



European  
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COUNCIL  
OF EUROPE

CONSEIL  
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23/01/2012

RAP/RCha/BiH/II(2011)Add

## **EUROPEAN SOCIAL CHARTER**

Comments from the Union of Association of  
Employers of Republic of Srpska  
on the  
2<sup>nd</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF BOSNIA & HERZEGOVINA**

(Articles 1, 9 and 20  
for the period 01/12/2008 – 31/12/2010)

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Report registered by the Secretariat on 13 December 2011

**CYCLE 2012**



 **UNION OF ASSOCIATION OF EMPLOYERS  
OF REPUBLIC OF SRPSKA**

No: 387/11

Date: 29<sup>th</sup> November 2011.

**COUNCIL OF EUROPE**  
**Secretariat General**  
**Directorate General of Human Rights and Legal Affairs**  
**Department of European Social Charter**

**Attn. Mr. Regis Brillat , Head of Department** NS → HK  
**F-67075 Strasbourg Cedax** 13/12

Dear Mr Brillat,

In accordance to the Article 21. and 23./part IV/ of the European social charter – revised, Ministry for human rights and refugees of Bosnia and Herzegovina in the letter number: 01-02-3820-2/11 delivered for an insight the Second report of Bosnia and Herzegovina on application of European Social Charter /revised/, which was delivered to the Secretary General of the Council of Europe in Strasbourg by the Ministry of Civil Affairs of BiH.

In the above named letter there was an open possibility for Association of Employers and Trade Unions to submit comments on the named Report to the Secretary General of the Council of Europe.

In regards to the above mentioned we hereby deliver the following comments on the text of the Report:

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In the part of the text referring to the project users "Improvement of the development and capacities of the social dialogue and social partners" there are Association of Employers of BiH and Trade Union Confederation of Bosnia and Herzegovina are mentioned.

Comment:

Association of Employers of BiH is an organization which is not made by a representative organization of employers for the territory of Republika Srpska which is Union of Association of Employers of Republika Srpska.

Republika Srpska is one of the two entities consisting Bosnia and Herzegovina and covering 49% of Bosnia and Herzegovina.

Labor-social legislation is in specific authority of entities. Social dialog including activities on adopting General Collective Agreement, Branch Collective Agreements, establishing the minimum wage and negotiations on the most important regulations in the area of labor-social legislation are led by representative social partners in the territory of Republika Srpska.

Social dialogue is done through the Economic and Social Council of Republika Srpska. In Republika Srpska are also established other institutions whose activities involve representative social partners:



# UNION OF ASSOCIATION OF EMPLOYERS OF REPUBLIC OF SRPSKA

- Agency for peaceful solving of disputes
- Fund for professional rehabilitation, enabling and employing disabled persons
- Fund for retirement and disabled persons system of Republika Srpska
- Institute for Employment of Republika Srpska, etc.

All the mentioned shows that social dialogue at the Bosnia and Herzegovina level does not exist, and it was not prescribed by the Constitution of Bosnia and Herzegovina

Also it can be concluded that the Association of Employers of BiH and Trade Union Confederation of BiH are not social partners and do not lead any social dialogue on the Bosnia and Herzegovina level.

The mentioned organization of employers is not a relevant partner for communication with international institutions and organizations since it is an organization which has not established its representativeness due to the fact that there is no legal basis at state level for establishing the representativeness, but also due to the previously stated facts that this organization does not represent the interests of the employers from the territory of Republika Srpska.

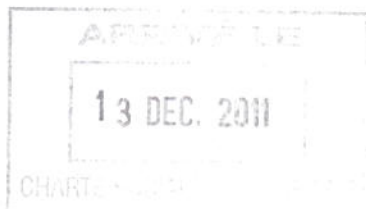
On the same page of the Report there is a project "Promotion of Competitiveness of BiH through increased employment and quality of human resources – IPA 2009, as well as on page 23 project "Improvement of active labor markets IPA 2007" where as users one can find "social partners".

Considering that we haven't participated in this, we believe that the author of the Report ment social partner as well as in the previous case.

Bearing in mind all here mentioned, we believe that the participation of irrelevant organizations in the mentioned projects has contributed to the bad projects results.

Furthermore, we believe that providing support to improve development and capacities of such organizations directly lowers the possibility of establishing institutions of social dialogue at the BiH level in the capacity necessary to achieve the influence on the domestic business opportunities, but also to establish a better contact with international institutions and organizations.

Sincerely,



PRESIDENT:  
Ranko Milić

