

## ANNEX 1

### ANSWERS OF INSTITUTIONS IN BOSNIA AND HERZEGOVINA TO QUESTIONS OF COMMITTEE ON SOCIAL RIGHTS OF THE COUNCIL OF EUROPE ON THE IMPLEMENTATION OF GROUP 1 OF RIGHTS OF THE REVISED EUROPEAN SOCIAL CHARTER

#### Article 2 – The Right to Just Conditions of Work

#### Article 2 Paragraph 1 – Reasonable daily and Weekly Working Hours

##### Questions:

- a) Please provide 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;
  - Information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.
- b) Please provide information on the weekly working hours of seafarers.
- c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

##### Answers:

##### Working Hours and Overtime

In Bosnia and Herzegovina, the labor laws of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District regulate the maximum working hours of up to 40 hours per week. There are certain professions and industries where working hours are longer due to the nature of the job, seasonal needs, or specific circumstances (construction, agriculture, tourism, healthcare, transportation and logistic, and mining and energy sectors).

In the Federation of Bosnia and Herzegovina, according to the Labor Law<sup>1</sup>, overtime work is exceptionally allowed for a maximum of 8 hours per week, or 12 hours in one week in cases of exceptional need, and the worker cannot work more than 150 hours of overtime annually.

In Republika Srpska, the Labor Law<sup>2</sup> and the Decision of the Constitutional Court of Republika Srpska<sup>3</sup> regulate overtime work, allowing a maximum of 10 hours per week, and a worker cannot work more than 180 hours of overtime annually. For minors aged 15, the full weekly working hours are 35 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 a maximum of 60 hours during certain parts of the year, with a proportional reduction in the other parts of the year.

In the Brčko District, the Labor Law<sup>4</sup> stipulates that overtime work is exceptionally allowed for a maximum of 10 hours per week, and a worker cannot work more than 180 hours of overtime annually.

Generally, all three of the mentioned labor laws stipulate that overtime work must be adequately compensated, and that employers are obligated to ensure that overtime work is recorded and reported to the relevant authorities. Workers must also be provided with breaks and rest periods to protect their health and safety.

<sup>1</sup> „Official Gazette of the Federation of B&H“ no. 26/16, 89/18, 44/22 and 39/24;

<sup>2</sup> „Official Gazette of Republika Srpska“ no. 1/16, 66/18 and 9/21;

<sup>3</sup> „Official Gazette of Republika Srpska“ no. 119/21, 112/23 and 39/24;

<sup>4</sup> „Official Gazette of Brčko District of B&H“ no. 34/19, 2/21 and 15/22;

### **Protection of Health and Safety of Workers at Work**

The labor laws of both entities (Federation of B&H and Republika Srpska), as well as the Labor Law of the Brčko District of B&H, require employers to ensure safe working conditions, protective equipment, and regular health check-ups for employees. According to all three of these laws, workers have the right to a daily rest period of at least 12 hours between two working days, as well as a weekly rest of at least 24 hours continuously. Employers must conduct a risk assessment for all work processes and implement measures to reduce risks, while workers must be trained and informed about workplace hazards and use protective equipment as required by regulations.

### **Working Hours of Maritime Workers**

This category of workers does not exist in Bosnia and Herzegovina, as it is not a maritime country. Bosnia and Herzegovina has access to the sea through the town of Neum, part of the Neum Bay, which belongs to the Adriatic Sea, with a length of 6 kilometers and a width of 1.2 kilometres. A change to the Labor Law of the Federation of Bosnia and Herzegovina is being prepared, and the introduction of this category of workers is still under consideration.

### **Inactive Periods of On-Call Duty**

In the Federation of B&H, on-call duty is not regulated by the Labor Law, but the Law defines the concept of „standby“ as the time during which a worker is available to respond to the employer's call to perform work. The duration of standby time and the compensation for this time are regulated by the relevant collective agreement, work regulations, or employment contract.

The right to on-call duty and the manner in which it is exercised can be regulated by specific regulations, general or sectoral collective agreements, work regulations, or employment contracts.

In Republika Srpska, the Labor Law also does not recognize the concept of on-call duty, but it is regulated by special laws for specific areas where on-call duty is introduced due to the needs of the work process.

## **Article 4 – The Right to Fair Remuneration**

### **Article 4 Paragraph 3 – Right of Men and Women to Equal Pay for Work of Equal Value**

#### **Questions:**

- Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.
- Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.
- Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

#### **Answers:**

##### **Concept of Work of Equal Value**

The principles of equality and non-discrimination in this regard are recognized in the Constitution of B&H, the Law on Prohibition of Discrimination, the Law on Gender Equality in B&H, the entity labor laws, and the Labor Law of the Brčko District of B&H.

According to all the aforementioned laws, equal pay is guaranteed for the same work or work of equal value, based on the same level of qualifications, responsibilities, skills, and performance. Any decision by the employer or agreement with the employee that does not comply with this

provision is considered null and void, and in case of a violation of this right, the employee has the right to initiate a process for compensation of damages.

Specifically, Article 48 of the Labor Law in the institutions of B&H <sup>5</sup> 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 B&H or the employer's act."

Article 13 of the Law on Gender Equality in B&H prescribes that discrimination on the basis of sex in work and employment relations is prohibited, among other things, for not applying equal pay and other benefits for equal work, i.e. for work of equal value. The Law also prescribes penalties for organizations and citizens who fail to take appropriate measures to eliminate and prevent prohibited discrimination on the basis of sex in work and employment relations. In this way, one of the aspects of the gender gap in income is prescribed by law as prohibited discrimination, which clearly defines the legal protection of persons from this type of discrimination.

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 of the same Law 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 an employee that is not in accordance with this paragraph is null and void, and in the event of a violation of this right, the employee has the right to initiate a procedure for damages.

In this section, it is important to note that, according to the methodology of the UN Sustainable Development Goals, within the framework of Goal 5, the achievement indicator for a legal framework that promotes, implements and monitors equality and the prohibition of discrimination on grounds of sex in the area of employment and economic benefit is 96%.

**Job Classification and Compensation System Based on Equal Pay Principles**  
In Bosnia and Herzegovina, 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.

Women are significantly underrepresented in the labor market. In the third quarter of 2022, men made up 61.9% of the total workforce, while women accounted for only 38.1%. Among those outside the workforce, 63% were women. Regarding the activity rate of women and men in different age groups (Economic Commission for Europe, 2021), there is a noticeable increase in the rate for the 15 to 25-year-old group, but stagnation and even a decline in the 25 to 40-year-old group. A slight increase is observed in the 40 to 44-year-old group, while the rate again significantly decreases in the 45 to 69-year-old groups. Unpaid caregiving work is one of the reasons for the inactivity of women in the labor market.

The Gender Equality Index for Bosnia and Herzegovina was published in 2023, and according to it, employed women in B&H are concentrated in certain economic sectors, such as services –

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<sup>5</sup>„Official Gazette of B&H“ no. 50/08 and 35/09;

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).

In B&H, of the total number of healthcare workers in public health in 2020, nearly 3/4 were women. The majority of doctors were women, 63% compared to 37% men, and a similar trend was observed among nurses and medical technicians, where the proportion of women was higher, at 78% compared to men.<sup>6</sup>

In education, almost all preschool educators were women (99%). At higher education levels, the gender composition of the teaching staff changes, with women being more numerous in primary and secondary education, while more than half of the teachers and assistants in higher education institutions were 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. In 2020, there were 3,288 unemployed members of national minorities (1,799 Roma women and 1,909 Roma men).

Furthermore, women are more likely to be employed part-time compared to men and dominate among the lowest-paid workers in the labor market. The share of women in unpaid work in the Federation of B&H 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 labor 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).

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 employee.

Labor inspection institutions oversee the implementation of labor laws in both entities and the District, including 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.

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<sup>6</sup> Source: Agency for Statistics of Bosnia and Herzegovina;

### Measures to Reduce the Gender Pay Gap

When it comes to statistical data on the gender pay gap in Bosnia and Herzegovina for the period from 2018 to 2022, the following data is available:

Year	Average Salary (men)	Average Salary (women)	The difference in salaries (%)
2018	1000 KM	900 KM	10.0 %
2019	1050 KM	950 KM	9.5 %
2020	1100 KM	980 KM	10.9 %
2021	1150 KM	1020 KM	11.3 %
2022	1200 KM	1050 KM	12.5 %

Measures to reduce economic gender inequalities are continuously included in the Gender Action Plan of B&H, which is developed and adopted every five years. The fourth Gender Action Plan of B&H for the period 2023-2027 (adopted in October 2023) includes as one of its priorities the area of "Labor, Employment, and Access to Economic Resources," within which is the measure "Support for research and programs aimed at improving the position of women in the labor market, as well as in social and economic life, such as: temporary employment, career interruptions, wage and pension gaps, etc."

In the Federation of B&H, the documents *Federation of B&H Development Strategy 2021-2027*, *Agriculture and Rural Development Strategy of the Federation of B&H for the period 2021-2027*, and *Federation of B&H Employment Strategy 2021-2027* recognize the underrepresentation of women in the active workforce and the need to implement measures and programs (such as education in information literacy, entrepreneurship, etc.) that motivate women and other vulnerable groups to engage more actively in all areas of work through various incentives.

In the Republika Srpska, the Statistical Institute of the Republika Srpska regularly collects, monitors, processes, and publishes data on earnings, broken down by gender. This data is publicly available every two years in the bulletin *Women and Men in the Republika Srpska* and can be used as a starting point for analyzing the origins and extent of the wage gap. The income disparity trend is long-term, as evidenced by data on pension differences, with the only advantage women have in this case being the number of years spent receiving pensions.

The Gender Center of the Government of the Republika Srpska conducts research on gender inequalities, including economic gender inequalities and income differences. Research shows that inequalities in this regard are long-lasting and almost unchanging across generations.

### Article 5 – The Right to Organise

#### Questions:

- Please indicate what 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 (e.g., the gig economy).
- Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.
- Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining. Please provide information:

- On the status and prerogatives of minority trade unions;
  - On the existence of alternative representation structures at enterprise-level, such as elected worker representatives.
- d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

#### **Answers:**

##### **Measures to Strengthen Workers' Freedom of Association**

In the Federation of B&H, the *Law on the Representativeness of Trade Unions and Employers' Associations*<sup>7</sup> has been enacted, which regulates the criteria, conditions, and procedures for determining the representativeness of trade unions and employers' associations, the powers of representative trade unions and employers' associations in the Federation of B&H, the procedure for reviewing established representativeness, and other matters relevant to the process of determining the representativeness of trade unions and employers' associations, unless otherwise specified by another law.

Republika Srpska does not have an armed force. The positive regulations of the Republika Srpska do not distinguish between members of the Ministry of the Interior (police) and employees in other areas regarding the right to organize trade unions.

In the Brčko District, the *Labor Law* stipulates that workers have the right to freely organize trade unions and join or leave unions in accordance with the statutes or rules of the union. Employers have the right to freely form employers' associations, join or leave the associations, in accordance with the statutes or rules of the association. Trade unions and employers' associations are established without the prior consent of any government authority.

A worker, or an 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, acting in their own name or through another person, member, or representative, are prohibited from interfering with the establishment, functioning, or management of a trade union, or from advocating or providing assistance to a trade union with the aim of controlling it.

A trade union acting in its own name or through another person, member, or representative, is prohibited from interfering with the establishment, functioning, or management of an employers' association, as well as with the activities of another trade union with the same employer.

An employer is obligated to enable the operation of a trade union in accordance with its role and tasks, its statutes, program, and international labor conventions.

Ensuring conditions for the functioning of a trade union includes the opportunity to initiate actions, submit requests and proposals, and take positions on matters affecting the material, economic, and social position of workers, as well as to consider the opinions and proposals of the trade union before making decisions that affect the material, economic, and social position of workers and decisions regarding workers.

The Statute of the Brčko District of Bosnia and Herzegovina, in Article 14, also stipulates that everyone has the right to the freedom of peaceful assembly and association, including the right to form political, social, and other organizations.

Judges, prosecutors, public defenders, auditors of the Audit Office, members of the Judicial Commission, and police officers of the District may form professional associations, but they are

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<sup>7</sup>„Official Gazette of the Federation of B&H“ no. 103/21;

not allowed to be members of political parties or support political candidates or political party platforms.

Public officials of the District, except for representatives and members of the District Government, are prohibited from being members of governing or other boards of political organizations or participating in their work, and they must not allow political views to influence their work.

In addition to these restrictions, the Statute or laws of the District may impose restrictions on certain categories of District institution employees regarding membership in political parties and may prohibit political activities if it is deemed that such membership or activity could affect the proper performance of the official duties of these public officials.

### **Legal Criteria for Recognizing Employers' Organizations for Social Dialogue and Collective Bargaining**

Each employers' organization 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. Participation in social dialogue by employers' organizations involves active participation in tripartite bodies and negotiating collective agreements at the sectoral or national level.

It is implied that each employers' organization is transparent regarding its financial operations, meaning it must be capable of financing its activities without excessive dependence on external sources and have the capacity to provide relevant services to its members, including advisory services on labor legislation, collective bargaining, and other issues, as well as educational activities in the form of programs and workshops for members.

In the Federation of Bosnia and Herzegovina, according to the Law on the Representativeness of Trade Unions and Employers' Associations, 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. It is also stipulated that trade unions and employers' associations whose representativeness has not been established according to the law have the right to freely associate and organize, as well as all other rights and obligations not exclusively granted to representative trade unions or employers' associations by law. The right to represent their members before the employer is granted to all trade unions in accordance with the rules on the organization and operation of trade unions.

In the Republika Srpska, according to the Labor Law, an employers' organization is considered representative if it is registered in the Register of Trade Union Organizations and Employers'<sup>8</sup> Associations, and if no less 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 less than 10% of the total number of employees in the region, sector, or industry at the level of the Republic. If only one employers' association operates at the relevant level of organization, it will be considered representative, regardless of the number of employees employed by its members.

Additionally, in the Republika Srpska, according to the provisions of the Labor Law<sup>9</sup>, a trade union is considered representative if it is established and operates on the principles of union organization and activity; if it is independent of government authorities and employers; if it is mainly financed from membership fees and other own sources; if it has the required number of

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<sup>8</sup> „Official Gazette of Republika Srpska“ no 31/16;

<sup>9</sup> “Official Gazette of Republika Srpska”, no: 01/16, 66/18, 9/21 – Decision of the Constitutional Court of Republika Srpska, 119/21, 112/23 and 39/24;

members based on membership applications; and if it is registered in the Register of Trade Union Organizations and Employers' Associations.<sup>10</sup> A representative trade union at the employer level is considered any union that meets the above conditions and has no less than 20% of the total number of employees at that employer as its members. A representative trade union in a region, sector, or industry is considered any union that meets the conditions and has no less than 10% of the total number of employees in the region, sector, or industry. A representative trade union at the Republika's level is considered a union that meets the conditions and has no less than 5% of the total number of employees in the Republika in at least three regions, sectors, or industries, according to data from the Republika's Statistical Institute. If only one trade union operates at the relevant level of organization, it will be considered representative, regardless of the number of members it gathers.

### **Status and Powers of Minority Trade Unions**

Minority trade unions in Bosnia and Herzegovina 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.

### **Elected Workers' Representatives**

In addition to trade unions, workers in Bosnia and Herzegovina can also be represented through other structures at the company level, such as elected workers' representatives, whose work is regulated by entity labor laws, labor protection laws and intra-company labor regulations that define the details of the election and powers of workers' representatives.

According to the entity's labor laws, workers can elect works councils in companies with more than 30 employees. Works councils have the right to participate in decision-making that affects working conditions, safety and health at work, and the organization of work.

In companies without trade unions or with a weak trade union organization, 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 to Organize for Members of the Police and Armed Forces**

In Bosnia and Herzegovina, members of the police have the right to organize in a union, but with certain restrictions that ensure that union activities do not jeopardize the security and functionality of services. Members of the armed forces have significantly more limited rights to organize due to the specific needs of state security and military discipline. These legal frameworks ensure a balance between the right to organize and the need to maintain public safety and order. The right to organize for members of the police and armed forces has specific legal provisions that differ from the rights of civilian workers because of the nature of their duties and responsibilities.

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<sup>10</sup>„Official Gazette of Republika Srpska“, no: 31/16;



When it comes to the armed forces of Bosnia and Herzegovina, their members have limited rights to organize trade unions due to the specific nature of their duties. The Law on Service in the Armed Forces of B&H does not explicitly provide for the right of members of the Armed Forces to organize trade unions, but instead there are special mechanisms for resolving labor disputes and issues concerning working conditions within the Armed Forces. Professional military personnel are prohibited from organizing trade unions and political organizations.

<b>Article 6 – The Right to Bargain Collectively</b> <b>Article 6 Paragraph 1 – Joint consultation</b>
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**Questions:**

- a) Please state what measures are taken by the Government to promote joint consultation.
- b) Please describe 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.
- c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

**Answers:**

**Promoting joint consultations**

Institutions in Bosnia and Herzegovina have taken a number of measures to promote joint consultations in terms of collective bargaining. These measures are aimed at strengthening social dialogue, improving working conditions and ensuring effective collective bargaining between employers and trade unions. The key actions are:

- Establishment of Economic and Social Councils - Economic and Social Councils (ESCs) are tripartite bodies that include representatives of governments, trade unions and employers. Their role is to promote social dialogue and collective bargaining at different levels of government (state, entity, cantonal).  
Within the Economic and Social Council for the territory of the Federation of Bosnia and Herzegovina, the Government of the Federation of Bosnia and Herzegovina, the Federation of Independent Trade Unions of Bosnia and Herzegovina and the Association of Employers of the Federation of Bosnia and Herzegovina are conducting consultations in order to promote and harmonize economic and social policy, i.e. the interests of workers and employers, and to encourage the conclusion and implementation of collective agreements and their harmonization with economic and social policy measures. The legal basis for the establishment and operation of the Economic and Social Council of the FB&H is contained in the Labor Law;
- Labor laws in both entities and Brcko 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 and workers, including wages, working hours, safety at work and other working conditions.

**Agreements as a result of joint consultations**

In recent years, various issues have been the subject of joint consultations in Bosnia and Herzegovina between governments, trade unions and employers. The result of these consultations were various agreements and initiatives that were implemented to improve working conditions, social security and economic stability. Key issues of common interest are: the minimum wage and

its alignment with the cost of living and inflation; Improving working conditions and safety at work; reforming the pension system and improving social security, as well as strengthening collective bargaining and strengthening trade union rights, including the right to organise and the right to strike.

Joint consultations have resulted in a number of adopted agreements, such as the signing of collective agreements in various sectors in relation to wages, working hours, safety at work and other workers' rights; Reform of the pension system in terms of increasing contributions to the pension fund and changes in the conditions for retirement, as well as the adoption of a number of measures in terms of improving inspection supervision and strengthening the legal framework for combating undeclared work.

Agreements are often implemented through amendments to laws at the entity and state level, e.g. amendments to the Labor Law and the Law on Pension and Disability Insurance. Stricter controls and penalties have been introduced for employers who violate workers' rights. Campaigns have been organized to raise awareness among workers and employers about their rights and obligations. Trainings for trade union representatives and employers were also organized.

### **Joint consultations on the digital transition or green transition**

In Bosnia and Herzegovina, joint consultations on digital and green transition issues have become increasingly relevant in recent years, with the aim of adapting economic and working conditions to global changes and EU standards.

When it comes to digital transition, the implementation of digitalization strategies and plans includes the creation of educational programs to develop digital skills, improve IT infrastructure, and support the digitalization of small and medium-sized enterprises.

Projects such as "EU4DigitalSME" (Innovation and Digitalization of Small and Medium Enterprises in B&H) and "Digital Agenda for the Western Balkans" provide technical and financial assistance for the digital transformation of the economy. An important document in this regard is the Information Society Development Policy of Bosnia and Herzegovina, which promotes digital transformation and includes measures to improve the digital skills of the workforce, develop IT infrastructure, and support the digitalization of business processes.

The process of public administration reform in B&H also includes elements of digital transition with the aim of modernizing public services and increasing efficiency through the use of digital technologies.

The implementation of the green transition includes the introduction of legal frameworks for the use of renewable energy sources, subsidies for energy-efficient projects and the promotion of sustainable practices in industry and agriculture.

Projects such as "Green Economic Development" (GED), supported by UNDP, are aimed at improving energy efficiency and the use of renewable energy sources.

Projects supported by international organizations such as UNDP and GIZ include joint consultations between government, the private sector and NGOs to promote the green economy and sustainable development.

In this sense, the Integrated Energy and Climate Plan of Bosnia and Herzegovina sets targets for reducing greenhouse gas emissions, increasing energy efficiency and the use of renewable energy sources. This plan is aligned with EU policies and includes a broad consultation with relevant stakeholders.

In the Federation of B&H, the Environmental Strategy 2022-2032 and the Environmental Strategy of Republika Srpska also promote the green transition, focusing on the sustainable use of natural resources and the reduction of pollution.

## Article 6 Paragraph 2 – Collective Bargaining

### Questions:

- a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:
  - The operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;
  - The operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.
- b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e.g. decentralisation of collective bargaining).
- c) Please provide specific details on:
  - The measures taken or planned in order address those obstacles;
  - The timelines adopted in relation to those measures;
  - The outcomes achieved/expected in terms of those measures .
- d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

### Answers:

#### Collective bargaining

Collective bargaining in Bosnia and Herzegovina is coordinated through legal frameworks that ensure the protection of workers and promote social dialogue that takes place at multiple levels: state, entity, cantonal, local and company level. The labor laws of the Federation of B&H, the Republika Srpska and the Brčko District provide the basis for collective bargaining and set the rules governing the process, including the conditions for the validity of *erga omnes* clauses and the application of the principle of convenience.

When it comes to negotiation procedures, negotiations are usually conducted between unions and employers at various levels. At the state level, negotiations often involve tripartite structures, such as Economic and Social Councils, which include representatives of the government, trade unions, and employers.

At the company level, negotiations are conducted between works councils or trade union representatives and the management of the company.

Collective bargaining at the highest level in the Republika Srpska takes place through the Economic and Social Council of the Republika Srpska. The Labour Law prescribes that a collective agreement, a general act and an employment contract may establish other more favourable rights and more favourable working conditions than those established by this Law, unless it is expressly prohibited by law.

#### Erga omnes clauses for the extension of collective agreements

The process of collective bargaining is regulated by various laws and regulations that allow flexibility, but also set up certain mechanisms to ensure workers' rights. Collective bargaining is coordinated by the so-called *Erga omnes* clauses and mechanisms for the extension of collective agreements. *Erga omnes clauses* mean that the provisions of collective agreements apply to all workers and employers in a particular sector or industry, regardless of whether they are signatories to the agreement. These clauses are important to ensure uniformity and the protection of labour rights at a wider level.

In Bosnia and Herzegovina, the legislation allows for the extension of the application of collective agreements through *erga omnes* clauses, especially at the entity level.

Collective agreements in Bosnia and Herzegovina usually have a time-limited period of validity, after which they can be extended through negotiations between trade unions and employers. In the event of failure to reach a new agreement before the expiration of the old one, the "status quo" principle often applies, where the existing contract is extended until a new agreement is reached.

### **The principle of preferential agreement**

The principle of preferential agreement implies that, in the event of a conflict between different provisions of collective agreements at different levels (e.g. an entity agreement in relation to a local agreement), the provision that is more favourable to the workers applies. This principle ensures that workers always benefit from the best possible working conditions, even if the local agreement offers better conditions than a higher level of collective agreement.

Local and labour agreements may derogate from higher levels of collective agreements as long as these derogations are not less favourable to workers than provided for by legislation or by a higher-level collective agreement. For example, a local agreement may provide higher wages or better working conditions than an entity collective agreement, but it may not offer lower standards than those prescribed by law or a higher collective agreement.

### **Barriers to collective bargaining**

The decentralization of collective bargaining in Bosnia and Herzegovina leads to various challenges. Bosnia and Herzegovina has a complex administrative system with different jurisdictions in the Federation of B&H, Republika Srpska and Brčko District. This leads to fragmentation of collective bargaining and makes it difficult to achieve uniform collective agreements at the state level.

There is also a lack of coordination between different levels of government and trade unions, which can lead to inefficient negotiation and implementation of collective agreements.

An example from practice is the provision of the Labor Law of the Federation of Bosnia and Herzegovina, according to which a collective agreement can be concluded as a general, branch and individual agreement (with the employer). A general collective agreement shall be concluded for the territory of the Federation, and branch collective agreements for the territory of the Federation or the territory of one or more cantons. Therefore, depending on the type of collective agreement, and the activity in which it is concluded, certain obstacles appear that hinder collective bargaining, e.g. the amount of salary, the amount of other benefits, etc.

Furthermore, the legal frameworks for collective bargaining are often unclear or insufficiently regulated, which complicates the negotiation process and the implementation of collective agreements. The institutions responsible for monitoring and enforcing collective agreements often lack sufficient capacity or resources, resulting in poor law enforcement.

In terms of economic factors, economic instability and high unemployment create unfavorable conditions for collective bargaining, as employers often use economic pressures to reduce workers' rights. The high share of the informal economy hinders collective bargaining, as workers in the informal sector often do not have access to trade unions and the rights guaranteed by collective agreements.

In terms of social and political factors, the low rate of unionization, especially in the private sector, reduces the power of trade unions to negotiate effectively and protect workers' rights. Political polarization and instability can hinder social dialogue and collective bargaining, as different political parties and entities may have opposing interests.

Different sectors have specific challenges. For example, in the agriculture and construction sectors, there is often seasonal work and high workforce turnover, which makes collective bargaining difficult. Rapid technological change and restructuring in some industries, such as the IT sector, may create new challenges for collective bargaining as working conditions and requirements change rapidly.

Despite numerous obstacles, there are also positive developments in the field of collective bargaining in Bosnia and Herzegovina. However, improving the situation requires better coordination between the different levels of government and social partners, strengthening the legal framework and institutions, and improving economic stability and social dialogue.

### **Measures to remove obstacles to collective bargaining**

Bosnia and Herzegovina is taking steps to address obstacles to collective bargaining through legal reforms, economic measures, and strengthening social dialogue. These measures are in various stages of implementation and are expected to result in improved conditions for collective bargaining and the protection of labour rights in the coming years.

Governments at the entity level (the Federation of B&H and Republika Srpska) periodically work on reforms of labor laws to ensure clearer and more efficient legal frameworks for collective bargaining. These reforms include the clarification of provisions on collective agreements, erga omnes clauses and the principle of preferentiality. Institutions such as labour inspectorates are given more resources and training to monitor and enforce labour laws and collective agreements more effectively. Labour law reforms and institutional capacity building are expected to result in more effective collective bargaining and better protection of labour rights.

### **Ensuring the right to collective bargaining**

Although the process is at an early stage, Bosnia and Herzegovina is taking steps on legal and institutional reforms that would allow economically dependent self-employed persons and self-employed workers to exercise their collective bargaining rights. These measures are important given the increasing prevalence of atypical forms of work and the need to protect labour rights in the modern labour market. These include changes to legislation, support for trade unions and the creation of associations of self-employed workers, with the aim of improving their working conditions and legal protection.

Economically dependent self-employed persons are those who formally have the status of self-employed, but in practice are economically dependent on one or more clients, which puts them in a worker-like position. Trade unions are encouraged to involve economically dependent self-employed persons in their activities and negotiations, because through collective bargaining the working conditions of this category can be improved.

Activities are being carried out to develop policies and initiatives that recognise the right of self-employed workers to association and collective bargaining. The creation of associations of self-employed workers that could negotiate on their behalf is encouraged.

In the Federation of Bosnia and Herzegovina, the Labor Law stipulates that in the event of a change of employer, the collective agreement that was applicable to them at the time of the change of employer continues to apply to the workers until the conclusion of a new collective agreement. In the event of a change in the employer's activity, the collective agreement of the new field of activity applies to the employees from the date of the change of activity. The parties to the collective agreement, as well as the workers exercising the rights under that collective agreement, may request the protection of the rights under the collective agreement before the competent court.

## Article 6 Paragraph 4 – Collective Action

### Questions:

- a) Please indicate:
  - The sectors in which the right to strike is prohibited;
  - Those sectors for which there are restrictions on the right to strike;
  - Sectors for which there is a requirement of a minimum service to be maintained.
- b) Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.
- c) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

### Answers:

#### Areas with a limited right to strike

Strike laws in Bosnia and Herzegovina do not explicitly prohibit strikes, but this right may be limited under certain conditions.

The right to strike employees in certain institutions of Bosnia and Herzegovina according to the Law on Strike of Employees in the Institutions of Bosnia and Herzegovina<sup>11</sup> may be limited only on the basis of a special law. The minimum work process shall be determined by an act adopted by the Council of Ministers of Bosnia and Herzegovina in the form of a decision, on the basis of a previously submitted proposal of the employer to which the consent of the trade union has been obtained, in order to protect the public interest, the general interest of citizens, general safety, safety of persons and property, taking particular account that unhindered conditions of life, work and movement of persons, goods and services must be ensured.

In the Federation of Bosnia and Herzegovina, the Law on Strike<sup>12</sup> prescribes that, by mutual agreement, at the proposal of the employer and the trade union, the jobs that cannot be interrupted during the strike are determined. The Agreement contains provisions on the jobs and number of employees who are obliged to work during a strike or exclusion from work in order to ensure the minimum of the work process (production maintenance work), to ensure the necessary living and working conditions of the population, i.e. the work of other legal entities, as well as to insure property and prevent endangerment of life and personal safety or health of the population (health, electric power industry, water management, post office services, international transport).

The Republika Srpska administrative system cannot be prohibited from going on strike, but there are restrictions in certain activities related to ensuring the minimum of the work process. Namely, in accordance with the Law on Strike<sup>13</sup>, in activities of general interest or in activities whose interruption of work due to the nature of work could endanger the life and health of people or cause large-scale damage, the right to strike of workers can be exercised only if special conditions prescribed by law are met. Workers who perform activities of general interest may go on strike if a minimum of work processes are provided that ensure the safety of people and property or is an irreplaceable condition of life and work of citizens. When determining the minimum work process, the employer is obliged to seek the opinion of the trade union or the workers' council, i.e. an authorized representative of the worker. When a strike begins in activities of general interest, it is announced to the employer in writing at least 10 days before the start of the strike.

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<sup>11</sup> „Official Gazette of B&H“ no. 41/16;

<sup>12</sup> „Official Gazette of the Federation of B&H“ no. 14/00;

<sup>13</sup> „Official Gazette of Republika Srpska“, no. 111/08 and 29/20;

### **Relevant strike regulations**

In addition to the above-mentioned strike laws, strikes are regulated by appropriate bylaws and case law that further regulates this issue. In the Federation of B&H and Republika Srpska, there are cases where courts have ruled on the legality of strikes in healthcare, public transport and energy, often ordering the maintenance of minimal services to prevent serious disruptions to the provision of essential services.

<b>Article 20 – Right to Equal Opportunities Between Women and Men</b>
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#### **Questions:**

- a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide 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.
- b) Please 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.
- c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

#### **Answers:**

##### **Measures to promote greater participation of women in the labour market**

The Law on Gender Equality in B&H<sup>14</sup> is a key instrument for ensuring equal rights and opportunities for women and men in all areas of life, including employment. The law prohibits discrimination on the basis of sex and promotes equality in employment, pay, working conditions and promotion.

Entity labor laws also prohibit discrimination against workers and job seekers, including on the basis of gender and sexual orientation.

The Gender Action Plan of Bosnia and Herzegovina for the period 2023-2027 recognizes 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. One of the measures is the organization of training programs for women, with the aim of training for searching, selecting and obtaining adequate employment, including retraining and self-employment, 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.

There has been an increase in the number of beneficiaries of the program of employment of trainees from the records of employment services. Also, there has been an increase in the number

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<sup>14</sup>„Official Gazette of B&H“ no. 32/10;

of women (42%) with children under the age of 6 who are employed full-time. In the information and communication sector, twice as many men are employed as women, and in the most numerous age group from 25 to 49 years, the largest difference is in the gender of employees.

When it comes to statistical data, according to the data of the Agency for Statistics of B&H, the employment rate of women in B&H is increasing, but still lower than the employment rate of men. In 2023, the employment rate for women was around 35%, while the employment rate for men was around 50%. Measures such as flexible working hours, parenthood support and the improvement of working conditions have a positive impact on increasing women's participation in the labour market.

When it comes to case law, there are several judgments that have dealt with issues of gender discrimination in employment and promotion. Courts in B&H have ruled on several occasions in favor of women who have been discriminated against on the basis of gender, sending a strong message against gender discrimination.

In the Republika Srpska, the process of harmonization of legal, strategic and other acts in the field of labor, employment and access to economic resources, including entrepreneurship, with domestic and international standards for gender equality, including the Law on Protection from Harassment at Work<sup>15</sup>, Law on Social Entrepreneurship of the Republika Srpska<sup>16</sup> and the Law on Amendments to the Law on the Development of Small and Medium Enterprises<sup>17</sup>, has continued.

The development of women's entrepreneurship is especially supported by the current Law on the Development of Small and Medium Enterprises as well as the Strategy for the Development of Small and Medium Enterprises of the Republika Srpska for the period 2016-2020. As a temporary special measure, which further encourages and improves women's entrepreneurship, a five-year Strategy for the Development of Women's Entrepreneurship in the Republika Srpska for the period 2019-2023 has been implemented, and a new Strategy of the same name for the period 2024-2030 is being drafted.

Gender equality in the field of work, employment and access to resources is one of the most important priorities of the Gender Center of the Government of the Republika Srpska, in cooperation with the competent ministries and bodies. The measures to be taken are legislative and strategic measures, as well as temporary special measures for specific groups of women. This report presents the implemented measures within the implementation of the B&H Gender Action Plan for the period 2018-2022, as well as the period up to the time of reporting.

Economic empowerment of rural women, entrepreneurs and other marginalized groups of women is a continuous priority in the work of the Gender Center 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 the UN Women and FIGAP 2 programs. Within the framework of these cooperation programs, various gender budget programs intended for these target groups have been developed and implemented, presented as follows:

- In 2018, in cooperation with the Gender Center and the Ministry of Agriculture, Forestry and Water Management, a program entitled: "Forming a gender team and initiating an innovative gender action for gender-responsive budgeting at the regional level – Banja

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<sup>15</sup> „Official Gazette of Republika Srpska“, no. 90/21;

<sup>16</sup> „Official Gazette of Republika Srpska“, no. 111/21;

<sup>17</sup> „Official Gazette of Republika Srpska“, no. 84/19;



- Luka region" was implemented (supported by UN Women). As a result of this program, the Krajina House in Banja Luka was opened as a sales facility for women's products;
- The Gender Center supported the implementation of the project "Gender Responsive Budget of the Municipality of Bratunac for the Economic Empowerment of Women Victims of War" (support from UN Women). Through the project, an Action Plan was developed to improve the position of women victims of war in the municipality of Bratunac for the period 2018-2023.;
  - From the FIGAP 2 program, the Gender Center of the Republika Srpska supported the projects of six non-governmental organizations from the Republika Srpska (from Banja Luka, Gradiška, East Sarajevo, Skelan), aimed at the economic empowerment of women, through various forms of support and mentoring for different target groups, including vulnerable, socially vulnerable groups and women with disabilities;
  - With the support of UN Women, the Gender Center and the Ministry of Economy and Entrepreneurship have started working on measures for the development of women's entrepreneurship. During the COVID-19 epidemic, intervention measures were implemented as a one-time financial support of 500 BAM each for the most vulnerable group of female entrepreneurs (a total of 40), who employ only themselves or are engaged in old crafts, in order to enable these micro-entities to return to normal business flows and start their activities after measures to prevent the further spread of infection;
  - At the end of 2020, from the FIGAP 2 program, the Gender Center concluded an Agreement with the Ministry of Economy and Entrepreneurship on the implementation of the program "Strengthening the competitiveness of business entities led by women entrepreneurs in the Republika Srpska". In 2021, the Ministry, in cooperation with the Chamber of Commerce and Industry of the Republika Srpska, organized six general and one advanced training for women entrepreneurs, as well as a conference and fair of women's entrepreneurship in the Republika Srpska;
  - As a result of the cooperation between the Gender Center and the Ministry of Economy and Entrepreneurship, a Fund for Women Entrepreneurs in the amount of 300,000.00 BAM was proposed, intended for the procurement of equipment and digitalization of business, education, training and promotion. The Government of the Republika Srpska adopted the Decree on the procedure for allocating funds to encourage the development of small and medium-sized enterprises. Its Article 23 defines the criteria for project evaluation, including the promotion of gender equality and the prohibition of discrimination on any grounds;
  - The Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, in cooperation with the Gender Center, annually implements measures for the economic empowerment of women in the countryside, and in this context, the Rulebook on the conditions and manner of achieving financial incentives for the development of agriculture and the countryside and the Rulebook on capital investments have been improved;
  - With the support of UN Women, the Gender Center and the Ministry implemented the program: "Forming a gender team and initiating an innovative gender action for gender-responsive budgeting at the regional level, the example of the Sarajevo-Romanija region". Trainings were held and a manual for gender teams in local communities was created. Due to the COVID-19 epidemic, the funds are directed to support the production of chicken meat for 200 women from multi-member families, support the production of handicrafts and support the sale of dairy products for rural women's associations in the Sarajevo-Romanija region;
  - The Gender Center provided support from UN Women funds for the purchase of equipment for women's cooperatives in the Republika Srpska (Bratunac, Banja Luka, Bijeljina and Trebinje), for the economic empowerment of women in the countryside and support regional and rural development through cooperatives;

- In 2021, an agreement between the Gender Center and the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska (from the FIGAP 2 program) was implemented, which implemented the program "Identifying and promoting the products of women from the countryside as an example of program budgeting". Trainings were held and the Program for Economic Empowerment of Women in Rural Areas of the Republika Srpska for the period 2021-2025 was developed. An exhibition event "Guardians of Tradition and Customs" was held, the Catalogue of Agricultural Products of Women's Associations and Cooperatives (50 associations and 70 cooperatives) was printed and an exhibition of products of women from the countryside was formed in the premises of the Ministry.

When it comes to gender-disaggregated statistics on labour market participation, it can be noted that there are differences in employment and unemployment between women and men (fewer women are employed or self-employed, and more women are among unpaid household helpers; more unemployed than men) and this trend is continuous. The gender gap in employment in the period 2012-2021 ranged from 19.1 in 2012, through as much as 22.7 in 2016, to 18.3 in 2021, which shows some progress, i.e. narrowing of the gap.

The Gender Center of the Government of the Republika Srpska, in its 2016 research on gender inequalities from the perspective of life flows, examined, among other things, economic gender inequalities and established the following key findings:

- Women's participation in the labour market is lower than men's and their transition to jobs is more difficult – there are fewer employed women than men in all generations;
- Gender inequalities in the labor market are also manifested through segregation according to occupations and industries;
- The gap in activity is disappearing in older generations with the exit from the labor market, but it leaves lasting consequences – women earn less total seniority, receive a personal pension much less often and have lower pensions than men;
- The property gap is present in all generations – women are less likely to own the basic housing unit in which the household lives, business premises, land, vehicles;
- Domestic work, i.e. taking care of the household and members of the immediate and extended family, is an invariable zone of women's responsibility, which makes it difficult for them to position themselves in the labor market, employment and achieve work benefits;
- The work socialization of boys and girls differs – boys are more oriented towards market economic activities and are involved in them earlier, and girls are more oriented towards domestic work. This division of roles is established very early.

Although the research was conducted in 2016, the findings are relevant because these are long-lasting processes, resistant to change and depend on both institutional measures and changes in the behavior of key actors (institutions, employers, education system, families) and the relationship between the labor market and the care economy. Key measures to overcome it should be based on encouraging the reduction of gender differentiation in the fields of education and the reduction of economic gender inequalities, including the care economy, which are almost constant between generations. Therefore, interventions in this area must be long-term and changes can be measured and perceived long-term, in a generational sequence.

Consequently, measures to reduce economic gender inequalities are continuously included in the B&H Gender Action Plan, which is developed and adopted every five years. The current Gender Action Plan of B&H for the period 2023-2027 has as one of its priorities the area of "Work, employment and access to economic resources", with measures related to the improvement of the legislative, strategic and planning framework for gender equality in this area, the collection and

analysis of data classified by gender as the basis of programs and measures to eliminate the observed inequalities, support for various measures to improve the position of women in the labor market, reconciliation of private, professional and family life, with a view to reducing/eliminating discrimination and gender inequality in work, employment and the labour market, and ensuring equal opportunities for women and men in access to economic resources, including poverty reduction through new macroeconomic and development strategies.

The Gender Center of the Republika Srpska has drafted, and the Government of the Republika Srpska has adopted two documents, the Action Plan for the Improvement of the Position of Women in the Countryside in the Republika Srpska for the period 2019-2020<sup>18</sup> and Action Plan for the Improvement of the Position of Women in the Countryside in the Republika Srpska for the Period 2022-2024<sup>19</sup>, which contain programs and measures arising from the UN CEDAW obligations, as well as previous analyses, implementation of measures and impact assessment, and recommendations for action in the Republika Srpska.

Based on the Program of Economic Empowerment of Women in Rural Areas of the Republika Srpska for the period 2021-2025, the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska introduced a new special measure of support for self-employment of women in the countryside in 2022. A total of 46 beneficiaries were entitled to funds, in the amount of 5,000.00 BAM each for the realization of their business plan (a total of 230,000.00 BAM). Of the total number of 42,675 registered agricultural holdings in the Republika Srpska, 16% were farms headed by women in 2022, which is a big improvement compared to the 4% share of women farm holders in 2010. The share of women beneficiaries of incentives has increased to 12% or an average of 3,400 households compared to the total number of beneficiaries in 2022 and has a steady upward trend. In 2023, within this gender budget program for self-employment of women in the countryside, 46 beneficiaries were entitled to funds in the total amount of 296,817 BAM, which is a financial increase compared to the first year of the program implementation (2022: a total of 46 beneficiaries of 5,000.00 BAM each for the implementation of the business plan, a total of 230,000 BAM). Also, during 2023, 16 associations of women in the countryside received financial support from the Ministry for their business activities, in the total amount of 99,866.78 BAM. On average, women farmers use about 4.5 million BAM of funds from the agrarian budget every year.

The Gender Center of the Republika Srpska, in cooperation with "i-diaspora - Diaspora for the Development of Bosnia and Herzegovina" and the Ministry of Economy and Entrepreneurship of the Republika Srpska, has implemented a project called "Creative Thinking to Women's Entrepreneurship", with the aim of supporting women to start their own business through learning and applying an innovative method of developing entrepreneurial ideas "Design Thinking". As part of the project, in 2022, free training was held in the city of Banja Luka for 30 women who want to engage in entrepreneurship. After the training, grants were awarded to the three best ideas, as well as three-month mentoring support.

### **Measures to promote gender equality in decision-making positions**

The Agency for Gender Equality of Bosnia and Herzegovina, Ministry of Human Rights and Refugees of B&H, in partnership with UNDP in B&H, is implementing the project "Seal of Gender Equality", as part of UNDP's global initiative to certify good results and success in achieving gender equality in public institutions, the private sector and organizations.

In the public sector, governments at all levels are required by law to promote gender equality in employment and promotion. There are quotas for women's representation in certain state

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<sup>18</sup> Conclusion no. 04/1-012-2-284/19 from 31.01.2019. ;

<sup>19</sup> Conclusion no. 04/1-012-2-3731/21, from 09.12.2021.;

institutions and committees. According to the Agency for Statistics of B&H, women make up about 35% of managerial positions in the public sector. This is the result of the implementation of gender equality quotas and strategies.

Also, various non-governmental organizations and the private sector implement training and mentoring programs for women aspiring to managerial positions.

Although legal obligations are not as strict as in the public sector, many private companies adopt internal policies to promote gender equality. These include pay equity measures, career development programs, and leadership training. In the private sector, women make up about 25% of management positions. This shows some progress, but there is still significant room for improvement.

The index score for B&H in 2023 in this subdomain is 21.4 points lower than the EU average in 2023 (82.3). Thus, women face the phenomenon of the "glass ceiling" and have difficulty accessing higher decision-making positions. Inequality is particularly pronounced in management structures. Women are represented in the management structures of public companies in B&H with 17.5% (20% in FB&H, 15% in RS). When it comes to CEOs of public companies in B&H, only 5.55% of them are women. Based on the gender structure of the boards of the ten highest ranked companies on the B&H stock exchange, the management structure consisted of 17% women and 83% men, and only one company had a woman as president.

There is a longer wait for women for their first job, and there is a frequent inability to find a job at a more mature age due to changes in the needs of the labor market. There is also the problem of gender-based harassment and sexual harassment. On a random site, women experience numerous forms of sexual harassment from colleagues and bosses. There is gender-based segregation and stereotypes about "women's and men's jobs", as well as horizontal (wage differences) and vertical segregation (division of positions between men and women). For women in rural areas, the problem remains a large imbalance in the ownership of immovable property.

Despite this, the election results of women in the local elections held in 2020, when it comes to the positions of mayors, are worse than in 2016 (2016: 6, 2020: 5 female mayors), while in the percentage of women elected to municipal assemblies, we record a minimal improvement of one percentage point (2016: 18,34%, 2020: 19,64%). According to the results of the 2022 General Elections, we are seeing a slight increase in the percentage of women on candidate lists, which now stands at 42.1%. which is slightly higher than the legal minimum of 40%. However, women's success in elections is still far lower than their representation on candidate lists. In the 2022 General Elections, we recorded a decrease in the percentage of women elected to the House of Representatives of the Parliamentary Assembly of B&H (2018: 21.4%, 2022: 16.66%). At the entity level, we have recorded a very small increase in the representation of women, with 26.53% of women elected to the House of Representatives of the FB&H Parliament and 18% to the RS National Assembly. In cantonal assemblies, there was a slight decrease in the number of elected women (from 31 to 30%, on average). According to the B&H Gender Equality Index 2023, the result of the "Power" domain is 49.1, which is 2.1 points lower than the first gender equality index from 2021, and as much as 10 points lower than the EU-27 result for 2023 (59.1).

When it comes to the executive power, the documents governing the composition of the Council of Ministers of B&H, the Government of the FB&H and the Government of the RS do not establish a quota or other measure for the under-represented sex. So far, no government has been formed in such a way that at least 40% of female ministers have been appointed, and women continue to represent the under-represented sex in all governments in B&H. Currently, the Prime Minister of the Federation of B&H is a man, and 12 ministers and 4 female ministers have been appointed to the positions of ministers.

According to the methodology of the UN Sustainable Development Goals (SDGs), Goal 5, the achievement indicator for the legal framework that promotes, implements and monitors equality and non-discrimination based on sex in the area of Comprehensive Legal Frameworks and Public Life is 91.7%<sup>20</sup>, as shown as the result of the legislative measures. However, when it comes to management and decision-making statistics, in almost all aspects the gender structure is predominantly male and this trend has continuity.<sup>21</sup> The only recorded exceptions are owners of large enterprises with 250 or more employees and entrepreneurs in the health and social care (Q) sector, where the ratio of women and men is equal<sup>22</sup>, while women are more likely (70%) to be the only member of the group (S)<sup>23</sup>. Currently, the participation of women in the National Assembly of Republika Srpska, as well as among councilors in local self-government units, is recording a slight increase compared to previous election cycles.<sup>24</sup>

Bearing in mind the above, gender equality in the field of public life and decision-making is one of the most important priorities of the Gender Center of the Government of the Republika Srpska, in cooperation with the competent ministries and bodies. The measures to be taken are legislative and strategic measures, as well as temporary special measures for women. This report presents the implemented measures within the implementation of the B&H Gender Action Plan for the period 2018-2022, as well as the period up to the time of reporting.

Legal standards on equal representation of men and women in decision-making and management positions have been introduced into the regulations of the Republika Srpska that regulate the following areas: education and upbringing, including pre-school, primary and secondary, sports, trade, small and medium-sized entrepreneurship and social entrepreneurship. Any law or other act containing provisions on management and decision-making bodies shall comply with standards for gender equality, which imply equal representation of women and men, in accordance with Article 20 of the Treaty on the Functioning of the European Union. of the Law on Gender Equality in B&H, which prescribes the following:

1. State bodies at all levels of government organization and local self-government bodies, including legislative, executive and judicial powers, political parties, legal entities with public authority, legal entities owned or controlled by the state, entities, cantons, cities or municipalities or over whose work a public authority exercises control, shall ensure and promote equal representation of genders in governance, decision-making and representation. This obligation also exists for all authorized proposers in the election of representatives and delegations in international organizations and bodies;
2. Equal representation of the sexes shall exist in the case where one of the sexes is represented by at least 40% in the bodies referred to in paragraph (1) of this Article;
3. Discrimination on grounds of sex is considered to be a situation where there is no equal representation as referred to in paragraph (2) of this Article;

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<sup>20</sup> Republic Institute for Statistics of RS: „Indicators of sustainable development of Republika Srpska 2022“, Goal 5 Gender Equality, indicator 5.1.1., page 42.

[https://www.rzs.rs.ba/static/uploads/bilteni/indikatori\\_odrzivog\\_razvoja\\_rs/Indikatori\\_odrzivog\\_razvoja\\_RepublikeSrpske\\_2022\\_WEB.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/indikatori_odrzivog_razvoja_rs/Indikatori_odrzivog_razvoja_RepublikeSrpske_2022_WEB.pdf);

<sup>21</sup> Republic Institute for Statistics of RS: „Women and Men in Republika Srpska 2023“, chapter „Power and Influence“, pages 55-65.

[https://www.rzs.rs.ba/static/uploads/bilteni/zene\\_i\\_muskarci/Zene\\_i\\_muskarci\\_2023\\_web.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/zene_i_muskarci/Zene_i_muskarci_2023_web.pdf);

<sup>22</sup> Ibid, pages 64 i 65;

<sup>23</sup> Ibid, page 65;

<sup>24</sup> Republic Institute for Statistics of RS: „Indicators of sustainable development of Republika Srpska 2022“, indicators 5.5.1a and 5.5.1b, page 44.

[https://www.rzs.rs.ba/static/uploads/bilteni/indikatori\\_odrzivog\\_razvoja\\_rs/Indikatori\\_odrzivog\\_razvoja\\_RepublikeSrpske\\_2022\\_WEB.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/indikatori_odrzivog_razvoja_rs/Indikatori_odrzivog_razvoja_RepublikeSrpske_2022_WEB.pdf);

4. The bodies referred to in Paragraph (1) of this Article, in order to achieve equal representation of the sexes and eliminate discrimination, shall be obliged to adopt special measures prescribed by Article 8 of this Law.

On the occasion of each election cycle (General Elections 2018, Local Elections 2020, General Elections 2022), the Gender Center of the Republika Srpska conducted analyses of the election process and election results from the aspect of gender equality, as well as media monitoring and analysis of media content on the visibility of female candidates during the election campaign.

The Gender Center of the Republika Srpska participated in the development of the "Initial Study on Barriers to Political Participation of Women in Bosnia and Herzegovina" conducted by UNDP B&H within the project "Women in Elections in Bosnia and Herzegovina." Among the study's most important recommendations are working with political parties to introduce gender equality standards, training, networking and mentoring for women, as well as supporting women's leadership and promoting gender equality.

The Report on Progress in the Application of Normative and Legal Standards for Gender Equality in the Field of Political and Public Life in the Republika Srpska for the period 2019-2020 was adopted, which contains an overview of standards, measures and recommendations for action, activities carried out in the reporting period, an overview of statistical and administrative data on the state of participation of women and men in political and public life and an analysis of the situation, with recommendations for action.

A total of three promotional campaigns of the Gender Center of the Republika Srpska "Choose EQUAL!" were carried out during the election cycles.

The current Gender Action Plan of B&H for the period 2023-2027 has the area of "Public Life and Decision-Making" as one of the continuous priorities, with measures related to the improvement of the legislative, strategic and planning framework for gender equality in this area, the collection and analysis of data classified by gender as the basis of programs and measures to eliminate the observed inequalities, support for various measures to improve gender equality, including multi-marginalized groups, in public life and in decision-making places.

Any law or other act containing provisions on governing and decision-making bodies shall comply with standards for gender equality, which imply equal representation of women and men, in accordance with Article 20 of the Law on Gender Equality in B&H, which prescribes that state bodies at all levels of government organization and local self-government bodies, including legislative, executive and judicial powers, political parties, legal entities with public authority, legal entities owned or controlled by the state, entity, canton, city or municipality or over whose work a public authority exercises control, shall ensure and promote gender equality in governance, decision-making and representation. This obligation also exists for all authorized proposers in the election of representatives and delegations in international organizations and bodies.

Gender equality exists when one of the sexes is represented by at least 40% in the above-mentioned bodies and the opposite will be considered discrimination.

The current Gender Action Plan of B&H for the period 2023-2027 has the area of "Public Life and Decision-Making" as one of the continuous priorities, with measures related to the improvement of the legislative, strategic and planning framework for gender equality in this area, the collection and analysis of gender-disaggregated data as the basis for programs and measures to eliminate the observed inequalities, support for various measures to improve gender equal representation, including multi-marginalized groups, in public life and in decision-making places.

## **Statistics on the share of women in managerial positions in public institutions**

When it comes to gender-disaggregated statistics on labour market participation, it can be noted that there are differences in employment and unemployment between women and men (fewer women are employed or self-employed, and more women are among unpaid household helpers; more unemployed than men) and this trend is continuing.<sup>25</sup> The gender gap in employment in the period 2012-2021 ranged from 19.1 in 2012, through as much as 22.7 in 2016, to 18.3 in 2021, which shows some progress, i.e. narrowing of the gap<sup>26</sup>.

According to various sources and research.<sup>27</sup>:

In 2023, women accounted for about 20% of board members of the largest publicly listed companies in Bosnia and Herzegovina. This figure varies between different sectors and companies.

Some of the largest companies, especially those that are part of multinational corporations, have a higher percentage of women on boards, thanks to internal policies and quotas that promote gender equality. The financial sector and telecommunications have a higher percentage of women on boards of directors compared to traditional industries such as construction and energy.

According to the Agency for Statistics of B&H, 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 defense, this representation is lower.

In the public sector, quotas for the employment of women in management positions are set to ensure a minimum percentage of women in all government bodies. These odds vary, but generally hover around 40%.

According to the Report on Gender Analysis (2021), as part of the project "Representation and Engagement of Women in Leadership Positions in Public Companies Owned by the FB&H" of the Faculty of Economics in Sarajevo, with the support of the Government of the Federation of Bosnia and Herzegovina, we highlight the main findings:

- Women's representation on boards – The number of companies where there are no women on the board is 40.5%. Women are CEOs in only 12% of the total number of public companies. Women in administration who have obtained some higher education (I, II or III cycle) are present in all sectors of the economy, in various disciplines. The main two areas of education among women are economics and business, as well as law and jurisprudence. The average age of women in management is 50 years and they have spent less time in their current positions than men. Data from 2010 to 2020 show that the percentage of women on boards is increasing, although this percentage is still quite low at below 20%. The total tenure of men in the period from 2010 to 2020 was estimated to be 796 years, while women spent only 125 years in these positions. In other words, men spent 6.37 more time on boards than women.

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<sup>25</sup> Republic Institute for Statistics of RS: „Women and Men in Republika Srpska 2023“, chapter „Employment and unemployment“, pages 39-44.

[https://www.rzs.rs.ba/static/uploads/bilteni/zene\\_i\\_muskarci/Zene\\_i\\_muskarci\\_2023\\_web.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/zene_i_muskarci/Zene_i_muskarci_2023_web.pdf).

<sup>26</sup> Republic Institute for Statistics of RS: „Indicators of sustainable development of Republika Srpska 2022“, Goal 5 Gender Equality, indicator: Gender gap in employment, page 43.

[https://www.rzs.rs.ba/static/uploads/bilteni/indikatori\\_odrzivog\\_razvoja\\_rs/Indikatori\\_odrzivog\\_razvoja\\_RepublikeSrpske\\_2022\\_WEB.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/indikatori_odrzivog_razvoja_rs/Indikatori_odrzivog_razvoja_RepublikeSrpske_2022_WEB.pdf)

<sup>27</sup> Agency for Statistics of B&H; UN Women in B&H; OSCE in B&H; European Union in B&H;

- Representation of women in supervisory boards – The number of companies whose supervisory boards do not include women is 35.7%. Women are presidents in only 9% of the total number of public companies. Women on supervisory boards who have obtained some level of higher education (I, II or III cycle) are present in all sectors of the economy, in various disciplines. The main two main areas of education among women are economics and business, as well as law and jurisprudence. The average age of women on supervisory boards is 51 years and they spent less time in their current positions than men. Data for the period from 2010 to 2020 show that the percentage of women on supervisory boards is increasing, although this percentage is still quite low. The total tenure of men in the period from 2010 to 2020 was estimated to be 1,099 years, while women spent only 195 years in these positions. In other words, men spent 6.63 more time on supervisory boards than women.
- Representation of women in audit committees – The percentage of women on audit boards is much higher than that on boards of directors and supervisory boards, but still only 19% are women chairs of audit boards. Only three companies (7.1%) do not have women on their audit boards. Audit committees seem to attract more women than men, as 60% of all members are women. The most common field of education among women on audit boards is economics/business, followed by law and jurisprudence. These two areas seem to be the only areas of education for men and women on audit committees.  
In middle management positions (in branches, departments and sectors), the representation of women is highest at the departmental level (40% of all department heads are women), but this percentage decreases as they move to higher hierarchical positions towards the board of directors, which shows that there is a glass ceiling.

In Republika Srpska, statistics show that there are generally more men than women in managerial positions.<sup>28</sup>

The following are highlights from the statistical bulletin "Women and Men in the Republika Srpska 2023", chapter Power and Influence<sup>29</sup>:

<b>National Assembly of Republika Srpska</b>		
	Women	Men
President	-	1
Vice-President	1	2
Secretary General	-	1
Deputies	22	61
<b>Administrative Departments of the National Assembly of Republika Srpska</b>		
Cabinet of the President	2	6
Cabinet of the Vice-President	2	4
Cabinet of the Secretary General	3	3
Administrative department	46	46
<b>Committees and commissions of the National Assembly of Republika Srpska</b>		
Presidents	8	17
Members	67	157

Source: National Assembly of Republika Srpska

<b>Government of Republika Srpska</b>		
	Women	Men
Prime Minister	-	1

<sup>28</sup> Republic Institute for Statistics of RS: „Women and Men in Republika Srpska 2023“, chapter „Power and Influence“, pages 55-65.

[https://www.rzs.rs.ba/static/uploads/bilteni/zene\\_i\\_muskarci/Zene\\_i\\_muskarci\\_2023\\_web.pdf](https://www.rzs.rs.ba/static/uploads/bilteni/zene_i_muskarci/Zene_i_muskarci_2023_web.pdf)

<sup>29</sup> State as on 31 December 2022;



Vice-Presidents	1	1
Ministers	4	12

Source: [www.vladars.rs](http://www.vladars.rs) (date of taking over the data: 25 December 2023)

Council of Peoples of Republika Srpska		
	Women	Men
Chairperson	1	-
Deputy Chairperson	2	1
Secretary General	-	1
Delegates	8	20
Constitutional Commission	3	8
Legislative Commission	1	6
Selection and Appointments Commission	2	5
Administrative Commission	2	3
Secretaries of Commissions	4	-

Source: Council of Peoples of Republika Srpska

Presidents of courts		
	Women	Men
Supreme court	1	-
District courts	3	3
Municipal courts	12	9
Higher commercial court	-	1
District commercial courts	4	2

Source: Republika Srpska Ministry of Justice

Judges		
	Women	Men
Higher commercial court	5	2
District commercial courts	19	7
Supreme court	16	6
District courts	43	21
Municipal courts	127	63

Source: Republika Srpska Ministry of Justice

Prosecutors				
	Designated prosecutors		Chief prosecutors	
	Women	Men	Women	Men
	7	5	-	1
District Prosecutor's Offices	39	31	3	3

Source: Republika Srpska Ministry of Justice

Employees in the Republika Srpska administration		
Title of position, category and rank	Women	Men
TOTAL	3073	2395
CIVIL SERVANTS	2061	1723
Assistant minister, director of the republic administration, director of the republic administrative organisation	33	40
Secretary to the ministry, deputy and assistant director of the republic administration, deputy and assistant director of the republic administrative organisation, secretary at the Civil Service Agency	28	42
Inspector and internal auditor	140	203
Junior inspector	5	16
Inspector	55	46
Senior inspector	77	132
Internal auditor	3	8
Chief republic inspector	-	1

Advisor	21	35
Head of internal organisational unit	211	143
Senior associate	719	589
Associate (college degree education)	210	98
Associate (secondary school education)	699	573
EMPLOYEES WITHOUT THE STATUS OF CIVIL SERVANTS	894	565
Employee with university education (UE)	271	154
Employee with college education (CE)	44	12
Employee with secondary school education (SEE)	492	388
Employee with primary school education	87	11
Others	118	107

Source: Central Register of Human Resources, Republika Srpska Civil Service Agency

Federation of Trade Unions of Republika Srpska		
	Women	Men
President of Federation	1	-
Secretary General of Federation	-	1
Presidents of branch trade unions	3	12
Secretaries of branch trade unions	-	2
Distribution of members of trade unions, %	49	51

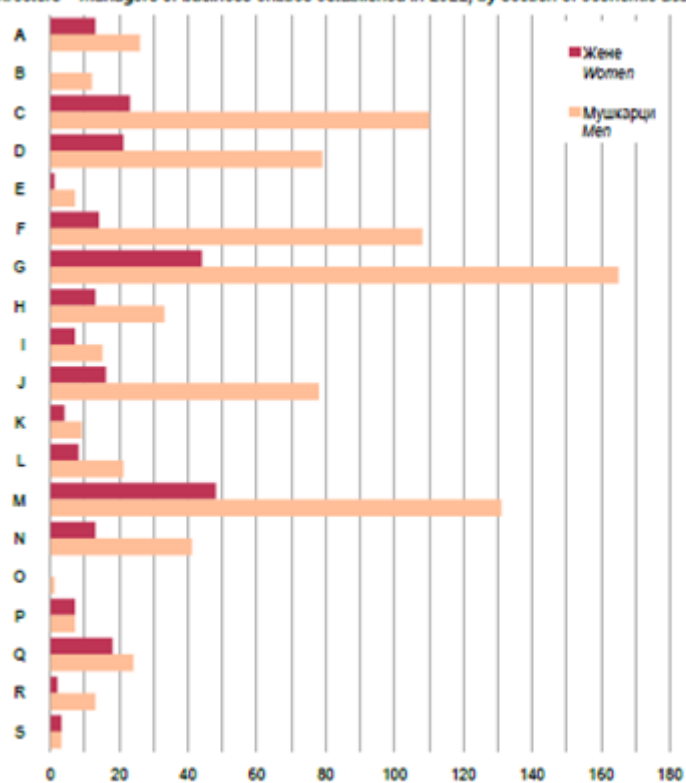
Source: Federation of Trade Unions of Republika Srpska

Many private companies adopt internal policies that promote gender equality, including quotas for women in management positions, equal pay, and career development programs.

While progress has been made in the representation of women in management positions, there is still significant room for improvement, especially in sectors such as security and justice, where women's representation is lower.

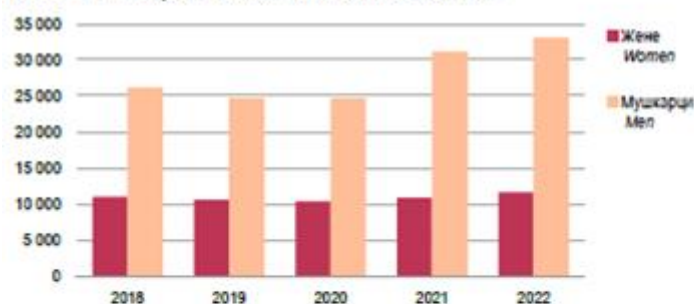


Директори – руководиоци пословних субјеката основаних у 2022, према подручју дјелатности  
 Directors – managers of business entities established in 2022, by section of economic activity



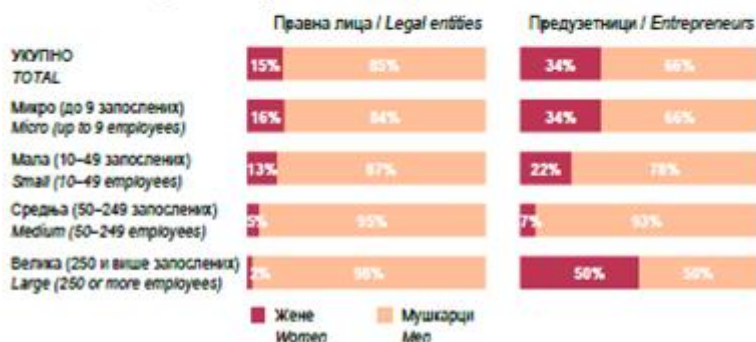
Извор: Агенција за посреднике, информатичке и финансијске услуге Републике Српске  
 Source: Agency for Intermediacy, IT and Financial Services of Republika Srpska

Привредни субјекти према полу власника – стање 31. децембар<sup>1)</sup>  
*Economic entities by sex of owner – state as on 31 December<sup>1)</sup>*



Извор: Развојна агенција Републике Српске (према подацима Пореске управе Републике Српске)  
 Source: Development Agency of Republika Srpska (according to data of the Tax Administration of Republika Srpska)

Структура привредних субјеката према величини субјекта и полу власника, 2022.<sup>1)</sup>  
*Economic entities by size of entity and sex of owner, 2022<sup>1)</sup>*



Извор: Развојна агенција Републике Српске (према подацима Пореске управе Републике Српске)  
 Source: Development Agency of Republika Srpska (according to data of the Tax Administration of Republika Srpska)

