January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

BOSNIA AND HERZEGOVINA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Bosnia and Herzegovina on 07 October 2008. The time limit for submitting the 14th report on the application of this treaty to the Council of Europe was 31 December 2024 and Bosnia and Herzegovina submitted it on 7 February 2025. On 9 July 2025 and 20 August 2025, letters were addressed to the Government requesting supplementary information regarding Articles 2§1, 6§1, 6§2 and 6§4. The Government submitted its reply on 21 August 2025 and 5 December 2025.

The present chapter on Bosnia and Herzegovina concerns 7 situations and contains:

– 0 conclusions of conformity

– 7 conclusions of non-conformity: Articles 2§1, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Bosnia and Herzegovina will be due on 31 December 2026.

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[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In reply, the report states that the labour laws of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District set maximum weekly working hours at 40. There are certain professions and industries where working hours are longer (construction, agriculture, tourism, healthcare, transport and logistics, mining and energy).

The report further states that in the Federation of Bosnia and Herzegovina, overtime is exceptionally allowed for a maximum of 8 hours per week, or 12 hours per week in cases of exceptional need. Annual overtime cannot exceed 150 hours.

The report states that in Republika Srpska, a maximum of 10 weekly hours of overtime are allowed, and annual overtime cannot exceed 180 hours. In exceptional cases, when it comes to redistributing working hours due to the nature of the job, the law allows the weekly working hours to be 60 during certain parts of the year, with a proportionate reduction during other parts of the year.

The report states that in the Brčko District, a maximum of 10 weekly hours of overtime are allowed, and annual overtime cannot exceed 180 hours.

The report states that in general, overtime must be recorded and reported to the relevant authorities, and workers must be provided with breaks and rest periods, namely 12 hours between two working days and uninterrupted weekly rest of 24 hours. Furthermore, employers must conduct risk assessment.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time).

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

The report states that maritime workers do not exist in Bosnia and Herzegovina, as it is not a maritime country.

The Committee notes that Bosnia and Herzegovina ratified ILO Maritime Labour Convention. The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in

any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that in the Federation of Bosnia and Herzegovina, on-call duty is not regulated but the Labour Law defines the concept of standby as the time during which a worker is available to respond to the employer's call to carry out work. The duration of standby, the compensation for it is regulated by the relevant collective agreement, work regulations or employment contract.

The report further states that in Republika Srpska, the Labour Law also does not recognise the concept of on-call duty but it is regulated by special laws concerning specific areas where on-call duty is introduced due to the needs of the work process.

In response to a request for additional information, the report states that, in accordance with Article 46, paragraph 2 of the Labour Law of the Brčko District, on-call duty shall not be considered working time. Article 35 of the Labour Law of the Federation of Bosnia and Herzegovina prescribes that on-call time shall not be considered working time. Article 56, paragraph 2 of the Labour Law of the Republika Srpska stipulates that working time does not include the period during which a worker is on call to respond to the employer's request to perform tasks if necessary, provided that the worker is not at the workplace or another location designated by the employer.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

The Committee notes that inactive on-call periods are not considered as working time. In the absence of any further clarifications, including on whether such periods are remunerated, the Committee considers that the situation in Bosnia and Herzegovina is not in conformity with Article 2§1 of the Charter on the ground that it has not been established that inactive on-call periods during which no effective work is undertaken are not considered as rest periods.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 2§1 of the Charter on the ground that it has not been established that inactive on-call periods during which no effective work is undertaken are not considered as rest periods.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

According to the report the principles of equality and non-discrimination are recognised in the Constitution of BiH, the Law on Prohibition of Discrimination, the Law on Gender Equality in B&H, the entity labour laws, and the Labour Law of the Brčko District. Equal pay is guaranteed for the same work or work of equal value, based on the same level of qualifications, responsibilities, skills, and performance.

Specifically, Article 48 of the Labour Law in the institutions of BiH defines that "an employee has the right to the salary of the position to which they are assigned, in accordance with the employment contract, and which depends on the complexity of the tasks performed, the level of qualifications, the responsibility for task execution, and other criteria established by the Law on Salaries and Allowances in the Institutions of BiH or the employer's act."

According to Article 120 of the Labour Law of the Republika Srpska, workers are guaranteed equal pay for the same work or work of the same value that they earn with the employer. Paragraph 3 prescribes that work of equal value is understood as work for which the same level of professional qualification is required, i.e. education, knowledge and abilities, in which the same work contribution is achieved with equal responsibility. A decision of the employer or an agreement with a worker that is not in accordance with this paragraph is null and void,

and in the event of a violation of this right, the worker has the right to initiate a procedure for damages.

The Committee further notes from the Observation (CEACR) concerning Convention No.100 (2023) that the definitions of "work of equal value" in both section 77(1) of the Law on Labour of the Federation of Bosnia and Herzegovina (FBiH) and section 120(2) and (3) of the Law on Labour of the Republika Srpska limit the concept of "work of equal value" to the same level of each of the evaluation factors enumerated, such as qualifications, capacity to work and responsibility, physical and intellectual work, skills, working conditions and results of work. The CEACR noted that the definition of "work of equal value" in section 89 of the Law on Labour of the Brčko District No. 34/19, which entered into force on 1 January 2020, has a wording similar to the Law on Labour of the Republika Srpska and is therefore too restrictive to give full effect to the principle of equal remuneration for work of equal *value.* The CEACR underlined in its Observations that the relative value of jobs with varying content is to be determined through objective job evaluation on the basis of the work performed and is different from performance appraisal, which aims at evaluating the performance of an individual worker in carrying out their job. Objective job evaluation is therefore concerned with evaluating the job and not the individual worker.

The Committee considers that the definition of equal work or work of equal value too general and does not permit a broader scope of comparison, going beyond "equal", "the same" or "similar" work. There is no case law on equal pay. Therefore, the situation is not in conformity with the Charter.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the report the classification of jobs and the compensation system that maintains the principles of equal pay vary between the public and private sectors. While there is a legislative framework promoting pay equality, the application of these principles can differ in practice, particularly in the private sector.

In the public sector, jobs are typically classified into categories and pay grades regulated by specific laws or regulations. For example, positions in the civil service are classified based on job complexity, responsibility, and required qualifications. These systems are designed to

ensure fairness and transparency in compensation and are generally applied regardless of gender or other worker characteristics.

In the private sector, job classification and compensation systems can vary significantly between different companies and industries. Many employers use internal systems to assess and classify jobs, which include factors such as job complexity, responsibility, required skills and experience, as well as the current market situation and negotiations between the employer and the worker.

Labour inspection institutions oversee the implementation of labour laws in both entities and the District, including the provisions related to equal pay. Inspectors can review payroll records and ensure that employers comply with legal obligations.

Unions play a key role in protecting workers' rights and promoting the principle of equal pay. They can negotiate collective agreements that include provisions for equal pay for work of equal value. Workers who believe they have been discriminated against regarding pay can file complaints or lawsuits with the relevant courts or human rights protection institutions.

The Committee notes from the Direct Request (CEACR) (2023) concerning Convention No.100 that there is no information concerning the development and promotion of objective job evaluation methods. The CEACR indicates in its Request that particular care must be taken to ensure that job evaluation is free from gender bias by making sure that the selection of factors for comparison and the weighting of such factors and the actual comparison are not discriminatory, either directly or indirectly.

The Committee considers that the information provided in the report does not establish that gender-neutral job evaluation and classification systems are used in the public and private sectors, to allow comparison of jobs the content of which may be different but still of equal value. Therefore, the situation is not in conformity with the Charter.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, women are significantly underrepresented in the labour market. In the third quarter of 2022, men made up 61.9% of the total workforce, while women accounted for only 38.1%.

The Gender Equality Index for Bosnia and Herzegovina was published in 2023, and according to it, employed women in BiH are concentrated in certain economic sectors, such as services – education, healthcare, and social protection (67.2% women and 46.9% men) and agriculture (14% women and 10.7% men), while in non-agricultural activities, women make up a minority (18.8% compared to 42.9% men).

According to data from the Agency for Statistics of Bosnia and Herzegovina published in 2022, the employment rate for women aged 20 to 64 was 40%, while for men of the same age group, it was 65%, resulting in a gender employment gap of 25%. The employment rate for women was 29.9%, compared to 50.9% for men. The unemployment rate was also higher for women, at 18.5%, compared to 14.1% for men.

In 2020, less than half of women (42%) with children under 6 years old were employed full-time, although there was a slight increase in the share of employed women with young children.

Furthermore, women are more likely to be employed part-time compared to men and dominate among the lowest-paid workers in the labour market. The share of women in unpaid work in the Federation of BiH is significantly higher than that of men. Women's participation in unpaid household work, including work in agriculture, is around 71.1%. Despite the opportunity for both parents to take parental leave, 99% of cases still involve the mother taking maternity leave. The reason for these ratios can be found in stereotypical perceptions of gender roles, the division of family responsibilities, and the noticeable presence of gender inequality in the labour market. As a result, it is also clear that women are less likely to choose or initiate self-employment (in 2019, the self-employment rate for women was 3%, compared to 7.2% for men).

The Committee notes that the Government provides statistics concerning the evolution of average salaries by gender. The difference in salaries increased from 10% in 2018 to 12.5% in 2022. The Committee observes that while these figures do not accurately reflect the gender pay gap which is calculated on the basis of hourly wages (Eurostat), it shows that there is an upward trend in the average wage gap. Therefore, the Committee considers that no measurable progress has been observed in reducing the gender pay gap. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 4§3 of the Charter on the grounds that:

- the definition of equal work is not sufficiently broad;
- it has not been established that there are gender-neutral job classification systems in place;
- there has been no measurable progress in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The report indicates that, under domestic law, a worker, or employer, cannot be placed in a disadvantageous position due to their membership or non-membership in a trade union or employers' association. The lawful activities of a trade union or employers' association cannot be permanently or temporarily prohibited. Employers or employers' associations are prohibited from interfering with the establishment, functioning, or management of a trade union.

The report does not provide information on any specific measure taken to strengthen the positive freedom of association, also in particular in low unionisation rate areas such as the gig economy, platform work, domestic work or self-employed persons.

The Committee notes, from outside sources (Fairwork, June 2023, Platform work in Bosnia and Herzegovina), that the conditions and experiences of platform workers in Bosnia and Herzegovina (BiH) are deeply impacted by the existing precarity of the overall labour market and its institutions such as employment protection legislation, minimum wages, and unionisation of workers. In BiH, platform workers, who are frequently categorised as independent contractors, do not have access to the safeguards of the labour market as regular workers, which further exacerbates their precarity. They are, therefore, not eligible for benefits like sick pay or holiday pay, and they may not have a guarantee of a minimum income. According to these sources, even in situations where platform workers become formal workers, certain social benefits (such as pensions) are reduced or workers do not exercise their rights to, e.g., health insurance, unemployment insurance or trade union rights due to the practice of concluding a service contract instead of an employment contract.

In addition, in its 2023 Observation with regard to Freedom of Association and Protection of the right to Organise (Convention No. 87), the ILO considered that the main domestic laws (the Labour Act and Act on Associations and Foundations) in BiH regulating the right to organise, differ in scope and that specific categories of workers were not covered by all the guarantees of the Convention No. 87. It therefore requested the Government to revise the relevant legislation to ensure that all workers, including workers without an employment contract, domestic workers, agricultural workers, workers in the information economy and self-employed workers enjoy, in law and in practice, all the rights guaranteed by this convention.

In the light of the above, the Committee concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that each employers' organisation must be legally registered according to the applicable legislation with the relevant state or entity body, and must have a status that defines its mission, objectives, and way of operation in accordance with the law. The report explains that participation in social dialogue by employers' organisations involves active participation in tripartite bodies and negotiating collective agreements and each employers' organisation must be capable of financing its activities without excessive dependence on external sources.

According to the report, in the Federation of Bosnia and Herzegovina (FBiH) (the Law on the Representativeness of the Trade Union and of Employers' Association), an employers' association is considered representative if it has been registered with the competent authority in accordance with the law at least 12 months before submitting a request for representativeness; is mainly financed from membership fees and other own sources; and has the required number of members (should cover at least 15% of the total number of workers in the field of activity in the Federation). The report underlines that employers' associations whose representativeness has not been established according to the law have the right to freely associate and organise, as well as all other rights and obligations not exclusively granted to representative employers' associations by law.

In Republika Srpska, according to the Labor Law, an employers' organisation is considered representative if it is registered in the Register of Trade Union Organisations and Employers' Associations, and if no fewer than 10% of employers from the total number of employers in the region, sector, or industry, at the level of the Republic, are members, provided that these employers employ no fewer than 10% of the total number of workers in the region, sector, or industry at the level of the Republic. If only one employers' association operates at the relevant level of organisation, it will be considered representative, regardless of the number of workers employed by its members.

With regard to Brčko District, the report indicates that employers have the right to freely form, join or leave employers' associations in accordance with the statutes or rules of the association. They are established without the prior consent of any government authority. The report does not provide any other legal criteria concerning the recognition of employers' organisations.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

According to the report, in Republika Srpska, under the provisions of the Labour Law, a trade union is considered representative if it is independent of government authorities and employers; if it is mainly financed from membership fees; if it has the required number of members based on membership applications: no fewer than 10% of the total number of workers in the region, sector, or industry. A union at the undertaking level is considered representative if it has no fewer than 5% of the total number of workers in the undertaking. If only one trade union operates at the relevant level, it will be considered representative, regardless of the number of its members.

The Committee also notes, from the provisions of the Law on the representativeness of the Trade Union and of Employers' Association (Art. 5) of the FBiH, that a union is considered as representative if it is registered with the competent authority 12 months before submitting the application for confirmation of representativeness; if it is financed mainly by membership fees and meets the requirement of having at least 15% of the total number of workers in the area or area of activity on the territory of the Federation.

The Committee further notes (ILO, Workers' representatives in Bosnia and Herzegovina, 2023) that in Brčko District, a trade union is considered representative for the territory of the District if it has at least 30 % of members in at least three sectors, in relation to the total number of workers in the District. A trade union is considered representative in a field, areaor branch if it has at least 10 % of the total number of workers in that field, area or branch. A trade union is considered representative of a specific employer or company if it has at least 20 % of the workers out of the total number of workers at that employer or company.

In addition, in the FBiH, Republika Srpska, and Brčko District, if no trade union at the level of the undertaking, sector or employer fulfils membership requirement, the trade union with the largest number of members is considered representative.

Concerning minority trade unions, the report indicates that minority trade unions in BiH have a certain status and powers, although they often do not have the same influence as representative trade unions. Like majority unions, minority unions must be legally registered. They have the right to represent the interests of their members and negotiate with employers, but their influence in collective bargaining may be limited if they do not meet the criteria for representativeness. Although minority unions can be involved in dialogue with employers, formal participation in tripartite bodies such as economic-social councils is generally reserved for representative unions. Minority unions may have local influence and participate in addressing specific issues within a company. They can also negotiate special agreements for their members, but collective agreements that apply to all workers are typically the result of negotiations led by representative unions.

Lastly with regard to elected workers' representatives, the report indicates that in addition to trade unions, workers in BiH can also be represented through other structures at the company level, such as work councils. According to domestic law provisions, workers can elect works councils in companies with more than 30 workers. Works councils have the right to participate in decision-making that affects working conditions, safety and health at work, and the organisation of work. In companies without trade unions or with a weak trade union organisation, workers can choose their representatives to represent their interests before the employer. These representatives have similar powers as works councils, but their mandate and powers are defined by the company's internal acts.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

According to the report, in BiH, members of the police have the right to organise in a union, but with certain restrictions that ensure that union activities do not jeopardise the security and functionality of services.

The Committee notes (ILO – CEACR, adopted 2019, published 109th ILC session (2021) Collective Bargaining Convention, 1981 (No. 154) - Bosnia and Herzegovina) that the Association of Trade Unions of the Police Authorities of Bosnia acquired the status of a collective bargaining agent in the registry of associations and foundations. The Committee recalls that the right to bargain collectively is examined by the Committee under Article 6§4 of the Charter.

With regard to the armed forces, the report indicates that their members have limited rights to organise trade unions due to the specific nature of their duties. The Law on Service in the Armed Forces of BiH does not explicitly provide for the right of members of the Armed Forces to organise trade unions, but instead, there are special mechanisms for resolving labour disputes and issues concerning working conditions within the Armed Forces.

The Committee notes that according to Article 26 of the Law on Service in the BiH Armed Forces, “professional military persons are not allowed to get involved in trade union or politics”. It further notes that workers in the armed forces do not have the right to form works councils. (Article 119 of Labour Law FBiH, article 208 of Labour Law RS, see ILO, ILO, Workers’ representatives in Bosnia and Herzegovina, 2023).

The Committee concludes, in the light of the above information, that the situation is not in conformity with Article 5 on the ground that it has not been established that members of the armed forces are guaranteed the right to organise.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 5 of the Charter on the ground that:

- no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.
- it has not been established that members of the armed forces are guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusions (Conclusions 2022) the Committee found that the situation in Bosnia and Herzegovina (other than the Brčko District) is not in conformity with Article 6§1 of the Charter on the ground that joint consultation is not sufficiently promoted.

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

According to the report, a key action for promoting joint consultations in Bosnia and Herzegovina is the establishment of Economic and Social Councils (ESCs) that include representatives of governments, trade unions and employers. Labor laws in both entities and the Brčko District regulate collective bargaining procedures and define the rights and obligations of employers and trade unions. These laws also allow for the establishment of works councils and other forms of workers' representation. Collective agreements are regularly updated at the company, sectoral and entity levels. This includes compliance with international standards and national legislation. Collective agreements concluded at different levels define the rights and obligations of employers.

The Committee recalls that Article 6 §1 requires joint consultations to take place at the national, regional/sectoral and enterprise level (Conclusions 2010, Ukraine).

The Committee observes that the report provides general information about the legal framework, general role and functioning of the ESC for the territory of the Federation of Bosnia and Herzegovina (FBiH). It also recalls its previous conclusion (conclusions 2022), based on detailed information on the structure, mandate and functioning of the ESC submitted at that time, that the situation in the Brčko District was in conformity with Article 6 § 1.

However, the Committee notes that the present report does not contain any information on the establishment and effective functioning of ESCs either at the level of Bosnia and Herzegovina (BiH), or of the Republic of Srpska (RS).

The Committee observes that the previous country report (2022) contained information on the establishment of an ESC in the RS. It notes, however, the absence of any information on the effectiveness of this ESC.

According to other sources consulted by the Committee, social dialogue in BiH remains fragmented and underdeveloped. There does not exist an ESC at the level of BiH as a whole, although a number of important decisions are taken at that level. In the FBiH, the ESC is not functioning properly, mostly because of a longstanding fracture in the Confederation of Independent Trade Unions. In RS, meetings of the ESC formally take place, but without notable results, while bipartite dialogue between social partners continues to be very weak (European Economic and Social Committee Western Balkans Follow-up Committee, Report of the Conference with social partners and civil society in Bosnia and Herzegovina, 11 November 2024; ILO, the ILO in Bosnia and Herzegovina, 14 May 2024).

Having regard to the above findings, the Committee considers that the information provided does not allow the conclusion that joint consultations between workers and employers are sufficiently promoted at all levels and sectors and throughout the entire territory of Bosnia and Herzegovina, with the exception of the Brčko District.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The report states that various issues have been the subject of joint consultations, resulting in agreements and initiatives that have been implemented to improve working conditions, social security and economic stability, such as the minimum wage and its adjustment to the cost of living and inflation; improving working conditions and safety at work; reforming the pension system and improving social security; strengthening collective bargaining and strengthening trade union rights, including the right to organise and the right to strike.

Joint consultations have led to the signing of collective agreements in various sectors covering wages, working hours, safety at work and other workers' rights; the reform of the pension system; the improvement of labour inspection and the strengthening of the legal framework to combat undeclared work. Agreements are often implemented through amendments to legislation at Entity and State level, e.g. amendments to the Labour Code and the Pension and Disability Insurance Act. Stricter controls and penalties have been introduced for employers who violate workers' rights. Campaigns were organised to raise awareness among workers and employers of their rights and obligations. Training for trade union representatives and employers has also been organised.

The Committee notes that the report refers in general terms to the fact that joint consultations have been held on various issues of mutual interest, without providing specific information on the format in which these consultations have taken place. The Committee notes that the Government did not submit a reply to the Committee's request for additional information in this respect. In the absence of functioning CSE's at all levels and throughout the territory of Bosnia and Herzegovina (see above), the Committee considers that the report does not provide concrete information on the scope and coverage of joint consultations which would allow the conclusion that joint consultations between employers and workers have been sufficiently promoted.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

According to the report, joint consultations on digital and green transition issues have become increasingly relevant in order to adapt economic and working conditions to global changes and EU standards.

Digital transition

Regarding digital transformation, the report states that the Information Society Development Policy of Bosnia and Herzegovina promotes digital transformation and includes measures to improve the digital skills of the workforce, develop IT infrastructure, and support the digitalisation of business processes with the support of EU-funded projects.

Green transition

According to the report, Bosnia and Herzegovina's Integrated Energy and Climate Plan, which sets targets for reducing greenhouse gas emissions, increasing energy efficiency and using renewable energy sources, is in line with EU policies and includes broad consultation with

relevant stakeholders. Projects supported by international organisations include joint consultations between government, private sector and NGOs to promote the green economy and sustainable development. In the Federation of B&H, the Environmental Strategy 2022-2032 and the Environmental Strategy of RS also promote the green transition, focusing on sustainable use of natural resources and reduction of pollution.

The Committee notes that the report refers in general terms to joint and stakeholder consultations in the context of green transition projects, while no information is provided on joint consultations carried out in the context of the digital transition. The Government did not submit a reply to the Committee's request for additional information in this respect.

Given the findings outlined above, the Committee concludes that it has not been established that joint consultations have been carried out on matters relevant to the digital transition.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that

- joint consultation is sufficiently promoted at all relevant levels and throughout the entire territory with the exception of the Brčko District ;
- joint consultations have been held on matters relevant to the digital transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Bosnia and Herzegovina was not in conformity with Article 6§2 of the Charter on the ground that it had not been established that the promotion of collective bargaining was sufficient (Conclusions 2022). The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions asked, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report states that collective bargaining is coordinated through legal frameworks at different levels, including state, entity, cantonal, local, and enterprise levels. The law allows for the use of *erga omnes* clauses, meaning collective agreements can apply to all workers and employers within a particular sector or industry, regardless of whether they are signatories thereof. These clauses are important for ensuring uniformity in labour rights and are mostly applied at the entity level. Collective agreements can also be extended or renewed through negotiations, with a *status quo* principle applying where the existing collective agreement is extended until a new agreement is concluded.

Regarding the favourability principle, the report states that the principle of preferential agreement ensures that, in cases of conflict between agreements at different levels, the provisions that are more favourable for the worker apply. Regarding derogations, the report states that local and workplace agreements may derogate from higher-level agreements only if they provide conditions that are more favourable than those prescribed by law or higher-level collective agreements.

The Committee notes that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned in order to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report notes that collective bargaining is fragmented and that there are challenges in achieving uniform collective agreements owing to the complex administrative structure of Bosnia and Herzegovina. Issues such as unclear legal frameworks, a lack of coordination between different levels of government and trade unions, and economic instability complicate negotiations and implementation. Furthermore, high unemployment, low unionisation rates, a significant informal economy and political polarisation also pose barriers. Specific sectors, such as agriculture and construction, face challenges due to seasonal work and high workforce turnover, while rapid technological changes in industries such as the IT sector create new difficulties. The report notes that work is underway on legislative and economic measures with a view to strengthening social dialogue and that labour inspectorates received additional resources and training to monitor and enforce labour law.

The Committee notes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has recently expressed a range of concerns in relation to the implementation of Convention no. 98 in Bosnia and Herzegovina. Notably, these refer the operation in practice of representativity thresholds for engaging in collective bargaining, the participation of government, cantonal or municipal entities in collective bargaining at the sectoral and national levels, and the lack of updated basic information on the indicators used to assess compliance with Convention No. 98 (International Labour Organization. (2024). *Direct Request (CEACR) – adopted 2023, published 112nd ILC session (2024). Right to Organise and Collective Bargaining Convention*, 1949 (No. 98) – Bosnia and Herzegovina (Ratification: 1993). NORMLEX.).

The Committee also refers to a report published by the European Commission in 2024 indicating that social dialogue in Bosnia and Herzegovina was weak at all levels, with no significant improvements. There were no general collective agreements, but only few concluded branch and sectoral collective agreements, mainly in the public sector. Significant gaps remained in ensuring freedom of association for trade unions and the right to collective bargaining (European Commission, *Commission Staff Working Document: Bosnia and Herzegovina 2024 Report Accompanying the Communication on EU Enlargement Policy* SWD(2024)).

The Committee recalls that it has previously highlighted the absence of essential information in the reports submitted by Bosnia and Herzegovina as regards the operation of collective bargaining in law and in practice in all administrative entities of Bosnia and Herzegovina and at every level of the economy (enterprise, branch and national levels) (Conclusions 2018 and 2022). The information included in the present report in response to the Committee's targeted questions is also inadequate. The Committee therefore concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the promotion of collective bargaining is sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report states that work is underway on legal and institutional reforms that would allow economically dependent self-employed persons, who are in a worker-like position, to be covered under existing collective bargaining arrangements. This includes supporting trade unions and creating associations of self-employed workers to represent their interests.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland, Complaint No. 123/2016*, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that:

- the promotion of collective bargaining is sufficient;
- the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Bosnia and Herzegovina was not in conformity with Article 6§4 of the Charter on the ground that in the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, the range of sectors in which the right to strike may be restricted is too extensive and the restrictions on the right to strike go beyond the limits set by Article G of the Charter. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors in which the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to the report, there is no absolute prohibition on the right to strike.

In its response to the additional questions, the report states that professional military personnel are prohibited from joining trade unions and political organizations under Article 26 of the Law on Service in the Armed Forces of Bosnia and Herzegovina and the provisions of the Rules of Service of the Armed Forces of Bosnia and Herzegovina. Professional military personnel in the armed forces have the right to submit complaints, appeals, requests, petitions and other submissions that are all filed through regular chain of command and control. In addition, members of the armed forces may lodge complaints or seek assistance from the Inspector General of Bosnia and Herzegovina and from the Parliamentary Military Commissioner of Bosnia and Herzegovina.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G, i.e. if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

The Committee concludes that the situation is not in conformity with the Charter on the grounds that members of the armed forces do not have the right to strike and it has not been established that are other means by which members of the armed forces can effectively negotiate the terms and conditions of employment, including remuneration.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked the States Parties to indicate the sectors where there are restrictions on the right to strike as well as to provide details on relevant rules and their application in practice, including relevant case law.

The report states that, under the Law on Strike of the Employees in the Institutions of Bosnia and Herzegovina, the right to strike can only be limited by a specific law. The minimum level of service required to safeguard the public interest, the safety of individuals and property, and to guarantee the free movement of people, goods, and services shall be established by a decision of the Council of Ministers, based on a proposal submitted by the relevant employer and trade union.

Further according to the Law on Strike in the Federation of Bosnia and Herzegovina, the employer and the trade union are required to agree upon the minimum level of service necessary to maintain essential living and working conditions, as well as to safeguard property, life and health. This requirement applies to sectors including health care, international transport, postal services, electricity generation, and water supply.

According to the Law on Strike of Republika Srpska, the right to strike in sectors of general interest, or in sectors where a disruption of activities could threaten life and health or result in significant damage, may only be exercised if a minimum level of service is maintained. Before this minimum service level is established, the employer is required to seek the opinion of the trade union. Additionally, the trade union must inform the employer of its intention to strike at least ten days prior to the start of the strike.

The Committee notes that in the Federation of Bosnia and Herzegovina and in the Republika Srpska the range of sectors where the right to strike is restricted and where a minimum service is required is extensive. Furthermore, no information has been provided on the basis of which the Committee could assess as to whether all these sectors may be regarded as “essential”.

The Committee recalls that in its previous conclusions it found that the situation in Federation of Bosnia and Herzegovina and in Republika Srpska was not in conformity with Article 6§4 on the grounds that the range of sectors in which the right to strike may be restricted was too extensive and the restrictions on the right to strike for the workers in the essential services went beyond the limits permitted by Article G of the Charter (Conclusions 2022).

Therefore, the Committee considers that the situation is not in conformity with Article 6§4 of the Charter.

In its response to the additional questions, the report states that the Law on Strike of the Federation of Bosnia and Herzegovina and the Collective Agreement for Employees of the Federal Ministry of Interior – Federal Ministry of Interior and the Federal Police Administration, workers of the Federal Police Administration have the right to strike provided that the minimum services are upheld for the protection of the property and that safety of citizens is not endangered.

In addition, the report states that members of the Brčko District Police cannot legally organise a strike due to the absence of the special regulation or a collective agreement that would regulate the manner of the work stoppage and would secure minimum services that should be upheld. Meanwhile, all the negotiations on the rights and interests are conducted through authorised representatives of the higher trade union body. The Committee considers that the situation is not in conformity in this respect. It recalls that an absolute prohibition on the right to strike for police officers can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is

justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211).

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

The report states that in the Federation of Bosnia and Herzegovina and Republika Srpska, there are cases where the courts have ruled on the legality of strikes in healthcare, public transport and energy, often ordering a minimum service to be maintained to prevent serious disruptions.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- police officers are denied the right to strike;
- the range of sectors in which the right to strike may be restricted is too extensive and the restrictions on the right to strike go beyond the limits permitted by Article G of the Charter;
- members of the armed forces do not have the right to strike and it has not been established that are other means by which members of the armed forces can effectively negotiate the terms and conditions of employment, including

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Bosnia and Herzegovina.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market the report refers to the amendments of the Law on Gender Equality in Bosnia and Herzegovina. The law prohibits discrimination on the grounds of sex and promotes equality in employment, pay, working conditions and promotion. Entity labour laws ensure protection against discrimination for all workers and job seekers, particularly with respect to gender.

According to the report the Gender Action Plan of Bosnia and Herzegovina for the period 2023-2027 recognises the need to implement measures that provide equal opportunities for the development of entrepreneurship for both men and women. Measures include conducting gender analysis and processing of collected data classified by gender in the field of employment and entrepreneurship, adoption and implementation of action plans, support for research and programs to increase women's participation in the workforce and reduced employment, development of women's entrepreneurship, as well as representation in agricultural production and the informal sector, and economic and social empowerment of women.

Another measure taken is the organisation by the Ministry of training programmes for women, with the aim of training for searching, selecting and obtaining adequate employment, including starting and developing entrepreneurship, as well as monitoring progress and reporting on the representation of women and men in the field of work, employment and access to economic resources, as well as in the field of women's entrepreneurship.

According to the report, in 2023, the female employment rate was about 35%, compared to 50% for men. In the Federation of Bosnia and Herzegovina, only 42% of women with children under six years old are employed full-time. The information and communication sector shows a significant gender gap, with a male-to-female employment ratio of 2:1. The most pronounced gender disparity is among workers aged 25–49. Supportive measures such as flexible working hours, improved working conditions, and parenthood support have a positive impact on women's labour market participation. The report refers to case law that has confirmed instances of gender discrimination. The above figures demonstrate that formal guarantees have not transformed into substantive equality in practice, as required by Article 20.

The report states that women also experience delays in entering the labour market and face significant challenges in securing employment later in life, often due to shifts in market needs. There is widespread gender-based and sexual harassment in the workplace, occupational segregation based on traditional gender roles, and significant pay and position disparities. The report states that despite these challenges, women's participation in elections has shown signs of improvement in gender equality.

The report refers to measures to be taken by the Ministry and the Chamber of Commerce as regards gender equality in the field of work, employment and access to resources. Economic empowerment of rural women, entrepreneurs and other marginalised groups of women is a continuous priority for the Gender Centre of the Republika Srpska, in cooperation with the partner Ministry of Agriculture, Forestry and Water Management, the Ministry of Economy and Entrepreneurship, as well as local self-government units and non-institutional partners, with the support of donor funds from UN Women.

The Committee also notes that the 2023–2027 Gender Action Plan in Bosnia and Herzegovina prioritises improving gender equality in employment and access to economic resources. It includes measures to enhance legal and strategic frameworks, collect gender-disaggregated data, support women's labour market participation, and promote work-life balance to combat discrimination.

In Republika Srpska, specific action plans (2019–2020 and 2022–2024) aim to improve the position of rural women. Under the 2021–2025 Programme for Economic Empowerment of Women in Rural Areas, financial support for women's self-employment was introduced in 2022.

The Committee notes from Eurostat that the female employment rate amounted to 41.3% in 2023 and to 43.9% in 2025. As regards the gender employment gap, it has increased from 27.6% in 2023 to 29.4% in 2025. The Committee considers that this indicator is considerably above the EU average and no measurable progress has been observed in reducing it. Therefore, the situation is not in conformity with the Charter.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted

measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The report refers to the law on Gender Equality that requires all levels of government to ensure gender equality in employment and promotions, including the use of quotas for women's representation in state institutions and committees.

According to the Agency for Statistics of Bosnia and Herzegovina, women make up about 35% of managerial positions in public institutions. These statistics include a variety of positions, including ministers, agency directors, and other senior positions. Some ministries, such as the Ministry of Human Rights and Refugees, have a higher representation of women in leadership, while in sectors such as civil affairs and defence, this representation is lower.

According to the report many companies in the private sector have voluntarily adopted internal policies aimed at advancing gender equality. These include implementing pay equity measures, career development initiatives, and leadership training for women.

The Committee finds that according to the report, in Republika Srpska, men continue to dominate managerial and leadership positions. In the National Assembly, there are approximately three times as many male deputies as female ones, and while a woman holds one of the vice-presidential roles, the positions of President and Secretary General remain exclusively held by men. Within the administrative departments, gender distribution is more balanced in some areas, such as the main administrative department, but disparities remain in others—for example, men outnumber women in the Cabinet of the President. In the committees and commissions, men hold the majority of leadership roles.

As regards the judiciary, according to the provided data, women hold a majority of judicial positions at various court levels. They preside over the Supreme Court and lead most municipal and district commercial courts.

In the civil service, women also form the majority. They hold a significant share of senior professional roles, such as senior associates and heads of internal units. However, men still outnumber women in leadership roles such as inspectors, internal auditors, and assistant ministers.

According to the report, in 2023 the index score for Bosnia and Herzegovina in this sub domain of gender equality was 21.4 points lower than the EU average of 82.3, highlighting the persistence of the glass ceiling and difficulties for women in accessing higher decision-making positions. The inequality is especially visible in the management structures of public companies, where women represent just 17.5% of leadership roles, with slight variations between the Federation of Bosnia and Herzegovina (20%) and Republika Srpska (15%). The share of female CEO's is just 5.55% and on the boards of the 10 highest ranked companies on the Bosnia and Herzegovina stock exchange women represent only 17% with just one company having a female president. This gap reflects the persistent barriers women face, to have access to high-level decision-making positions.

The Committee notes from UN Women that although the President and the Prime Minister are women, there are only 19% of women in the parliament and 11% of ministers are women. The Committee considers that despite the measures taken, there has been insufficient measurable progress in achieving effective parity in decision-making positions. Therefore, the situation is not in conformity with the Charter.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report women are represented in the management structures of public companies in Bosnia and Herzegovina at 17.5% (20% in Federation of Bosnia and Herzegovina and 15% in Republica Srpska). Moreover, only 5.55% of CEOs in public companies are women. The Committee further notes that 35.7% of companies still have no female members on supervisory boards and only 9% of public companies have a woman as president. The Committee further notes that in Republika Srpska, gender representation in public institutions varies widely, with women achieving greater parity in some sectors but remaining underrepresented in top leadership roles. According to the report, the Council of Peoples is chaired by a woman, and women hold two of three deputy chair positions. However, men still dominate among delegates and key commissions, such as the Constitutional and Legislative Commissions. Women are better represented in administrative roles, including all secretaries of commissions.

The Committee observes that the information provided in the report does not establish that there has been a measurable progress in promoting the representation of women on management boards or executive positions in the largest publicly-listed companies. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 20 of the Charter on the grounds that:

- no measurable progress has been made in reducing the gender employment gap;
- insufficient measurable progress has been made in promoting the effective gender parity in decision-making positions
- it has not been established that a measurable progress has been made in promoting the representation of women on management boards of the largest listed companies.