employers and employees' organizations with establishing, functioning or managing and it especially prohibits

employers' associations from providing assistance to trade unions with the aim of controlling them.

Article 11 of the Labour Law expressly provides that the legal activity of the trade union or employers' association cannot be prohibited on a permanent or temporary basis.

Operations and conditions of operations of a trade union in accordance with its role and tasks are determined by the collective agreement.

The General Collective Agreement stipulates that an employer is responsible to provide for and ensure working conditions and operations of a trade union in its employees' work rules in accordance with the General Collective Agreement and the collective agreement for the particular activity.

Representatives of a trade union that are not employed with an employer, whose trade union has members employed with the employer, have access to the employer for the purpose of trade union activities.

The legislation ensures special protection of any union representative especially because of the fact that s/he protects rights and interests of the members of the trade union and other employees before the employer, which may lead to various forms of abuse by the employer in relation to cancellation of the employment contract. Therefore, Article 93 of the Labour Law stipulates that an employer, only with prior approval of the FBiH Ministry of Labour, may cancel the employment contract of the union representative in the course of performing of his/her duty and six months after performing of his/her duty.

An employer, who acts in contravention of Article 93 of the Labour Law, perpetrates a misdemeanour carrying a fine of BAM 1,000 to BAM 7,000.

Articles 57 to 69 of the Collective agreement for officers in administration and judiciary authorities in FBiH (Official Gazette FBiH, No. 23/00, 50/00) stipulate the right to associating and unhindered work and performance of trade union activities.

Signatories of this agreement assume responsibility to act in accordance with the Constitution, laws, ILO conventions, general collective agreement and this agreement. The head of the administration authority assumes responsibility not to prevent by his/her activities in any way the operations of the trade union, organizing of trade unions and right of employees to join the trade union. In order to fulfil the function of the trade union in administration authorities, the heads of such authorities ensure monthly collection of funds through the payroll based on a submitted written statement/ application form of the officer who is a member of the trade union proving officer's consent to deducting the determined portion of his/her salary for the membership fee and their transfer to the account of the trade union. The head of the authority is obliged to grant a leave of absence to the union representative or any other trade union representative for performing of trade union activities and participation in the trade union meetings, congresses, conferences, seminars, schools and other courses of training in the country and abroad.

The registration of the trade unions is done in accordance with the Law on Associations and Foundations (Official Gazette of FBiH No: 45/02).

The current Labour Law of FBiH does not define representativeness of the trade union or association of employers.

Police trade unions at FBiH and cantonal level are founded based on the Labour Law of FBiH and Law on Citizens' Associations and Law on Civil Service of FBiH and the right to found or join the trade union or association is guaranteed in accordance with law.

According to collective agreements for employees in FBiH and cantonal ministries of the interior, the Minister is obliged to refrain from any acting or activities that could hinder operation and organization of the trade union and the right of employees to join the trade union.

The Cantonal Board of the Police Trade Union of Tuzla Canton Ministry of the Interior has 23 trade union branches within the territory of this Canton and they are territorially and organizationally well represented.

Out of a total of 1,866 employees in the Tuzla Canton Ministry of the Interior, 1,730 members have joined the trade union.

RS

The right to organisation is guaranteed in RS by the Labour Law ("Official Gazette of RS" No: 55/07), the Law on Associations and Foundations („Official Gazette of RS" No. 52/01, 42/05), the Law on Inspections ("Official Gazette of RS" No: 74/10), the General Collective Agreement ("Official Gazette OF RS" No: 40/10) and the Special Collective Agreement for Employees in Home Affairs in RS ("Official Gazette RS" No: 72/06, 16/08).

Articles 6 to 9 of the Labour Law regulate the issue of organizing employees and employers. According to these articles, employees have discretion to organize trade unions and join them in accordance with the Statute and rules of the trade union. Also, employers have discretion to get organized in appropriate associations of employers and to join them in accordance with the Statute and rules of the associations.

These associations are founded without any prior approval of any governmental body. Employees or employers have discretion to decide whether they will leave the trade union or association. The Law bans employers and their associations, who act on their own behalf or through their proxy, from interfering with the organizing and work of their trade union or from controlling its work through providing material and other support to the trade union. Also, when acting on its own behalf or through its proxy, the trade union is banned from interfering with the organizing, operation and management of the association of employers. Article 179 of the Labour Law provides that oversight of the application of this Law, regulations based on the Law, collective agreements and employees' work rules are carried out by the work inspectors in accordance with law.

Lawful activities of the trade union and association of employers may not be prohibited permanently or temporarily.

Articles 142 – 157 of the Labour Law regulate the representativeness of the trade unions and associations of employers. Determined representativeness does not mean any restriction of freedom of organizing and acting of trade unions and associations of employers regardless of the fact that representative associations of employees and employers have more responsibilities and duties than those associations that have not achieved that status given the number of members and other criteria based on which representativeness is determined. The representativeness criteria are clear, legally defined and open for court examination. Once determined, representativeness may be examined after a year if requirements are fulfilled or the criteria are changed.

Article 156 of the Labour Law stipulates that the representative trade union or association of employers participates in the process of collective bargaining, social dialogue and consultations with partners at the level of its organization and activities.

Determined representativeness does not mean any restriction or obstacle to founding a trade union or association of employers. Also, determined representativeness does not restrict an area of activity of the representative trade union or other trade unions that have not achieved that status. According to Article 160, Paragraph 4, when concluding a collective agreement, on the side of the employees, there could be a trade union with the highest number of members (representative trade union) or more trade unions at the same time and, on the side of the employers, there could be an employer, several employers or association of employers at the appropriate level of organization.

Furthermore, Article 161, Paragraph 2 provides the following: „A majority trade union and a majority association of employers shall, before concluding collective agreement under Paragraph 1 hereof, ensure agreement of all trade unions, or all associations of employers organized at the level of Republika Srpska that include at least 10% of members of trade union or at least 10% of employees in Republika Srpska“. Article 162 of the Labour Law provides for the following: „If more than one trade union or employer participated in negotiating on conclusion of collective agreement, the conclusion of the collective agreement may be decided upon only by those trade unions or employers who have for that a letter of attorney provided by each individual trade union or employer, in accordance with their Statutes.”

Trade unions are entered into registry of trade unions prescribed and kept by the ministry responsible for labour affairs. According to the Labour Law, organisations of employees and employers do not become legal entities; the trade unions are registered with the responsible ministry following the entry into the court registry instead. They become legal entities in accordance with the Law on Associations and Foundations that regulates establishment, registration, internal organisation and dissolution of associations and foundations. According to Article 2, Paragraph 1 of this Law, for the purpose of this Law, an association is any form of voluntary associating of more than one physical or legal person for the purpose of promotion or achievement of a common or general objective in accordance with law and Constitution, and its basic purpose is not gaining of profit. According to Article 9, Paragraph 1 and Article 14, Paragraph 1 of that Law, associations may be founded by at least three physical or legal persons, and a member of the association may be any physical or legal person who voluntarily joins the association in a manner prescribed by the Statute.

The Labour Law provides for a fine for a misdemeanour perpetrated by an employer by preventing or hampering the organisation of a trade union (Article 180, Paragraph 1, Sub-paragraph 2 of the Labour Law). This misdemeanour carries a fine of BAM 1,000 to BAM 10,000. A responsible person of the employer is fined from BAM 200 to BAM 1,000.

BD

The Labour Law of BD, Article 5 to 8 regulates the issue of trade union organizing. Article 78 of the Labour Law of BD prevents dismissal of a union representative three months after the union representative completed his/her office.

Article 111 of the amended Labour Law of BD („Official Gazette of BD“ No: 20/13) provides for punishment for a failure to respect Article 28 and the misdemeanour carries a fine of BAM 1,000 to 7,000.

In addition, apart from organizing a trade union, the Labour Law of BD provides for organizing of employees in an employees' council through which they may protect their labour rights. Pursuant to Article 93 of the Labour Law of BD, the employees' council may be founded with an employer that has at least 15 employees.

Article 7, Paragraph (1), Sub-paragraph f) of the Law on Civil Service in the BD Public Administrative Bodies („Official Gazette BD“ No: 28/06, 29/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13) provides for the right of civil servants and employees to organizing in trade unions.

Collective agreements are also the source of rights in the area of labour.

As long as 12 years since the establishment of BD, a general collective agreement has not been adopted.

Article 44, Paragraph (1) Sub-paragraph of the Law on Police Officers BD („Official Gazette BD“ No. 28/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13) provides for the right of police officers to found and join a trade union or professional association in accordance with law.

Police officers of BD are members of the „Women Police Officers Network“ Association (two female police officers), trade union of BD Police (about 150 employees of the Police are members of the trade union), IPA (International Police Association).

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply pertinent figures, statistics or any other relevant information.

According to available data, the total number of members of the trade union in BiH is 478,640, of which 277,450 are in the FBiH and 201,190 members in the RS. The trade union is organized in federations and branch trade unions. There are 22 branch trade unions in the FBiH and 15 branch trade unions in RS. A trade union was founded in 2001 in BD as a voluntary interest related organization of employees. This trade union has 20% members of the total number of employees in BD.

Owing to citizens' reports and official inspections the Inspectorates of Labour and Labour Relations in BiH, entities and BD endeavour to enforce laws consistently with regards to trade unions and collective bargaining.

There were numerous strikes and social unrest in BiH in the reporting period.

In past years, there were protests against or directed to employers across the country, as well as against local, entity and state level authorities. Due to dire state of economy and a lack of

indication that the situation may improve, the following, *inter alia*, went on strike and protested: pensioners, teachers, physicians, miners, industrial workers, agricultural workers, persons disabled in war, members of families of missing and killed persons, civil servants (tax administrations, inspection services...) etc. Major reasons for strikes were low and not regularly paid salaries. The protests were often accompanied by demands for dismissals of officials in employers or resignation of political office holders. There were many cases where employers owed the employees payment of dozens of monthly salaries. Another major reason for protests is the misconduct in privatization that caused complete downfall of many undertakings and their workers were left jobless without any hope to find a new job. In most of the cases, new owners of undertakings did not intend to re-launch (revive) past activities of the undertaking, so workers from the very beginning were destined to be laid-off (“workers waiting for job”) and finally to lose their job.

RS

In the registry of the trade unions kept in the Ministry of Labour and Protection of Veterans and Disabled Persons, there are two trade unions registered at the level of RS (Federation of Trade Unions of RS and Confederation of Trade Unions of RS, six independent trade unions, 16 branch trade unions and 1,797 trade union organizations.

The Federation of Trade Unions of RS has 14 branch trade unions:

1. Trade union of metal industry and mining RS;
2. Trade union of forestry, wood and paper processing RS,
3. Trade union of civil engineering and housing-communal activities RS;
4. Trade union of textile, leather and footwear RS;
5. Trade union of agriculture and food industry RS;
6. Trade union of trade, catering, tourism and service activities RS;
7. Trade union of transport and communications RS;
8. Trade union of financial organizations RS;
9. Trade union of media and graphic workers RS;
10. Trade union of health and social protection RS;
11. Trade union of education, science and culture RS;
12. Trade union of workers of interior affairs RS;
13. Trade union of judiciary RS;
14. Trade union of administration RS

Of a total of 14 branch trade unions, 9 branch trade unions are organized in industries and 5 in administration and social activities.

Within the Confederation of Trade Unions in RS, there are two branch trade unions:

1. Trade union of metal industry workers and miners RS
2. Trade union of associated energy industry workers RS

The independent trade unions act outside two RS associations of trade unions, and they are:

1. Independent trade union of workers in health and social protection RS;
2. Independent trade union of workers of infrastructure Banja Luka railway company RS - Dobojski;
3. Professional trade union of physicians of RS – Banja Luka;
4. Independent trade union of secondary schools RS.
5. Trade union of workers in telecommunications RS.

6. Professional trade union of nurses and medical technicians RS.

No data is available on number of members of the registered trade unions in RS.

Article 6 - The right of workers to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake

1. to promote joint consultation between workers and employers;
 2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
 3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;
- and recognise
4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- Right to Organise and Collective Bargaining ILO Convention no. 98 (1949),
- Freedom of Association and Protection of the Right to Organise ILO Convention no. 87 (1948),
- ILO Convention no. 143 concerning Migrations in Abusive Conditions and Equality of Opportunity and Treatment of Migrant Workers (1975),
- ILO Convention no. 144 on Tripartite Consultations (International Labour Standards) (1976),
- ILO Convention no. 175 concerning Part-Time Work (1994).

Primary legislation (laws)

- Labour Law ("Official Gazette of FBiH", No. 43/99, 32/00, 29/03),
- General Collective Agreement for the Territory of FBiH («Official Gazette of FBiH», No. 54/05, 62/08),
- Strike Law («Official Gazette of FBiH», No. 14/00),
- Law on Civil Service of FBiH („Official Gazette of FBiH“, No. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06),

- Law on Employees in the State Administrative Authorities of FBiH („Official Gazette of FBiH“, No. 49/05),
- Law on Police Officers of FBiH („Official Gazette of FBiH“, No. 27/05, 70/08),
- Law on Peaceful Resolution of Labour Disputes (“Official Gazette of RS” No. 71/09, 100/11),
- Strike Law (“Official Gazette of RS” No. 111/08),
- Law on Salaries and Benefits in FBiH Institutions („Official Gazette of FBiH“ No. 45/10, 111/12)
- Law on Home Affairs (“ Official Gazette of RS” No.4/12),
- BD Labour Law („Official Gazette of BD“ No. 19/06, 19/07, 25/08/),
- Strike Law ("Official Gazette of BD ", No. 3/06),
- Law on Employment and the Rights during Unemployment ("Official Gazette of BD", No. 33/04, 19/07, 25/08).
- Strike Law ("Official Gazette of BD ", No. 3/06),
- Law on Police Officers of BD („Official Gazette of BD“ No. 28/06, 19/07, 2/08, 44/08, 25/09, 26/09, 4/13)

Secondary legislation (by-laws)

- Guidelines for the Republika Srpska Administrative Authorities' Participation in the Public and Consultations in Drafting of Laws („Official Gazette of RS ” 123/08),
- Agreement Establishing the Economic and Social Council for the Territory of FBiH (“Official Gazette of FBiH“ 47/02, 42/03, 08/08).

Article 6, paragraph 1 - Joint consultation between workers and employers (tripartite bodies) on an equal footing

- 1) Please describe the general legal framework in public and private sector. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Article 89 of the Labour Law in the Institutions of BiH provides that an employer adopts the Employees’ Work Rules regulating the organisation of work and other matters relevant for the employees and employer in accordance with Law. Paragraph 2 of this Article provides that an employer consults the trade union regarding the adoption of these Rules and that publicity of the Rules is ensured by its publication on the employer's notice board as expressly determined in Paragraph 3 of Article 89 of this Law.

FBiH

Collective bargaining in FBiH is regulated by the Labour Law of FBiH. The legislation determines a framework and grounds for collective bargaining and the purpose of the legislation is to enable voluntary negotiating between an employer and trade union without prejudice to free will and freedom of negotiating.

A collective agreement regulates in more detail rights based on employment, scope of rights and manner of their exercise, provided that the scope of any right cannot be smaller than the one determined by the Labour Law unless the Law provides otherwise.

The applicable Labour Law does not provide for criteria of representativeness based on which some trade unions or employers' associations have the right to negotiate and conclude collective agreements.

Collective agreements are concluded for the territory of FBiH and at the cantonal level, they are concluded with employers, as well.

Collective agreements are concluded by representatives of employers and employees at the level of employers and area of activity, while in FBiH, in addition to representatives of employers and employees, also the FBiH Government participates on behalf of state-owned capital.

Collective agreements concluded for the territory of FBiH and areas of activity are published in the FBiH or cantonal official gazettes, which is the condition for their entering into force.

A concluded collective agreement and its amendments for the territory of FBiH or one or more than one canton are submitted to the FBiH Ministry of Labour and Social Policy to be deposited there and other collective agreements are submitted to the responsible cantonal authority.

The Ministry of Labour does not perform registration of collective agreements as it is not a condition for their entering into force.

Collective agreements are concluded in written and their validity duration can be definite or indefinite. If time of duration is not specified, it is regarded that it is indefinite.

A collective agreement can be cancelled in a manner and under conditions specified in the collective agreement itself.

A general collective agreement is adopted for all employers and employees in the territory of FBiH and a branch-level collective agreement is adopted for all employees and employers of the certain area of activity.

All employees in the FBiH are covered by the general collective agreement, while employees in certain branches and activities are covered by branch-level collective agreements. As for the collective agreements with employers, there are few of them because employers are obligated to adopt the employees' work rules in order to specify organization and working conditions in accordance with law and collective agreement.

Article 43 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities of FBiH provides for obligations of the heads of administration authorities to submit to the trade union any pre-draft and draft regulations in the area of labour relations for their opinion and consideration. The heads of authorities consider the opinions provided by the trade union and accept well-grounded recommendations.

Article 5 of the Law on Salaries and Benefits in the State Administration Authorities in the FBiH (Official Gazette FBiH 45/10 and 111/12) provides for the basis for calculation of salaries to be the lowest net wage per hour in agreement with the trade union.

In the FBiH, according to published data in the Registry of FBiH official gazettes, in addition to the general collective agreement for the territory of FBiH, 21 more collective agreements were concluded for the areas of activity including collective agreements of individual public enterprises.

COLLECTIVE AGREEMENTS SIGNED FOR THE LEVEL OF FBiH AND BRANCH LEVEL TRADE UNION

1. General collective agreement for the territory of FBiH (Official Gazette FBiH No. 54/05, 62/08);
2. Collective agreement on rights and obligations of employers and employees for the manufacturing and processing of metal in the FBiH, (Official Gazette FBiH, No. 77/06);
3. Collective agreement on rights and obligations of employers and employees in the area of chemistry and non-metals in the FBiH, (Official Gazette FBiH, No 53/00);
4. Collective agreement on rights and obligations of employers and employees in the area of textile, leather manufacturing and rubber industry in the FBiH, (Official Gazette FBiH, No 2/08);
5. Collective agreement on rights and obligations of employers and employees in the area of civil engineering, construction material and design in the FBiH, (Official Gazette FBiH, No. 49/00);
6. Collective agreement on rights and obligations of employers and employees in the area of forestry, wood and paper processing in the FBiH, (Official Gazette FBiH, No. 49/00);
7. Collective agreement on rights and obligations of employers and employees in the area of mining FBiH, (Official Gazette FBiH, No. 53/07);
8. Collective agreement on rights and obligations of employers and employees in the area of graphics, publishing and media in the FBiH, (Official Gazette FBiH, No. 48/08);
9. Collective agreement on rights and obligations of employers and employees in the area of utilities in the territory of FBiH, (Official Gazette FBiH, No. 48/06, 75/07, 32/08, 51/09);
10. Collective agreement on rights and obligations of employers and employees in the area of petrol and petrochemical industry in the FBiH, (Official Gazette FBiH, No. 49/00);
11. Collective agreement of the industry of electricity supply in the FBiH, (Official Gazette FBiH, No. 61/07);
12. Collective agreement of railway employees in the FBiH, (Official Gazette FBiH, No. 11/07, 68/10);
13. Collective agreement on rights and obligations of employers and employees in the area of health in the FBiH, (Official Gazette FBiH, No. 61/07);

14. Collective agreement in the area of postal services in the FBiH, (Official Gazette FBiH, No. 9/07);
15. Collective agreement for the area of telecommunications in the FBiH, (Official Gazette FBiH, No. 78/06);
16. Collective agreement for primary education in the FBiH, Official Gazette FBiH, No.53/00;
17. Collective agreement for secondary education in the FBiH, (Official Gazette FBiH, No. 51/00);
18. Collective agreement for employees of public administrative bodies and judicial authorities of FBiH (Official Gazette FBiH, No. 23/00 , 50/00);
19. Collective agreement on rights and obligations of employers and employees in the area of transport in the FBiH, (Official Gazette FBiH, No. 71/07);
20. Collective agreement for finance (Official Gazette FBiH, No. 48/00);
21. Collective agreement on rights and obligations of employers and employees in the area of trade, catering and tourism in the FBiH (Official Gazette FBiH, No. 14/00);
22. Collective agreement for employees of the FBiH Ministry of the Interior (Official Gazette FBiH, No. 44/04),

In the FBiH, information awareness of police officers, civil servants and other officials is at high level, while in certain cantons the level of awareness of police officers varies depending on the activity of trade unions.

RS

Right of workers to collective bargaining is exercised in RS through the Labour Law, the Law on Inspections, the Law on Peaceful Resolution of Labour Related Disputes³, the Law on Strike,⁴ the General Collective Agreement and Guidelines for Participation of RS Administration Authorities in Consultations for Development of Laws⁵, the Law on Home Affairs⁶.

Articles 158 – 169 of the Labour Law regulate the issue of collective agreements pertaining to the following: content of collective agreements; mandatory application of the collective agreements; territorial and personal validity of collective agreements; forms and duration of collective agreements; publication of collective agreements and resolution of disputes that arose in connection with conclusion and application of collective agreements. The Law does not include explicit provisions on rights of employees (individual and collective rights) to

³Law on Peaceful Resolution of Labour Related Disputes (RS Official Gazette, no. 71/09, 100/11),

⁴The Law on Strike (RS Official Gazette, no. 111/08).

⁵ Guidelines for Participation of RS Public Administration Authorities in Public Consultations for Development of Laws (RS Official Gazette, no. 123/08),

⁶ The Law on the Interior (RS Official Gazette, no. 4/12).

collective bargaining. They are implicit in a sense that significance is given to agreements and that matters related to their conclusion and application of the Labour Law are regulated.

Mutual consultations of employees and employers are not provided in the Labour Law. However, they are conducted in practice when regulations are to be adopted and certain economic and social issues are to be resolved.

The Law on Peaceful Resolution of Labour Related Disputes regulates the manner of amicable resolution of individual and collective work rights and amicable resolution of disputes is an alternative way of resolving work disputes between parties involved in a labour related dispute with participation of the third party and it includes reconciliation and arbitrage. A party in an individual labour related dispute in the sense of this Law is considered to be an employee and employer and an individual labour related dispute is considered to be any dispute resulting from cancellation of employment contract etc.; a party to a collective labour related dispute is considered to be a participant in the conclusion of the collective agreement, and a collective labour related dispute is considered to be any dispute resulting from conclusion, amendments, cancellation or application of collective agreement, exercising of rights to trade union organization, strike and other collective rights; a labour related dispute for the purpose of this Law is considered to be an individual or collective dispute; participants in conclusion of collective agreements may submit a recommendation, either collectively or individually, to the Agency for participation of mediators in collective bargaining for the purpose of providing assistance and preventing disputes.

Article 51 of the Special Collective Agreement for employees in the area of home affairs in RS provides that the Ministry and trade union undertake any measures for the purpose of elimination of causes of strike. If strike, despite measures, occurs, employees of the Ministry exercise their right to strike in accordance with the Law on Home Affairs, Law on Strike and trade union rules on strike.

Neither a general collective agreement nor branch level collective agreements as delegated legislation contain provisions on employees' rights on collective bargaining.

A general collective agreement, 16 branch level collective agreements and 49 individual collective agreements are registered in the Registry of collective agreements in RS.

1. General Collective Agreement (RS Official Gazette, no. 40/10);
2. Special collective agreement for employees in the area of health in RS – (RS Official Gazette, no. 95/09);
3. Collective agreement for energy industry in Republika Srpska –(RS Official Gazette, no. 31/08);
4. Special collective agreement for employees in administration authorities in Republika Srpska – (RS Official Gazette, no. 14/08, 116/08);
5. Special collective agreement for employees in the area of forestry, wood and paper processing of Republika Srpska – (RS Official Gazette, no. 108/06);
6. Special collective agreement for employees in the area of home affairs of Republika Srpska – (RS Official Gazette, no. 72/06, 16/08)
7. Special collective agreement for agriculture and food industry of Republika Srpska– (RS Official Gazette, no. 110/06);
8. Special collective agreement for employees of media and graphics of Republika Srpska– (RS Official Gazette, no. 94/06);

9. Collective agreement for employees of metal industry and mining of Republika Srpska– (RS Official Gazette, no. 63/07);
10. Branch level collective agreement for employees in the area of trade, catering, tourism and services of Republika Srpska – (RS Official Gazette, no. 94/06);
11. Special collective agreement for transport and communications of Republika Srpska – (RS Official Gazette, no. 75/06);
12. Special collective agreement for civil engineering and construction material industry of Republika Srpska – (RS Official Gazette, no. 111/06);
13. Special collective agreement for housing and utility services of Republika Srpska– (RS Official Gazette, no. 95/06);
14. Special collective agreement for employees in the area of education and culture – (RS Official Gazette, no. 17/08 and 26/09);
15. Branch level collective agreement for finance organizations of Republika Srpska– (RS Official Gazette, no. 11/07);
16. Special collective agreement for judiciary – (RS Official Gazette, no. 115/06);
17. Branch level collective agreement for textile, leather and footwear industry of Republika Srpska–(RS Official Gazette, no. 121/06);
18. Collective agreement for metal industry and mining of Republika Srpska– (RS Official Gazette, no. 90/03 i 82/06);
19. Special collective agreement for employees in local self-governance of RS–(RS Official Gazette, no. 114/07);

Individual collective agreements are not published in RS Official Gazette.

BD

BD does not have a general collective agreement signed for the territory of BD.

The BD Mayor has not signed a collective agreement with the BD trade union.

Rights of employees to collective bargaining are guaranteed in the following applicable regulations: Articles 96 to 98 of the BD Labour Law (BD Official Gazette no. 19/06, 19/07, 25/08/) and Employees' Work Rules (BD Official Gazette no. 2/07, 34/09)

The legal framework applied in this area in the public sector includes the Law on Civil Service and Labour Law of BD, for cases not included in the Law on Civil Service in BD Public Administrative Bodies, and the BD Labour Law is applied in private sector.

Articles 96, 97 and 98 of BD Labour Law regulates the issue of conclusion of collective agreements. Article 98 provides that the content of the collective agreement and procedure for conclusion and amending are conditions under which it is valid and other issues are regulated by agreement between parties. The only restriction under Article 97 is that a collective agreement cannot envisage less lenient provisions than those envisaged in the law. Based on the foregoing, it can be concluded that the law enables conclusion of collective agreements or provides possibility for voluntary bargaining.

Employment issues are regulated by the Law on Employment and Rights during Unemployment (BD Official Gazette, no. 33/04, 19/07, 25/08). Procedure and conditions for employment in BD public administrative bodies is regulated by the Law on Civil Service and

Rulebook on Employment in Public Administrative Bodies, while employment in private enterprises or employers other than administrative bodies is regulated in the BD Labour Law and Rulebook on Employment adopted by the BD Employment Office.

Article 15 of the Law on Employment and Rights during Unemployment provides that BD Government adopts a programme of active employment policy in BD and notifies BD Assembly on the programme implementation once a year.

The BD Employment Office undertakes any required measures and activities to implement the programme including training programmes aimed at recruitment.

The right to strike of employees in enterprises or public administrative bodies of BD is regulated by the Law on Strike (BD Official Gazette, no. 3/06).

In the period from 2008 to the end of 2012, the Inspectorate of Labour and Labour Relations carried out inspections of application of the Law on Strike and Organization of Strike by the trade union.

The BD Government has not signed a collective agreement with representatives of employees and trade union.

BD has not signed a general collective agreement for the territory of BD.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) Please supply pertinent figures, statistics or any other relevant information, if appropriate.**

Article 6, paragraph 2 - Employers' organisations and workers' organisations regulate terms and conditions of employment by means of collective agreements

- 1) Please describe the general legal framework in public and private sector. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Article 90 of the Labour Law in the Institutions of BiH provides that a collective agreement may be concluded for a specific activity of one or more employers or associations of employers. While concluding a collective agreement, employees may be represented by one or more trade unions and employers may be represented by one or more employers or associations of employers (Article 90(1)). The following paragraph 3 provides that, if bargaining and concluding a collective agreement involves more than one trade union or more than one employer, the conclusion of the collective agreement may be negotiated by only those trade unions or employers that have the power of attorney from each individual trade union or employer, in accordance with their articles of association/incorporation. Paragraph 4 provides that a collective agreement is concluded in writing and paragraph 5 provides for an obligation to publish the collective agreement in "Official Gazette". In this way the participation of all stakeholders in the process of negotiation and conclusion of collective agreements is ensured, while the

obligation to publish the collective agreement in "Official Gazette" ensures publicity i.e. provides an opportunity for everyone to be aware of provisions of the collective agreement.

A collective agreement between the Council of Ministers and employees of BiH institutions/representatives of the Trade Union of Employees of BiH Institutions has not been concluded at the level of BiH. Some concrete actions were taken in this regard. According to the agreement reached between representatives of the Council of Ministers and representatives of the Trade Union of Employees of the Institutions of Bosnia and Herzegovina, an initiative for the Law on Strike was given and negotiations for the conclusion of a collective agreement will start upon its passage. In order to implement the conclusions of the Council of Ministers, an inter-agency working group was appointed with a task to draft and propose a Bill on Strike.

So, a collective agreement has not been signed at the State level yet and it is being drafted involving representatives of the Independent Trade Union of Civil Servants and Police Officers Employed in BiH Institutions, Judicial Authorities and Public Institutions of BiH.

The Labour Law in the Institutions of BiH does not provide for penalties for non-compliance with the provisions related to the conclusion of a collective agreement.

Article 91 of the Law provides that a collective agreement governs rights and obligations of the parties having concluded the agreement and rights and obligations arising from employment or related to employment in accordance with the law and other regulations. This Article provides that a collective agreement governs the rules of procedure of collective bargaining and that a collective agreement is binding on the parties which originally concluded the agreement or signed it subsequently. A collective agreement is to be submitted to the Council of Ministers and the Administrative Inspectorate.

The initiative for the establishment of the Economic and Social Council at the State level was launched in 2004, together with the process of ratification of ILO Convention No. 144 (on Tripartite Consultations with a view to promoting international labour standards) providing for such a body in BiH.

ILO Convention No. 144 on Tripartite Consultations (international labour standards) (1976) was ratified in 2005 and the ratification was published ("Official Gazette - International Treaties" 11/05).

However, the Economic and Social Council at the State level has not been established yet primarily for the reasons of social partner's discord and a failure to achieve representativeness of social partners to make up the Council.

Both Entities have the Economic and Social Councils, which were formed as advisory bodies to the Government of FBiH and RS Government, in which the social partners, the government, trade unions and employers have a tripartite dialogue in order to resolve all disputes and avoid the most serious actions, such as protests and other similar process.

Further, a goal of the Economic and Social Council is to use the tripartite dialogue as a basis for social dialogue, resolve and decide on economic, social and development policies issues, the promotion and protection of economic and social rights and interests of workers and

employers and developing of the system of collective bargaining and collective agreement conclusion and application.

FBiH

Articles from 108 to 121 of the FBiH Labour Law promote the right of employees and employers to voluntary collective bargaining and collective agreements.

Article 111 provides that a collective agreement may be concluded for the territory of the Federation, for the territory of one or more than one canton, for an individual industry, for one or more than one employer.

The FBiH Labour Law provides that some labour rights can be and some labour rights have to be determined in collective agreements.

As already stated, the valid Federation Labour Law does not set the criteria of representativeness of trade unions and employers' associations.

The new FBiH Labour Law, which is under deliberation in the Parliament, defines the matter of collective bargaining and collective agreements in more details and more comprehensively and sets the criteria for the representativeness of trade unions and employers' associations as parties to the collective bargaining.

Article 130 of the Labour Law provides for a possibility of establishing the Economic and Social Council of the Federation and Cantons.

The Economic and Social Council is a consultative and advisory body composed of representatives of governments, trade unions and employers and it is formed in accordance with the Labour Law and the Agreement Establishing the Economic and Social Council, which is concluded by social partners.

The Economic and Social Council of the Federation was formed on 27 August 2002 on the basis of the Agreement Establishing the Economic and Social Council ("Official Gazette of FBiH 47/02, 42/03, 8/08, 13/08, 51/08) and started work in 2003.

The Economic and Social Council of the Federation is the most important form of institutionalized social dialogue that takes place on the principle of cooperation between the government, unions and employers' organizations, whose representatives sit on it.

The Economic and Social Council encourages, inter alia, collective bargaining and collective agreements, provides opinions and suggestions on the content of collective agreements, monitors, reviews and comments on the regulations pertaining to labour, employment and so on.

This body has gained great importance over time, which fact is supported by the number of laws and other pieces of legislation of which the Economic and Social Council gives opinion, i.e. Which are discussed at meetings of the Council prior to sending to the Parliament, which has the effect of better agreement of the social partners on the proposed solutions.

RS

In accordance with the Guidelines for the Republika Srpska Administrative Authorities' Acting in Relation to Participation of the Public and Consultations in Legislative Drafting, each proponent is required to determine whether the proposed legislation is of interest to the public. For the purpose of paragraph 2 of the Guidelines, the public/persons concerned are primarily employers and workers' associations/trade unions and non-governmental organizations established to protect interests of workers who have suffered abuse.

Representatives of employers' associations and trade unions may sit on the working group for the preparation and drafting of this law, which ensures consultations with interested parties because their comments and their views and suggestions are built into the law, as they represent the interests of employers and workers, as provided in paragraph 12 of the Guidelines, as a way to participate in public consultation. The draft law is made public on the website of the proponent with a view to gathering comments and suggestions given by citizens and NGOs.

Neither the General Collective Agreement nor the Branch Collective Agreements provide for the rights of workers to bargain collectively but contain provisions governing the specific requirements for employment the employee must meet to conclude an employment contract.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

BiH

A collective agreement has not been signed at the State level yet and it is being drafted, involving representatives of the Independent Trade Union of Civil Servants and Police Officers Employed in BiH Institutions, Judicial Authorities and Public Institutions of BiH.

The Labour Law in the Institutions of BiH does not provide for penalties for non-compliance with the provisions related to the conclusion of a collective agreement.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on collective agreements concluded in the private and public sector at national and regional or sectoral level, as appropriate

RS

In RS, the General Collective Agreement applies to all employees and all employers. Five Branch Collective Agreements out of the 16 Branch Collective Agreements are agreements in the public sector. Ten individual collective agreements out of 49 individual collective agreements relate to the public sector.

Article 6, paragraph 3 - Conciliation and voluntary arbitration for the settlement of labour disputes

1) Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant

decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

BiH

The legal framework for the resolution of labour disputes through arbitration is provided in Article 84 of the Labour Law in the Institutions of BiH, providing for an opportunity for the disputed parties to agree to refer a labour dispute to arbitration. Other issues related to arbitration are not regulated in this Law, but they are governed by special regulations such as by-laws of the employer/agreements governing the composition, procedure and other issues relevant to the arbitration that can be regulated by a special law or document of the employer and employees. These documents regulate labour disputes that could be the subject of arbitration, the composition of the panel of arbitrators, the rules of procedure of arbitration, decision-making, as well as other issues of importance for the formation and operation of the panel of arbitrators. Some of the issues related to this matter will be resolved in the collective agreement and the Law on Strike.

We note that in the Draft Law on Strike of Employees in the Institutions of Bosnia and Herzegovina is being drafted. The inter-ministerial working group for drafting this law includes also representatives of trade unions, which will ensure the active participation of employees in the preparation of this law. In addition, we note especially that a special focus of the inter-ministerial working group will be placed on the European Social Charter and standards and instruments of the International Labour Organisation and that these standards will certainly be incorporated into the draft Law on Strike.

FBiH

In the case of a collective labour dispute, in addition to arbitration as a means of peaceful resolution of disputes between parties, conciliation by a Conciliation Panel is provided for.

The conciliation process is regulated by Articles 122 to 125 of the Labour Law and is carried out only in the event that the parties to the collective agreement did not regulate the process of peaceful settlement of disputes in some other way. Conciliation is carried out in the event of a dispute over the conclusion, implementation, modification, amendment or termination of the collective agreement or another similar dispute related to a collective agreement.

Conciliation is carried out by the Conciliation Panel that may be formed for the territory of the Federation or for the area of a canton. The Conciliation Panel of the Federation is composed of three members as follows: a representative of the employer, a representative of the trade union and a representative elected by the parties in dispute from the list determined by the Federation Minister of Labour.

In the proceedings the Conciliation Panel adopts its proposal for settlement of the dispute, which the parties may accept or reject. If the parties accept the proposal of the Conciliation Panel, the proposal has legal force and effect of a collective agreement.

If the Conciliation Panel cannot agree on the proposed resolution of the dispute or if the parties do not accept the proposal, the conciliation is deemed to have failed.

Unlike conciliation where the parties may accept or reject a proposal of the Conciliation Panel, in arbitration, if the parties agree to refer a collective labour dispute to arbitration, an arbitration award is binding and no appeal is allowed. The arbitration award has legal force and effect of a collective agreement and is founded on law, other piece of legislation, collective agreement and fairness.

The current practice shows that the social partners rarely resort to peaceful resolution of disputes relating to collective bargaining and collective agreements.

Collective labour disputes on the application, amending or cancellation of a collective agreement or other similar disputes which could not be resolved through negotiations by signatories of the agreement, may be resolved before an Arbitration Panel.

An arbitration award issued by an Arbitration Panel is final and binding.

Articles 44 to 49 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities of FBiH ("Official Gazette" 23/00, 50/00) provides that disputes that could not be settled through negotiations are settled before an Arbitration Panel.

Article 63 of the Law on Civil Service of FBiH ("Official Gazette" 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, 4/12) requires an appointment of a mediator in civil service who works with the head of an institution when making a decision on rights and duties of civil servants and employees deriving from employment or related to employment. His/her job should contribute to objective decision-making and that each case is settled fairly and lawfully.

RS

Articles 165 to 169 of the RS Labour Law regulate the settlement of disputes arising in connection with cancellation and amending of collective agreements. The Law does not contain provisions respecting the resolution of individual labour disputes. The Law on Labour Disputes ("RS Official Gazette" 71/09, 100/11) regulates the manner and procedure of peaceful settlement of individual and collective labour disputes, selection, rights and duties of conciliators and arbitrators, the method of establishing a body for peaceful settlement of labour disputes and other issues of importance for the peaceful settlement of labour disputes. For the purpose of this Law, a labour dispute is any individual or collective labour dispute. For the purpose of this Law, an individual labour dispute is a dispute relating to termination of an employment contract, recruitment and conclusion of employment contract with changed conditions and terms, non-payment of salaries and benefits for at least three months, compensation for material damage and severance pay. For the purpose of this Law, a collective labour dispute is a dispute relating to the conclusion, amending, cancellation or application of a collective agreement, the exercise of the right to organize, a strike and other collective rights. Peaceful settlement of labour disputes is an alternative way of resolving labour disputes between the parties in labour disputes with the participation of third parties, which includes mediation and arbitration. The parties to a labour dispute voluntarily decide on a peaceful settlement of a labour dispute, unless this Law provides otherwise. The parties to a labour dispute select conciliators and arbitrators from the List of Conciliators and Arbitrators nominated in order to achieve peaceful settlement of labour disputes.

The procedure of peaceful settlement of a labour dispute includes the parties to the dispute, conciliators and arbitrators or the bodies for peaceful settlement of disputes under this Law. The conciliator and arbitrator are obliged to act responsibly, conscientiously and impartially.

In order to perform professional peaceful settlements of labour disputes, the RS Government has established the Agency for Peaceful Settlement of Labour Disputes.

Article 56 of the General Collective Agreement determines that the resolution of a dispute may be referred to arbitration. The authorization, proceedings and decision making of the arbitration are defined by a separate agreement of the parties to the dispute in each individual dispute.

BD

Articles 99 to 103 of the BD Labour Law („Official Gazette of BD“ 19/06, 19/07, 25/08/) provides for conciliation and arbitration.

- when settling disputes, a Conciliation Panel is appointed; its decision may be accepted and be binding on both parties and, if not accepted, the dispute will be brought before the competent court for adjudication.
- collective labour disputes can be solved by arbitration; then arbitrators and a panel of arbitrators are appointed; the arbitration procedure is regulated in a collective agreement, which has not been signed in BD.

Peaceful settlement of labour disputes is governed in Articles 99, 100 and 101 of the BD Labour Law, while arbitration is governed in Articles 102 and 103.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

RS

The Agency for Peaceful Settlement of Labour Disputes submits reports on its activities and activity plans to the RS Government as its founder for adoption in pursuance of the Law on Public Service.

Article 6 of the Law on Labour Disputes provides, *inter alia*, that the Agency for Peaceful Settlement performs activities related to education and training of conciliators and arbitrators and keeps records on the peaceful settlement of labour disputes.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or court interventions in collective bargaining and conflict resolution by means of, *inter alia*, compulsory arbitration.

RS

The Agency for Peaceful Settlement of Labour Disputes of RS started work on 1 June 2010. In the period between 1 June 2010 and 31 December 2010, it received a total of 74 cases of which 69 ones involve individual labour disputes and 5 ones involve collective labour disputes. In that year, 42 individual dispute cases were resolved and they involved: 19 agreements, 11 work stoppages and 7 strikes and 5 cases were dismissed for a lack of jurisdiction. Three collective disputes were resolved: two agreements and one work stoppage.

In 2011, from 1 January 2011 to 31 December 2011, it received a total of 202 cases of which 193 ones involved individual labour disputes and 9 ones involved collective labour disputes. In that year, 178 individual labour disputes were resolved and they involved: 118 agreements, 52 work stoppages and 3 strikes and 5 cases were dismissed.

Article 6, paragraph 4 -The right of workers and employers to collective action in cases of conflicts of interest

- 1) Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.**

BiH

Constitutions, laws and collective agreements in Bosnia and Herzegovina, the Entities and Brcko District guarantee the right to go on strike. This right is regulated by the Law on Strikes that was enacted at all levels of government.

The Law provides for the right of workers to strike, the right of trade unions to call a strike, an employer's right to terminate worker's employment contract and governs other issues related to the strike. A trade union has the right to call a strike and organize a strike action for the protection and exercise of economic and social rights and interests of its members. A strike can be organized only in accordance with applicable legislation, union rules on strike and collective agreements. Workers freely decide on their participation in the strike.

Article 95 of the Labour Law in the Institutions of BiH provides that every representative union has the right, according to the Law on Strikes and other valid regulations, to call for a strike and carry it out in the interest of protection and realisation of financial and social rights and interests of the employees if:

- the disputable issue has been addressed to the employer;
- the 15 days deadline, starting from the day the issue was addressed to the employer, has expired;
- until that day there has been no resolution of the issue;
- the employer has been given a written notice on the start of the strike, at least 48 hours in advance.

Article 96 of the Law provides that, notwithstanding Article 95 of this Law, an employee may not participate in a strike if:

- an agreement has been signed with the employee to resolve disputable issue through arbitration process and
- the employee is employed in core services or maintenance services.

The employer identifies his core services and maintenance services after consultations with the representative union.

By participating in a strike, an employee does not breach his/her official duty nor may he/she be put into a less favourable position compared to other employees because of organising of or participating in a strike. An employee may not be in any way forced to take part in a strike (Article 97)

Article 97(4) provides that if an employee is behaving contrary to Article 96(1), which means that he/she participates in a strike although an agreement has been signed with him/her to resolve disputable issue through arbitration process or that he/she is employed in core services or maintenance services, or, intentionally or through negligence, causes damage to the employer, he/she will be found to be in severe breach of official duty and based on that his/her contract may be cancelled, without observing the notice period as prescribed by this Law and he will be obliged to compensate to the employer for all the damage in the full amount.

Article 26 of the Law on Service in the Armed Forces of BiH provides that the professional military personnel are prohibited from organizing in trade unions or political parties.

Penal provisions of the Labour Law in the Institutions of BiH determine that a fine for misdemeanour is imposed on an employer who denies an employee the right to go on strike or put him/her in less favourable position compared to other employees because of organising or participating in a strike.

At the State level no Law on Strike has been enacted yet and it is being drafting, involving representatives of the Independent Trade Union of Civil Servants and Police Officers Employed in BiH Institutions, Judicial Authorities and Public Institutions of BiH.

FBiH

The right to go on strike is guaranteed in Article 128 of the Labour Law, providing that a trade union is entitled to call a strike and conduct it with the purpose of protecting and promoting economic and social rights and interest of its members.

The strike may be organized only in accordance with the Law on Strike, the rules on strike of the trade union and the collective agreement.

Certain requirements must be fulfilled for a strike to be permissible and lawful. First, a trade union, as the strike organizer, must announce it to an employer in writing at least ten days before the commencement of the strike. The strike announcement states the reasons for the strike, the place, date and time of the strike. If the trade union does not announce a strike to the employer or fails to announce it ten days before the commencement of the strike, the employer may, in accordance with Article 10 of the Law on Strike ("Official Gazette" 14/00), seek from the competent court to ban organizing and carrying out the strike that is contrary to the Law.

The second requirement for permissibility of a strike is prior conciliation proceedings. Namely, Article 128 of the Labour Law provides that a strike may not begin prior to completion of the conciliation proceedings under this Law/ prior to completion of other proceedings for peaceful resolution of the dispute which the parties have agreed upon.

In accordance with Article 5 of the Law on Strike, the trade union and the employer come to an agreement on which activities cannot be interrupted during the strike. The agreement contains stipulations on jobs and the number of employees required to work during the strike in order to ensure minimum services. Any strike commenced without prior agreement on the jobs that cannot be interrupted would be inadmissible.

Employees decide freely on the participation in the strike and their organizing and participating in a strike organized in accordance with the law, collective agreements and union rules do not breach the employment contract.

Article 9 of the Law on Strike provides that the pay of an employee who participated in the strike can be reduced in proportion to the time spent in the strike, in accordance with the collective agreement and the employees' work rules.

An employer may exclude employees who do not participate in the strike from the employer's operation only as prescribed in Article 7 of the Law on Strike.

The right to strike of police officers, administration and administrative services is regulated by special laws.

The right to strike of civil servants is guaranteed in Article 28(1) of the Law on Civil Service of FBiH and for employees it is guaranteed in Article 5 of the Law on Employees in the Civil Service. These articles provide only that civil servants and employees have the right to strike and this right may be exercised in accordance with the law. But such a law for civil servants and employees has not been enacted, while Articles 1 and 2 of the Law on Strike exclude civil servants and employees from the application of this Law.

Articles from 50 to 56 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities ("Official Gazette" 23/00, 50/00) promote the right to strike for the purpose of protecting and implementing economic and social interests of their members. The Trade Union is entitled to call its members to go on strike. A strike is carried out in accordance with the Law on Strike and trade union rules on strike. Civil servants and employees in the civil service exercise their right to strike in the manner, under conditions and following procedures under the Rules for the Organization and Carrying out a Strike by the Independent Trade Union of Employees of Public Administrative Bodies and Judicial Authorities ("Official Gazette" 54/01, 57/03).

The Trade Union of employees of the Federation Ministry of the Interior has the right to call its member and employees to go on strike with a view to protecting economic and social interests of its members. A strike is organized and carried out in accordance with the Law on Strike and trade union strike rules. Organizing a strike and participating in a strike are in accordance with the Law and Collective Agreement and do not breach official duty.

RS

The right of workers to collective action is guaranteed in the Constitution of RS. Article 171 of the Labour Law provides that workers have the right to strike in accordance with a separate law. This separate law is the Law on Strike governing the strike as organized work stoppage in which workers can obtain protection of professional, economic and social rights. The law defines a strike as an organized work stoppage, which can be organized in a company, institution or with other legal and physical persons. The strike may be organized in an industry branch or activity or as a general strike for the RS territory. A strike may be organized as a token strike, which can last no longer than one hour.

Further, the law provides that workers are free to decide on participation in the strike. The employer cannot prevent workers from organizing a strike and participate in it, neither can it use threats and coercion to end the strike nor can it, on the basis of non-participation in the strike, provide a higher salary or other more favourable working conditions for workers who do not participate in the strike. However, the right to strike of workers in industries or sectors of general interest can be exercised under special conditions prescribed.

Article 11 of the Law on Strike governs a strike in services of general interest. According to this provision, in the activities of general interest or activities where the termination could endanger human life or health or inflict large-scale damage due to the nature of work, the right to strike of workers can be exercised if special requirements under the Law are fulfilled.

Activities under paragraph 1 of this Article are activities performed by the employer in the following activities: electricity and water supply; rail transport; air traffic and air traffic control; public radio and television services; postal services; utilities; fire protection; health and veterinary care and child social care and social care. Activities of general interest under this Law are the activities related to the functioning of public administration and security of the Republika Srpska in accordance with the law, as well as activities necessary for the fulfilment of obligations arising from international agreements in the above-mentioned activities.

The labour legislation in RS does not govern the matter of collective action by employers. Article 27 of the Law on Home Affairs determines that employees of the Ministry of the Interior have the right to strike in accordance with the Law on Strike. The Law on Strike determines that this law governs the procedure of organized work stoppage by which workers can obtain protection of professional, economic and social rights; the right to strike in sectors or activities of general interest may be exercised under special conditions prescribed by the Law; in the activities of general interest or activities where the work stoppage could endanger human life or health or inflict large-scale damage due to the nature of work, the right to strike of workers can be exercised if special requirements under the Law are fulfilled; for the purpose of this Law, the activities related to the functioning of public administration and security of the Republika Srpska in accordance with the law, as well as activities necessary for the fulfilment of obligations arising from international agreements are activities of general interest; workers performing tasks in the activities under Article 11 of this Law may go on strike provided that the minimum service is performed ensuring safety of people and property and this also applies when they are an indispensable condition for the life and work of citizens; organizing of/participating in a strike under the conditions provided in the Law does not constitute a violation of work discipline and cannot be the grounds for initiating disciplinary proceedings or the grounds for removal of workers from work and cannot result in the termination of the employment contract; inspection oversight over the enforcement of this Law is a competence of the Republic Labour Inspectors in accordance with the Law on Inspection of RS.

BD

The right to strike of employees in companies or bodies of BD is regulated in the Law on Strike ("Official Gazette of BD" 3/06), which provides for the right of employees to exercise

their constitutional right to strike in BD with a view to protecting their economic and social rights.

In the period from 2008 to the end of 2012, the Labour Inspectors carried out one inspection of the enforcement of the Law on Strike and organization of a strike by Trade Union.

BD has not signed a collective agreement with workers' representatives or trade union.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions.

The BD Police did not go on strike in the reporting period.

RS

In RS in early 2013, four strikes were organized by sectoral trade unions in public administration: education; justice; administration and home affairs.

Article 21 - The right of workers to be informed and consulted

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- ILO Convention no. 98 on the Right to Organise and Collective Bargaining (1949),
- ILO Convention no. 87 on Freedom of Association and Protection of the Right to Organise (1948).

Primary legislation (laws)

- Labour Law in the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10),
- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No. 12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10, 40/12),
- Law on Salaries in the Institutions of BiH („Official Gazette of BiH“ No. 50/08);
- Law on Free Access to Information („Official Gazette of BiH“ 28/00 45/06, 102/09, 62/11),
- Labour Law («Official Gazette of FBiH», No. 43/99, 32/00, 29/03),
- Law on Employees' Council («Official Gazette of FBiH», No. 38/04, Constitution of Republika Srpska („Official Gazette of RS“, No. 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/03, 98/03),
- Labour Law (“ Official Gazette of RS” No. 55/07),
- Law on Workers' Councils (“ Official Gazette of RS ” No. 26/01),
- Law on Inspection (“ Official Gazette of RS” No. 74/10),
- General Collective Agreement (“ Official Gazette of RS” No. 40/10),
- BD Labour Law - consolidated text („Official Gazette of BD" No. 19/06, 19/07, 25/08),
- Law on Civil Service in the BD Public Administrative Bodies (“Official Gazette of BD”, No. 28/06, 29/0, 19/07, 2/08, 9/98, 44/08, 25/09, 26/09, 4/13),
- Law on Police Officers of BD („Official Gazette of BD“ No. 41/07, 4/08, 36/09, 60/10),
- BD Law on Safety and Health at Work („Official Gazette of BD“ No. 31/05, 35/05).

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

Article 4 of the Law on Free Access to Information („Official Gazette of BiH“ 28/00 45/06, 102/09, 62/11) provides that every natural and legal person has the right to access information in the control of a public authority and each public authority has a corresponding obligation to disclose such information. A competent authority claims an exemption where it reasonably determines that the requested information involves the personal privacy interests of a third person (Article 8).

Article 23 of the Law provides that any applicant has the right to file an administrative appeal against any decision made under this Law with the head of the public authority that issued the decision.

This right should be seen and appreciated only through the application of Labour Law in the Institutions of BiH and the fact that this law applies to the institutions and bodies of BiH, employees of the institutions that are specifically exempted from the Law on Civil Service in the Institutions of BiH, employees who are employed in the public companies of Bosnia and Herzegovina, legal entities established by the BiH institutions, associations and foundations of BiH, inter-entity corporations and other institutions performing additional responsibilities in BiH, unless another law provides otherwise, as well as to civil servants, if not in conflict with

the Law on Civil Service in the Institutions of BiH, as prescribed in Article 1 of the Labour Law in the Institutions of BiH.

The right of workers to be informed and consulted is ensured in the institutions in various ways. One of the fundamental principles of all institutions is transparency, which is provided through a series of laws and delegated legislation, not only through the application of the Labour Law. Every decision taken by the Council of Ministers is public and published in the "Official Gazette", as an official journal, and on the institutions' portals. This also applies to economic indicators, as well as the reports of the institutions' finance operation that are available on the institutions' webpages, as well as the audit reports on the website of the Audit Office of BiH Institutions.

Timely consultations are ensured through a series of laws and delegated regulations respecting this matter, so that, for example, the Rules of Consultations in Legislative Drafting ensures that all interested entities, including the employees and all other individuals, can give their suggestions and comments on legal documents that are under public consultations, which Rules are binding on all institutions.

The Ministry of Defence continually processes requests for access to information. The Office of Public Relations is responsible for deciding on the requests. So far, there have been no requests filed by trade unions in terms of information and consultation. With regard to the Law on Free Access to Information, a complaint was filed against the Ministry of Defence with the Administrative Inspectorate in 2012 for refusing a request for access to information and documentation delivery. In this case the Ministry of Defence acted entirely by order of the Administrative Inspectorate.

Employees of the Ministry of Security of Bosnia and Herzegovina have access to information related to the Ministry's finance operations in accordance with the Law on Free Access to Information. The Law on Salaries and Benefits in BiH Institutions regulates the payment of salaries and benefits the employees may earn in accordance with this Law. The funds from the budget are used exclusively as appropriated and in accordance with the Law. Spending of the funds from the budget is audited by Audit Office of the Institutions of Bosnia and Herzegovina.

This audit is carried out twice a year and the competent organizational unit of the Ministry of Security sends the audit reports and recommendations to other units of the Ministry, so that all employees can be aware of the regularity of operations.

Further, decisions relating to the interests of workers are published on the Ministry's notice board or are sent to organizational units for further action with a view to informing the employees about the decisions and every decision advises about a legal remedy and thereby protects the right of workers from accidental or deliberate misuse.

FBiH

Information and consultation are the basic forms of employees' participation in decision making with an employer, which is achieved through the Employees' Council.

Employees' participation in decision-making is grounded on Article 108 of the FBiH Labour Law, which provides that the employees are entitled to form an Employees' Council to

represent them with the employer in protection of their rights and interests. The Law also provides that, if no Employees' Council has been formed with the employer, the trade union has the obligations and the powers that are vested with the Employees' Council.

The method and the procedure for establishing the Employees' Council as well as other issues related to the work and functioning of the Employees' Council are regulated by the Law on Employees' Council.

Employees' participation in decision-making with an employer is afforded only when the employer has at least 15 employees.

Given the importance of information in the ability of employees to have influence on their position and relationships with the employer, the Law on Employees' Council provides that the employer at least every six months informs the employees about matters that affect their employment-related interest, including in particular the business situation and achievements; development plans and their impact on economic and social position of employees, trends and changes in wages, safety at work and measures to improve working conditions and other matters relevant to employment-related rights and interests of employees.

Another form of employees' participation in decision-making is the employer's consulting with the Employees' Council in decision-making. Specifically, on the grounds of Article 23 and the Law on Employees' Council, before making important decisions for the employees, the employer is obliged to consult with the Employees' Council. The Law determines that the employer is obliged to consult with the Employees' Council in making a decision on the Employees' Work Rules, the employer's intention to terminate employment contracts of more than 10% employees but not less than five employees due to economic, technical or organizational reasons, an employment plan, transfers and dismissals, measures of safety at work, significant changes in or an introduction of new technologies, annual leave, working time arrangements, night work, remuneration for inventions and technical improvements and other decisions that obligatory consultations with the Employees' Council are provided for in the collective agreement.

The employer is obliged to provide the Employees' Council with the information and facts relevant to the decision at least 30 days before making a decision.

The deadline for giving the position of the Employees' Council about the proposed decision is seven days of receipt of data relevant to the decision.

The decision issued by the employer in contravention of the obligation to consult with the Employees' Council is null and void.

A fine in the amount of BAM 1,000 – BAM 7,000 is imposed on an employer who perpetrates a misdemeanour failing to inform and consult with the Employees' Council in pursuance of the Law on Employees' Council.

The valid Law on Safety and Health at Work does not contain specific provisions on the obligation of the employer to inform employees about issues of importance to health and safety.

The new Law on Safety and Health at Work, which is under deliberation in the Parliament, obliges the employer to, at least twice a year, notify the safety and health representative,

Employees' Council and trade union of safety and health risks and measures having been taken and to be taken to improve safety and health.

In addition to the regular notification, there is an obligation of the employer to inform and consult with employees' representatives or employees after fatal, group or serious injuries, identified occupational disease cases, as well as findings of the relevant labour inspection that determined a deficiency in the implementation of measures of safety and health at work.

This matter is not regulated in the General or Branch-Level Collective Agreements.

In the process of drafting laws and delegated legislation governing the employment of employees in the Ministry of the Interior of BiH (hereinafter: MoI), the proposals are submitted to the employees in organizational units to give opinions with a view to carrying out necessary consultations and remedying possible deficiencies.

Information about the economic and financial situation is also enabled through the participation of the Trade Union of Employees and Police Officers in the drafting and making of decisions and decrees that govern economic and social position of employee. The delegated legislation respecting labour must be submitted to trade unions.

Article 80 of the Collective Agreement for Employees of the Ministry of the Interior of Zenica-Doboj Canton provides that, in implementing safety at work measures, a union representative has the following rights and duties:

1. to participate in the planning of measures for the improvement of working conditions
2. to be informed of changes relevant to the safety and health of employees
3. to be trained and educated to perform tasks related to safety and health at work
4. to invite inspectors of safety at work when there are reasons for it and
5. to require that an employee should comply with safety measures.

-Article 56 of the Collective Agreement for Employees of the Ministry of the Interior of Zenica-Doboj Canton provides that, in decision-making, the Minister submits labour-related pieces of legislation to the trade union for consideration and considers views and suggestions of the trade union and that he must accept the views and suggestions he deems founded and in accordance with the law.

RS

All workers in RS have the right to be informed and consulted under the Labour Law, the Law on Safety and Health at Work and the General Collective Agreement. However, the information that workers receive through their workers' councils cannot be given to the employees in the police and judicial and administrative bodies, as they do not have the right to have an employees' council.

The RS Labour Law does not provide for an obligation to inform and consult with workers. The only obligation to consult with the trade union that exists is when the Employees' Work Rules are drafted and when there is a redundancy (Article 11(2) and Article 138). The Law on Workers' Councils elaborates on the matter and regulates the manner and procedure for establishing a Workers' Councils with the employer, which the employer must inform about the situation of health and safety at work and working conditions, trends in wages and other issues of importance to economic and social position of workers (Article 21). The employer is

obliged to consider the opinions and suggestions of the Workers' Councils in decision-making and if he does not accept them, he notifies the Workers' Councils of the reasons for rejection in a timely fashion.

According to Article 15(1)(c) of the Law on Safety and Health at Work, an employer is obliged to, *inter alia*: inform workers and their representatives on the introduction of new technologies and assets, as well as the risk of injury and damage to health resulting from their introduction and, in such cases, to produce adequate instructions for safe handling.

Article 26 of the Law on Workers' Councils provides for an obligation towards the Workers' Council relating to certain information relating to the employment relationship, where "The Workers' Council is entitled to give opinions and suggestions to the employer with a view to improving working conditions for workers, health and safety at work, providing daily meals to workers, organizing transport of workers to job and from job, providing financial assistance to workers in need, as well as upon termination of employment contracts to elderly and disabled workers, properly introducing of overtime, night work, shift work, eliminating of undeclared employment and other issues that the Workers' Council considers important for protecting rights of workers. The Council monitors the fulfilment of statutory obligations by the employer in respect of the registration of workers in the health and pension and disability funds and regular payment of contributions and, if it notices that an employer does not fulfil these obligations, it may take necessary measures to protect the rights of workers (reporting it to the relevant labour inspector etc.). The Workers' Council may consider individual requests and suggestions of workers on exercise of their rights, of which it will give its opinion to the employer and inform applicants."

Article 29 of the Law on Workers' Councils determines that an employer is obliged to inform the Workers' Council on the state of health and safety and working conditions of workers, the movement of wages and other issues of importance to wealth and social welfare of workers, which is one of the aspects of employment, too.

Article 55 of the General Collective Agreement determines that an employer must inform the workers or their representatives about the rights, duties and responsibilities and particularly about matters under the Labour Law and collective agreement: wages, working conditions, how to protect the rights of workers, the general situation and perspective of the employer and the particular activity, plans for the future development, prospects of employment, working conditions and safety at work. Further, the employer is obliged to inform the workers of all activities related to the determination of redundancy and each worker personally has to be acquainted with possibilities to address their employment status.

However, the trade union has the right to require of the employer other information important to workers' rights except for information which is a business secret of the employer. All employees in RS have the right to be informed and consulted under the Labour Law, the Law on Safety and Health at Work and the General Collective Agreement. However, the information that employees receive through their Workers' Council is not available to employees in the police, judicial and administrative bodies, as they do not have the right to form an employees'/workers' council.

BD

Articles 17 and 18 of the BD Statute provides for the right to information and an obligation of institutions to comply with any request for a piece of information in accordance with the law.

Relevant measures are provided for the realization of this principle in laws and by-laws of private entities.

Article 92(1) and 92(4) of the BD Labour Law provides for an obligation of an employer who employs more than 15 employees to adopt and post on the employer's notice board a rulebook regulating wages, work organization and other issues relevant to the relationship between the employee and the employer, in accordance with the law and the collective agreement, which enters into force on the eighth day of publication.

With regard to the obligation of information provision, we note that Article 39(5) of the BD Labour Law provides for an obligation of employer to enable employees to familiarize themselves with the labour, health and safety rules and regulations within 30 days of the start of employment.

Articles 78, 83, 84, 92, paragraphs 2 and 4, Article 93, Article 94 and Article 95 provide for an obligation of employer to consult the trade union (in the event of a union representative dismissal), employees' council (in case of dismissal of employees for economic, technical or organizational reasons) and an obligation to establish the employees' council that will represent them with the employer to protect their rights and interests.

Article 44, 45, 46, 47, 48 of the Law on Safety and Health at Work („Official Gazette of BD 20/13) defines obligations of the employer.

The Rulebook on Internal Structure and Job Classification of BD Police governs the organizational structure of the BD Police, all positions, job descriptions, all duties and authorisations and ongoing cooperation between organizational units and employees within organizational units.

The Human Resources Department in the Office of the Chief of Police provides employees with all necessary information pertaining to labour and employment.

- 2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the percentage of workers out of the total workforce which are not covered by the provisions granting a right to information and consultation either by legislation, collective agreements or other measures.**

Article 22 - The right to take part in the determination and improvement of the working conditions and working environment

a With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;
- b. to the protection of health and safety within the undertaking;
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;
- d. to the supervision of the observance of regulations on these matters.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- ILO Convention no. 12 concerning Workmen's Compensation in Agriculture (1921),
- ILO Convention no. 24 concerning Sickness Insurance for Workers in Industry and Commerce and Domestic Servants (1927),
- ILO Convention no. 32 concerning the Protection against Accidents of Workers Employed in Loading or Unloading Ships (Revised) (1932),
- ILO Convention no. 81 concerning Labour Inspection in Industry and Commerce (1947),
- ILO Convention no. 92 concerning Accommodation of Crews (revidirana) (1949),
- ILO Convention no. 121 concerning Employment Injury Benefits (1964),
- ILO Convention no. 136. concerning Benzene (1971),
- ILO Convention no. 139 concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents (1974),
- ILO Convention no. 155 concerning Occupational Safety and Health and the Working Environment (1981),
- ILO Convention no. 161 concerning Occupational Health Services (1985),
- ILO Convention no. 162 concerning Safety in the Use of Asbestos (1986),
- ILO Convention no. 174 concerning Prevention of Major Industrial Accidents (1993),
- ILO Convention no. 175 concerning Part-Time Work (1994),
- ILO Convention no. 176 concerning Safety and Health in Mines (1995),
- ILO Convention no. 177 concerning Home Work (1996),
- ILO Convention no. 183 concerning Maternity Protection (2000),
- ILO Convention no. 184 concerning Safety and Health in Agriculture (2001),
- ILO Convention no. 187 concerning the Promotional Framework for Occupational Safety and Health (2006),
- ILO Convention no. 188 concerning Work in Fishing (2007).

Primary legislation (laws)

- Labour Law in the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10),
- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No. 12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10),
- Labour Law („Official Gazette of FBiH“ , No. 43/99, 32/00, 29/03),
- Law on Employees’ Council («Official Gazette of FBiH», No. 38/04),
- Law on Safety and Health at Work («Official Gazette of SRBIH, No. 22/90),
- Labour Law (“ Official Gazette of RS” No. 55/07),
- Law on Workers’ Councils (“ Official Gazette of RS ” No. 26/01),
- Law on Inspection (“ Official Gazette of RS” No. 74/10),
- BD Labour Law - consolidated text („Official Gazette of BD" No. 19/06, 19/07, 25/08),
- Law on Civil Service in the BD Public Administrative Bodies (“Official Gazette of BD ”, No. 28/06, 29/0, 19/07, 2/08, 9/98, 44/08, 25/09, 26/09, 4/13),
- Law on Police Officers of BD („Official Gazette of BD“ No. 41/07, 4/08, 36/09, 60/10),
- BD Law on Safety and Health at Work („Official Gazette of BD“ No. 31/05, 35/05).

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

The Labour Law in the Institutions of BiH (Article 89) provides that an employer enacts the Employees' Work Rules, which regulate work organisation and other issues of importance to employee and employer. Pursuant to the Law, employees are enabled to participate in the determination and improvement of working conditions and working environment in a way that the process of adopting regulations governing the organization of work and other issues of importance to employees is carried out in consultations with the trade union. Further, the participation in the determination and improvement of working conditions and working environment is ensured by informing employees about the contents of all documents being enacted and the laws passed by publishing them on the notice board of the institution/employer, websites or official gazettes, as provided by law.

The respective Entity legislation applies, in accordance with the habitual/temporary place of residence, to the matter of health and safety at work in institutions/companies/social care and cultural institutions and the oversight of compliance with the legislation respecting this matter as well.

The Ministry of Defense has approved Employees' Work and Employment Rules, which govern the rights, obligations and responsibilities of the Ministry of Defence.

The Labour Law in the Institutions of BiH penal provisions do not provide for fines to be imposed for a failure to enact Employees' Work Rules.

Employees of the Ministry of Security exercise this right in direct consultations with the supervisor, by initiating amendments to the Rulebook on the Internal Structure of the Ministry of Security.

All employees of the Ministry of Defence familiarize themselves with the content of delegated legislation whose enacting is in progress and legislation enacted by delivering the legislation to organizational units and posting them on the notice board of the institution/ employer, websites or official gazette, as provided by law.

FBiH

The FBiH Law on Safety and Health at Work provides that a trade union is entitled to take part in the determination and improvement of safety at work.

Employees' taking part in the determination and improvement of working conditions, safety and health at work within the company is ensured, as already stated, through an employees' council and statutory employer's obligations regarding information and consultation of employees about safety at work and measures to improve working conditions and measures related to safety and health at work, as discussed in the answer given about Article 21 above.

For a long time now FBiH has been preparing a new Law on Safety and Health at Work, which will govern safety at work in a completely different and modern way and ensure adequate participation of workers and their representatives in the determination and improvement of working conditions, safety and health at work.

Article 21 of the Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities in FBiH („Official Gazette" 23/00, 50/00) stipulates an obligation of the head of administrative authority to provide necessary conditions to ensure health and safety of employees at work. At the employees' request, the head of administrative authority will take necessary measures to protect the employees, including their training in safe operation and prevention of health risks.

The Collective Agreement for Employees of Public Administrative Bodies and Judicial Authorities in FBiH („Official Gazette" 23/00, 50/00) was concluded between the FBiH Government and Independent Trade Union of Employees of Public Administrative Bodies and Judicial Authorities of FBiH.

Article 68 of the Collective Agreement stipulates that, in the implementation of safety measures, a union representative has the right and duty to:

- participate in the planning of measures for the improvement of working conditions
- be informed of important changes in working conditions,
- be informed of changes relevant to safety and health of employees,
- be trained and educated to perform tasks related to safety at work,
- call inspectors of safety at work for good reasons,
- urge the employees to follow safety measures.

The head of administrative authority is obliged to provide employees with group insurance in case of an accident at work or work-related accident, i.e. while travelling to/from work, as provided by law.

Article 93 of the FBiH Labour Law and Article 76 of the Collective Agreement for Employees of the Ministry of the Interior of Zenica-Doboij Canton provide that an employer may terminate the employment contract of a union representative during his/her term of office

and within six months after the expiration of the term of office only after having obtained an approval of the minister in charge of labour.

Article 74 of the Collective Agreement for Employees of the Ministry of the Interior of Zenica-Doboj Canton provides that the Minister grants a leave of absence to a union representative and any union representative to perform trade union activities and be present at union meetings, congresses, conferences, seminars, trade union schools and other forms of training at home and abroad.

Article 79 of the Collective Agreement stipulates that the Minister is obliged to provide to the trade union, free of charge, according to the capabilities, the following conditions:

1. adequate offices and conference room for meetings, if available,
2. the use of telephone, fax, communications equipment and other available technical aids and
3. the use of vehicles.

When it comes to the FBiH Police, the trade union has all working conditions fulfilled free of charge.

RS

The Law on Safety and Health at Work sets out duties of employees related to their participation in the determination and improvement of working conditions and working environment. The right and duty of an employee are to familiarize him/herself with measures for the protection of health and safety at work at his/her job before taking the job and to be trained to take it. The employee is entitled to give proposal, comments and information about issues of health and safety to the employer and to check his/her health against risks of his/her post, in accordance with regulations on health at work. The right and duty of an employee with a high risk job is to have a medical examination made when the employer refers him/her to do it. An employee is required to work in a high risk job on the basis of a report of occupational health services, which determines that he/she is fit for the post (Article 32).

Pursuant to Article 56 of the Law on Safety and Health at Work, employers, trade unions, insurance companies, organizations in charge of health, pension and disability insurance are obliged to cooperate and participate in making of common positions on issues of improving safety and health at work and to see to the development and improvement of the general culture of health and safety at work in accordance with the Law. Organizations in charge of health, pension and disability insurance are obliged to send to the Ministry data on injuries, occupational diseases, work-related diseases and workers disabled at work at least once a year, not later than 31 January next year for the previous year, and, at the request of the Ministry, within a shorter period.

The RS Law on Safety and Health at Work does not provide for any sanctions for non-compliance.

BD

Articles 24, 39, 40 and 41 of the BD Labour Law afford to workers the right to safety and health at work.

Adequate legal protection (inspection, judicial protection) is provided for the implementation of the legislative framework.

The BD Law on Safety and Health at Work does not govern selection of a health and safety representative.

The Draft Law on Safety and Health at Work, which is in line with Directive EU 89/391/EEC, has fully incorporated Article 3, paragraph (c) of the Directive.

The Draft Law on Safety and Health at Work is under deliberation in the Parliament.

Article 8 of the BD Law on Safety and Health at Work („Official Gazette of BD“ 20/13, dated 2 August 2013) confirms the duty of any employer to provide any worker in his/her post and the workplace with safety and health protection measures and the employer is held accountable for a failure to implement these measures. Article 67(1)(a) provides for a fine in the amount of BAM 1,000 – BAM 7,000 to be imposed on an employer for a failure to respect these rights and a responsible person of the employer is fined from BAM 300 to BAM 1,500.

Article 47 of the Law on Police Officers of BD:

- provides for medical examinations of police officers,
- enables checking-up of fitness for work of police officers, the costs of which are covered by BD Police, and allows police officers to check their health condition,

The police officers have the right to join a union representing workers in the exercise of their rights.

The Police of Brcko District provide police officers with uniforms, police cars, office supplies and equipment for work.

Further, all employees are entitled to a one-time financial assistance or financial assistance in the event of death of a parent, child, employee, if they are on sick leave for more than six months continuously, severance pay (Articles 100, 101, 102 of the Law on Police Officers of BD, Articles 12, 13, 14, 15 of the Law on Salaries of Civil Servants and Employees in BD).

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

BiH

"2012-2015 Decent Work Country Programme for Bosnia and Herzegovina" is funded by the International Labour Office (ILO).

This memorandum was signed on 6 February 2013 in Budapest. The decision-making procedures for its ratification by the BiH Presidency are underway.

Project objective: Promotion of decent work as a key component of development policies and at the same time as the public policy objectives of governments and social partners. Priorities: (1) strengthen the capacity of government institutions as well as workers and employers' organizations to improve the governance of the labour market at state, entity and district levels, (2) increasing employment opportunities and (3) improving the effectiveness of the social protection system.

The achievement of the programme objectives above will create a legal and institutional environment that enables the full realization of social dialogue, as well as increased institutional capacity of employers and workers. This program will improve the system of vocational education and training (VET) for enhanced employability, with an emphasis on vulnerable groups. The implementation of the planned activities will ensure the sustainability of pension systems that will be strengthened through reforms based on the tripartite social dialogue. This programme will improve the legal and policy framework on HIV and AIDS to ensure effective protection of persons living with HIV in accordance with ILO Recommendation No. 200. The achievement of the programme objectives will improve the efficiency of the labour inspection system for better promotion of dignified working conditions, by providing information, advice and enforcement.

In addition, promotion of the ratification of ILO Convention No. 151 on Labour Relations (Public Service) and ILO Convention No. 154 on Collective Bargaining is an outcome envisaged within the implementation of priorities of the 2012-2015 Decent Work Programme for BiH.

RS

The Economic and Social Council establishes the Committee on Safety and Health at Work of RS consisting of three representatives of social partners. The Committee on Safety and Health at Work monitors the health and safety at work in systematic manner, identifies, recommends, leads and periodically reviews the health and safety policy and encourages the harmonization of legislation in order to promote measures to protect health and safety. The Committee submits a periodical report on the health and safety at work situation to the Economic and Social Council and other relevant bodies.

A very important element for the Law enforcement is the employers' obligation to design a business plan or specific plan of action to protect health and safety and to provide necessary funds for the implementation and improvement of safety within deadlines for their implementation. The implementation of measures to protect health and safety in terms of this Law will not incur costs for workers.

- 3) Please provide pertinent figures, statistics or any other relevant information on employees who are not covered by Article 22, the proportion of the workforce who is excluded and the thresholds below which employers are exempt from these obligations.**

RS

The RS Law on Safety and Health at Work and delegated legislation apply to all workers and employers in the RS and there are no exemptions of any employers or workers from this Law. The Law came into force on 1 January 2008. Records of accidents at work have been kept ever since in accordance with the Law. So, 119 injuries occurred in the period from August 2008 to the end of 2008, 604 injuries occurred in 2009, 918 injuries occurred in 2010, 1,029 injuries occurred in 2011 and 1,088 injuries occurred in 2012.

Article 28 – Right of worker representatives to protection in the undertaking and facilities to be afforded to them

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

This provision guarantees the right of workers' representatives to protection from dismissal on the ground of being a workers' representative and the protection against detriment in employment other than dismissal.

International instruments BiH has ratified:

- International Covenant on Economic, Social and Cultural Rights (1966),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- ILO Convention 135 on Workers' Representatives (1971).

Primary legislation (laws)

- Labour Law in the Institutions of BiH („Official Gazette of BiH“, No. 26/04, 7/05, 48/05, 60/10),
- Law on Civil Service in the Institutions of BiH („Official Gazette of BiH“ No. 12/02, 19/02, 08/03, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, 50/08, 08/10, 40/12),
- Law on Salaries in the Institutions of BiH („Official Gazette of BiH“ No. 50/08),
- Labour Law („Official Gazette of FBiH“ , No. 43/99, 32/00, 29/03),
- Law on Civil Service in FBiH („Official Gazette of FBiH “, No. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06),
- Law on Safety and Health at Work («Official Gazette of SRBIH, No. 22/90),
- Law on Employees in the Civil Service of FBiH. („Official Gazette of FBiH “, No. 49/05),
- Law on Employees' Council («Official Gazette of FBiH», No. 38/04),
- Law on Police Officers of FBiH („Official Gazette of FBiH“, No. 27/05, 70/08),
- General Collective Agreement for the Territory of FBiH (“Official Gazette of FBiH”, No. 54/05, 62/08),
- Labour Law (“ Official Gazette of RS” No. 55/07),
- Law on Workers' Councils (“ Official Gazette of RS ” No. 26/01),
- Law on Inspection (“ Official Gazette of RS” No. 74/10),
- General Collective Agreement (“ Official Gazette of RS” No. 40/10),
- BD Labour Law - consolidated text („Official Gazette of BD" No. 19/06, 19/07, 25/08),

- Law on Civil Service in the BD Public Administrative Bodies (“Official Gazette of BD”, No. 28/06, 29/0, 19/07, 2/08, 9/98, 44/08, 25/09, 26/09, 4/13),
- Law on Police Officers of BD („Official Gazette of BD“ No. 41/07, 4/08, 36/09, 60/10),
- BD Law on Safety and Health at Work („Official Gazette of BD“ No. 31/05, 35/05).

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

The Labour Law in the Institutions of BiH provides for a ban of negative consequences on employees' representatives, as an employee may not be found in breach of official duty for participating in a strike. It provides that an employee may not be put into a less favourable position compared to other employees because of organising or participating in a strike. This also ensures that, when there is no other means, employees may seek enjoyment of their labour rights through a strike.

FBiH

Besides the protection of a union representative afforded in the BiH Labour Law, the Law on Employees' Council guarantees some rights and adequate protection to members of Employees' Council. The Employees' Council works and holds meetings during working hours. Each member is entitled to compensation for salary for six hours a week for the work in the Employees' Council. This entitlement is transferable among members of the Employees' Council. If the sum of transferred hours allows it, jobs of president and a council member can become full-time employment.

The president and a council member who have full-time jobs in the Employees' Council are entitled to return upon termination of the office to the jobs they had prior the selection or, if the jobs are not available, to other jobs that suit their qualifications.

An employer is obliged to provide the Employees' Council with offices required and administrative and technical conditions for work.

Article 26 of the Law on Employees' Council ensures the protection of members of the Employees' Council from dismissal, as the employer may make such a decision only with the prior consent of the Employees' Council. The Employees' Council is required to respond within 10 days of requested consent. If the Employees' Council refuses to approve the termination, the dispute is referred to arbitration.

Term "workers' representative" is not found in the Federation Labour Law. The new Law on Safety and Health at Work, which is under deliberation, defines the concept of a representative for safety and health at work as a person elected or appointed to represent the employees in the areas of safety and health at work with the employer; With regard to police officers of the Federation Ministry of the Interior and cantonal Ministries of the Interior, mediation is governed in the Law on Civil Service in the Institutions of FBiH and cantonal laws.

The Law on Police Officers provides for a possibility of allocating adequate funding in the form of the right to legal aid to be provided to any police officer or his family, if appropriate, being an injured party to an action for damages if the damage was caused in line of duty. The Ministry will provide legal aid to a police officer after termination of employment if he/she is not entitled to legal aid on other grounds.

RS

The right of workers' representative to protection in the company and allocation of adequate funds are provided for in the RS Labour Law, the Law on Safety and Health at Work and General Collective Agreement:

The RS labour legislation defines term "workers' representative". Article 2 of the Law on Safety and Health at Work defines a workers' representative as person elected to represent workers in the field of health and safety at work with the employer. The Labour Law recognizes term "union representative", who is furnished with trade union immunity from termination of employment while in office. Article 131(2) defines term workers' representative and it includes elected workers' representatives: the chairperson of the workers' council, the president of the trade union of the majority trade union organized with the employer, the elected workers' representative sitting on bodies of the majority trade union organized at a higher level. Such a term is used in Article 51 of the General Collective Agreement which determines the right to working conditions and compensation for salary for holding professional office of the President. Further, Article 52 of this Agreement regulates the right of union representative to trade union immunity while in office and within one year after the termination of office.

BD

Article 78 of the BD Labour Law provides for effective legal protection against acts that are detrimental to a union representative, including dismissal, as an employer may terminate the employment contract of a union representative during his/her term of office and within six months after the expiration of the term of office only after having consulted the trade union.

Adequate legal protection (inspection, judicial protection) is provided for the implementation of the legislative framework.

The legislative framework of BD does not define term "workers' representatives", but the BD Labour Law provides that the Employees' Council (Article 93) or a union representative (Article 92(4)) may represent employees in employment-related matters instead.

Articles 44, 45, 46, 47, 48 of the Law on Safety and Health at Work („Official Gazette of BD” 20/13) define obligations of employers.

The BD Law on Safety and Health at Work does not govern selection of a health and safety representative.

The Draft Law on Safety and Health at Work, which is in line with Directive EU 89/391/EEC, has fully incorporated Article 3, paragraph (c) of the Directive.

The Draft Law on Safety and Health at Work is under deliberation in the Parliament.

2) Please describe measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply any pertinent figures, statistics or any other relevant information, if appropriate.

FBiH

The Federation Ministry of Labour and Social Policy has no information on the type and number of violations of the rights of workers' representatives under the Labour Law, the Law on Employees' Council and the Law on Safety and Health at Work, which are relevant to this report, perpetrated by employers.

Targeted and periodic inspections of labour inspectors are focused only on undeclared employment, i.e. employment without a signed contract, which is not the subject of this report.

RS

There are no data on violations of the rights of workers' representatives.

BD

There are no data on violations of the rights of workers' representatives.

ACRONYMS

BIH - BOSNIA AND HERZEGOVINA
FBIH - FEDERATION OF BOSNIA AND HERZEGOVINA
RS - REPUBLIKA SRPSKA
BD - BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA
GFAP - GENERAL FRAMEWORK AGREEMENT FOR PEACE
ESC(R) - EUROPEAN SOCIAL CHARTER (REVISED)
GDP - GROSS DOMESTIC PRODUCT
ILO - INTERNATIONAL LABOUR ORGANIZATION
LFS - LABOUR FORCE SURVEY
GAP - GENDER ACTION PLAN
DEP - DIRECTORATE OF ECONOMIC PLANNING OF BIH
FMUP - FEDERATION MINISTRY OF THE INTERIOR
SSS - CONFEDERATION OF TRADE UNIONS OF BIH