



# THE RIGHTS OF WOMEN EMPLOYED IN RETAIL COMMERCE IN BOSNIA AND HERZEGOVINA

Research Conducted in the Sarajevo and Banja Luka Regions

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# INTRODUCTION

The labour market in Bosnia and Herzegovina suffers from serious faults. On the one hand, employers complain about the high costs of duties and contributions paid both to the unwieldy state administration and to workers, and about their rights guaranteed by law. On the other hand, workers in the private sector are by and large underpaid, their employment status is often inadequately regulated, and they are paid their salaries outside legal monetary transactions, which reduces the basis for their pension benefits. Additionally, employers often violate or deny employees' labour rights, contributing to an uncertain atmosphere in which workers fear for their livelihoods.<sup>1</sup> All levels of government in the country often do not improve the position of workers and even contribute to animosities between workers and employers by refusing to reduce the contributions employers are required to pay at the expense of their income instead of the income of workers.

Despite certain shortcomings, the current labour laws (of the Federation of BiH and of Republika Srpska) provide workers with minimal protection of their rights. Additionally, their application in practice is unpredictable, especially given the weakness and disunity of trade unions and the limited capacities and competences of labour inspectorates. The situation is even worse when it comes to protection at work, because the Federation of Bosnia and Herzegovina still applies an outdated law from the time of the Socialist Republic of Bosnia and Herzegovina whose norms and sanctions are not compatible with the current situation in the field. Republika Srpska has a more modern law, dating from 2007, but still struggles with insufficient capacities of inspection authorities responsible for enforcing it.

Among the most vulnerable workers are those in the commerce sector where women make up almost half the labour force.<sup>2</sup> The proportion

1 Vaša prava BiH (2016) "Labour Legislation Review in Bosnia and Herzegovina with a Special Focus on the Rights of Working Women", Vaša prava BiH, Sarajevo; Demir, E. (2015). "Discrimination in Labour in Bosnia and Herzegovina", Association for Democratic Initiatives, Sarajevo; Commerce Trade Union of BiH (2014). Research study, CTUBiH, Sarajevo; Živanović, M. (Ed.) (2015). "Human Rights in Bosnia and Herzegovina 2014", Human Rights Centre of the University of Sarajevo, Sarajevo; RS Administration for Inspection Affairs (2018). 2017 Annual Report of the RS Administration for Inspection Affairs, RS Administration for Inspection Affairs, Banja Luka; Pepić, A.(2017). Submission for 2017 Alternative Opinion and Report, Chapter 19: Social Policy and Employment – Labour Rights and Employment and Social Security and Healthcare, Initiative for Monitoring the European Integration of Bosnia and Herzegovina, Sarajevo.

2 Commerce Trade Union of BiH (2014.) Research study, CTUBiH, Sarajevo.

of women is even greater when we take into account the distribution of employees among specific jobs in the sector, namely, workers employed as retail salespersons (and in similar jobs).<sup>3</sup>

As part of its programme to improve women's political representation and promote gender-responsible policies, the Westminster Foundation for Democracy initiated this research study to investigate the current position of female workers in retail commerce, the forms of labour rights violations they are exposed to, and the responsibility of various stakeholders in the system, and to propose measures that could help solve the problems identified.

The study starts with a brief overview of the relevant legislation and then presents research findings from a survey, conducted in the Sarajevo and Banja Luka regions during March and April 2019, of a representative sample of female workers in retail commerce, including graphs illustrating the situation in key areas. In order to provide an overview of the stakeholders involved in these issues, the mapping of stakeholders was conducted, followed by an analysis of their roles, capacities and attitudes. Special attention was paid to institutions and organisations responsible for protecting workers' rights and implementing legal regulations in the regions covered by the survey.<sup>4</sup> The final section of this research study presents conclusions and recommendations for next steps by legislators, institutions and organisations, taking into account the feasibility and efficiency of proposed interventions.

## ANALYSIS OF THE PROBLEM AND OVERVIEW OF RELEVANT LITERATURE

Labour rights in Bosnia and Herzegovina are regulated by laws at the level of the entities and the Brčko District.<sup>5</sup> The available reviews of labour laws, as well as the reports of labour inspectorates in Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), point out certain advantages, but also note the shortcomings of current legal regulations. In its *Labour Legislation Review* from 2016, the Vaša prava organisation pointed out the difficult position of women and the universally exploitative attitude towards female workers. It expressed concern that "certain solutions introduced in the new labour legislation may potentially only further reinforce this exploitation".<sup>6</sup>

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3 *Ibid.*

4 The overview of institutions does not include the courts as the final step in the protection of labour rights because of the particularly slow, expensive and generally draining process of securing workers' rights through the courts.

5 Except when it comes to migration and refugees, and regulating employment in state-level institutions of BiH.

6 Vaša prava BiH, p. 7.

Reports on the work of the labour inspectorates in RS and FBiH and reports of trade unions and human rights organisations point out numerous problems in the application of labour laws, citing how employers violate rights derived from employment relations.<sup>7</sup> The most widespread violations of labour rights include: non-payment or delayed payment of salaries, non-payment of taxes and contributions, non-payment of salary compensation for maternity and pregnancy benefits, failure to register workers for mandatory health and pension insurance, not providing annual leave for workers, working hours that exceed those stipulated by law and in employment contracts, overtime work and undeclared work.<sup>8</sup> Additional problems that compound these violations include the insufficient use of existing forms of protection, weak trade unions unable to protect the interests of their membership, and insufficient capacities of labour inspectorates in BiH as mechanisms for discovering violations and protecting workers' rights.<sup>9</sup>

According to the BiH Agency for Statistics, the distributive trade sector in Bosnia and Herzegovina (which, according to its "G" statistical classification, covers wholesale and retail trade and repair of motor vehicles and motorcycles) employed a total of 152,142 people in March 2019, of which 75,898 were women.<sup>10</sup> Given that this statistical section includes an activity where women are not significantly represented (repair of motor vehicles and motorcycles), we can infer the predominance of female employees in retail commerce. This proportion is even more pronounced in retail commerce establishments where, as confirmed by the researchers' observations, most sales and similar jobs are performed by women.

There is a high frequency of labour and employment rights violations in the retail sector, and especially when it comes to the rights of female workers in retail. Research conducted by the Commerce Trade Union of BiH (CTU BiH) in 2014<sup>11</sup> has shown that the most frequent violations include: mobbing (psychological harassment), unpaid overtime work, non-payment of contributions, working hours longer than the maximum stipulated by law, unjustified and non-voluntary transfer of workers to a different workplace or location, irregular and delayed payment of salaries, prohibited/prevented use of weekly days off, and non-payment or *ad hoc* reductions of salaries.<sup>12</sup> The gender distribution of reported violations in the retail commerce and services sector shows that female workers in this sector are victimised more often than their male counterparts.<sup>13</sup>

7 Vaša prava BiH; Demir; Commerce Trade Union of BiH; and Živanović.

8 RS Administration for Inspection Affairs; and Pepić.

9 Živanović; Demir; and RS Administration for Inspection Affairs.

10 Agency for Statistics of Bosnia and Herzegovina (2019). "Demography and Social Statistics: Persons in Paid Employment by Activity in March 2019", Agency for Statistics of Bosnia and Herzegovina, 2019/2, Sarajevo, p. 2.

11 Research conducted at the BiH level on a sample of 465 people, of which 258 were women.

12 Commerce Trade Union of BiH, p. 9

13 Ibid, p. 13.



## OVERVIEW OF RELEVANT LEGISLATION

Labour and employment legislation in Bosnia and Herzegovina falls within the competences of entity parliaments/assemblies and cantonal assemblies in the Federation of BiH.

# SOURCES AND LABOUR LEGISLATION IN THE FEDERATION OF BIH

- FBiH Labour Law<sup>14</sup>
- FBiH Law on Strikes<sup>15</sup>
- Law on Workers' Councils<sup>16</sup>
- Law on Protection at Work<sup>17</sup>
- Law Proclaiming 1 March Independence Day of the Republic of Bosnia and Herzegovina<sup>18</sup>
- Law Proclaiming 25 November Statehood Day of BiH<sup>19</sup>
- Law on Holidays of the Socialist Federative Republic of Yugoslavia<sup>20</sup> as assumed by the Republic of Bosnia and Herzegovina in the Law on Holidays of RBiH<sup>21</sup>
- Law on Mediation in Employment and Social Security of Unemployed Persons<sup>22</sup>
- Law on Employment of Foreigners<sup>23</sup>
- Law on Daylight Savings Time<sup>24</sup>
- Law on the Civil Service in FBiH<sup>25</sup>

Special laws and regulations governing the retail commerce sector in the Federation of BiH:

- Law on Internal Trade<sup>26</sup>
- Rulebook on Minimal Technical Workplace Conditions for Retail Commerce Activities and Services<sup>27</sup>

14 Official Gazette of FBiH, 26/16 and 89/18.

15 Official Gazette of FBiH, 14/00.

16 Official Gazette of FBiH, 38/04.

17 Official Gazette of SRBiH, 22/90.

18 Official Gazette of RBiH, 9/95.

19 Official Gazette of RBiH, 9/95.

20 Official Gazette of SFRY, 6/73.

21 Official Gazette of RBiH, 2/92 and 13/94.

22 Official Gazette of FBiH, 55/00, 41/01, 22/05, 9/08.

23 Official Gazette of FBiH, 8/99 and 111/12.

24 Official Gazette of FBiH, 24/97 and 50/03.

25 Official Gazette of FBiH, 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, and 4/12.

26 Official Gazette of FBiH, 40/10 and 79/17.

27 Official Gazette of FBiH, 49/12 and 35/18.

## SOURCES AND LABOUR LEGISLATION AT THE CANTONAL LEVEL

- Labour Law of the Sarajevo Canton<sup>28</sup>
- Labour Law of the Zenica-Doboj Canton<sup>29</sup>

### OVERVIEW OF CURRENT LEGAL REGULATIONS UNDER THE LABOUR LAW IN THE FEDERATION OF BIH

<p><b>Employment contract</b></p>	<p>Labour law provides for the following contracts:</p> <ul style="list-style-type: none"> <li>• Trial employment (up to six months).</li> <li>• Fixed-term employment contract (up to three years).</li> <li>• Unlimited-term employment contract.</li> <li>• Employment contract for full-time or part-time work.</li> <li>• Temporary and occasional jobs may not exceed 60 days in a calendar year. Contracts for such jobs must be authorised in the collective agreement or employment rulebook. These jobs must not be jobs for which full-time or part-time employment contracts are concluded.</li> </ul>
<p><b>Overtime</b></p>	<p>Full-time work is 40 hours a week divided into five or six working days. Overtime work may not exceed eight hours a week. Workers are entitled to additional remuneration for overtime and night-time work, as well as for weekend work, in line with the collective agreement, employment rulebook and employment contract.</p>
<p><b>Work during holidays</b></p>	<p>Workers are entitled to additional remuneration for work during holidays and other days designated as non-working days by law. Collective agreements, employment rulebooks and employment contracts may determine further rights in addition to the legally prescribed minimum.</p> <p>Workers have the right to four days off per year for religious or traditional reasons, of which two days are paid leave and two days are unpaid leave.</p>

<sup>28</sup> Official Gazette of the Sarajevo Canton, 19/00.

<sup>29</sup> Official Gazette of the Zenica-Doboj Canton, 1/17.

<p><b>Paid maternity leave</b></p>	<p>During pregnancy, childbirth and care for the newborn, women have the right to up to one uninterrupted year of maternity leave and not less than 42 consecutive days following childbirth.</p> <p>During maternity leave, workers are entitled to salary compensation in line with a special law.<sup>30</sup> In addition to this, employers may pay workers additional compensation to make up their full salary.</p>
<p><b>Sick leave</b></p>	<p>Workers have the right to sick leave (temporary incapacity for work with doctor's confirmation) with salary compensation in line with the cantonal regulation, collective agreement, and employment rulebook.</p>
<p><b>Mandatory rest (break)</b></p>	<p>When working for more than six hours a day, workers have the right to a break during the working day of <b>at least 30 minutes, which time shall not be counted as working time</b>. Once a week, workers have the right to a break of 1 hour during working hours. Workers have the right to a rest period between two consecutive working days (daily rest) of at least 12 consecutive hours.</p>
<p><b>Protection at work</b></p>	<p>As part of a development plan or special programme of measures for protection at work, the organisation, <i>i.e.</i> employer, must ensure the necessary funds for implementing and improving protection at work with set deadlines.</p>
<p><b>Weekend work (mandatory weekly rest)</b></p>	<p>Workers have the right to at least 24 hours of uninterrupted weekly rest. If it is necessary (only under extraordinary circumstances) for the worker to work during the weekly day of rest, that day will be made up to the worker on a date agreed by the employer and worker within the next two-week period at most.</p>

## COLLECTIVE AGREEMENT(S) AND THE LOWEST PRICE OF LABOUR IN FBiH

Apart from laws, regulations, decrees and rulebooks, the legal status of employees in FBiH is also defined by the branch collective agreement – Collective Agreement on Rights and Obligations of Employers and Workers in the Trade Sector in FBiH.<sup>31</sup>

The most recent changes to the Labour Law in 2018 (Article 78) introduced an obligation for the FBiH government to determine the minimum wage following consultations with the

<sup>30</sup> In FBiH, maternity leave compensation is regulated at the cantonal level and each canton has its own law determining these matters. For a brief overview of the legislation, see: Agić, N. (2019). "Overview of Maternity Rights in BiH: How Big are the Differences between Cantons?", available at: <http://soc.ba/pregled-prava-porodilja-u-bih-koliko-su-razlike-medu-kantonima/>.

<sup>31</sup> Official Gazette of FBiH, 28/18.

Economic and Social Council, and the government must enact a regulation to determine the methodology for calculating and harmonising the minimum wage for the Federation of BiH based on the lowest price of labour from the collective agreement and employment rulebook. As of April 2019, the FBiH government had not yet determined the lowest price of labour (the amount of BAM 2.31 per hour, taken from the 2016 General Collective Agreement which is no longer in force, is currently being applied). It is important to note that the lack of a regulated lowest price of labour constitutes a breach of Convention No. 131 of the International Labour Organisation, which is one of the main sources of labour law and which, together with other international conventions, forms an integral part of the BiH constitution.

The Collective Agreement for the Trade Sector complies with the FBiH Labour Law and specifies remuneration for overtime and night-time work (minimally an additional 25 per cent of the net hourly wage), work during the weekly rest period (minimally an additional 15 per cent of the net hourly wage), and work during holidays designated as non-working days by law (minimally an additional 40 per cent of the net hourly wage). These additional remunerations are not mutually exclusive.

## SOURCES AND LABOUR LEGISLATION IN REPUBLIKA SRPSKA

The following laws on labour, employment relations and protection at work relevant to this study are currently in force in Republika Srpska:

- Labour Law<sup>32</sup>
- Law on Peaceful Settlement of Labour Disputes<sup>33</sup>
- Law on Strikes<sup>34</sup>
- Law on Protection at Work<sup>35</sup>
- Law on the Economic and Social Council<sup>36</sup>

### OVERVIEW OF CURRENT LEGAL REGULATIONS UNDER THE LABOUR LAW IN REPUBLIKA SRPSKA

<b>Employment contract</b>	The Labour Law provides for the following contracts: <ul style="list-style-type: none"><li>• Trial work (up to three months with a possible extension for another three months).</li><li>• Fixed-term employment contract (up to 24 months; and longer in special cases).</li></ul>
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32 Official Gazette of RS, 01/16 and 66/18.

33 Official Gazette of RS, 91/16.

34 Official Gazette of RS, 111/08.

35 Official Gazette of RS, 01/08 and 13/10.

36 Official Gazette of RS, 110/10 and 91/17.

<b>Employment contract</b>	<ul style="list-style-type: none"> <li>• Unlimited-term employment contract.</li> <li>• Employment contract for part-time work.</li> <li>• Work outside employment relations is specifically regulated by contracts on temporary and occasional jobs (jobs that last no longer than 90 days in a calendar year).</li> <li>• Service contract.</li> <li>• Supplementary work contract.</li> </ul>
<b>Overtime work</b>	Full working time is 40 hours a week, while overtime may not exceed four hours a day or 10 hours a week. Workers are entitled to additional remuneration for overtime work.
<b>Work during holidays<sup>37</sup></b>	As a rule, holidays are non-working days; but municipal and city mayors may determine which enterprises are obliged to continue working and in what scope in order to meet citizens' needs. Workers have the right to paid leave of up to two days for religious purposes or religious holidays.
<b>Paid maternity leave</b>	Women have the right to one uninterrupted year of maternity leave during pregnancy, childbirth and care for the newborn, and 18 months of uninterrupted leave in the case of twins and for the third and every subsequent child. A woman on maternity leave has the right to salary compensation in the amount of her average salary over the 12 months preceding maternity leave. This compensation is paid from the RS Public Fund for Child Protection.
<b>Sick Leave</b>	Workers have the right to sick leave (temporary incapacitation for work with doctor's confirmation) with 100 per cent salary compensation.
<b>Mandatory rest (break)</b>	Workers working full-time or at least six hours a day have the right to a 30-minute rest period during working hours which may not be scheduled in the first two or the last two hours of the working day. Workers working for more than four but less than six hours have the right to a 15-minute break. Workers working longer than the full working day, and for at least 10 hours a day, have the right to an additional 15-minute break.  Daily rest of 12 hours between two consecutive working days is mandatory.
<b>Protection at work</b>	The employer must provide workers with equipment and tools for work, as well as for their personal protection.
<b>Weekend work (mandatory)</b>	Weekly rest of 24 hours uninterrupted is mandatory and usually used on Sundays.

<sup>37</sup> Regulated by the RS Law on Holidays, Official Gazette of RS, 43/07, and the Law on Republika Srpska Day, Official Gazette of RS 113/16.

## RESEARCH FINDINGS

The general objective of this research study was to contribute to a better understanding of the circumstances, mechanisms and ways that violations of the rights of female workers in the retail commerce sector are manifested, as well as the factors that contribute to such situations. The research also aimed to determine the effect that labour rights violations have on women, their everyday lives and social status. Following research data gathering, the objective was to formulate recommendations on measures that could be undertaken to address this matter and, ultimately, start solving it. The selected target group for the research was female workers in the retail commerce sector.

The survey was conducted in March and April 2019. To make the data as relevant as possible, the research team covered two geographic regions in Bosnia and Herzegovina with the largest populations and the largest number of people employed in retail commerce and services, namely, the Sarajevo and Banja Luka regions. The Sarajevo region in its broader sense was selected for this research and comprised the Sarajevo canton (comprising the city of Sarajevo plus the municipalities of Vogošća, Hadžići, Ilidža, Ilijaš, and Trnovo) and the Visoko Municipality in the Federation of BiH, while the Banja Luka region included the city of Banja Luka and the municipalities of Gradiška and Kozarska Dubica.

The research used a non-experimental fixed design and was conducted in a single instance as a survey using a structured questionnaire. The questionnaire contained 27 relevant questions, of which 22 had fixed answers, three questions were semi-open and two were open-ended. The questions were formulated so as to elicit answers that would provide information on: the type of employment contract, qualifications, work experience (in general and with the current employer), overtime work, work during weekends and holidays, unpaid work, (un)paid maternity leave and sick leave in general, use of daily breaks and annual leave, use of required infrastructure at the workplace (air conditioning, toilet, chairs) under regulated norms, the existence of protection at work, and membership in trade unions or reasons for not joining a trade union.

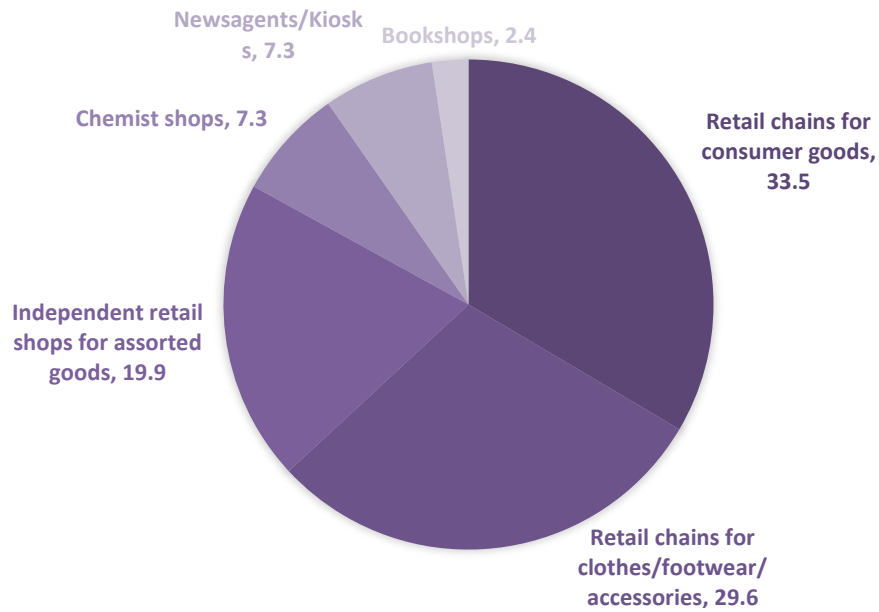
The IBM SPSS Statistics programme was used for statistical data processing.

## DESCRIPTIVE STATISTICS

Of the total number of completed questionnaires (206), 49.5 per cent were collected in the territory of the Federation of Bosnia and Herzegovina, and 50.5 per cent in the territory of Republika Srpska.

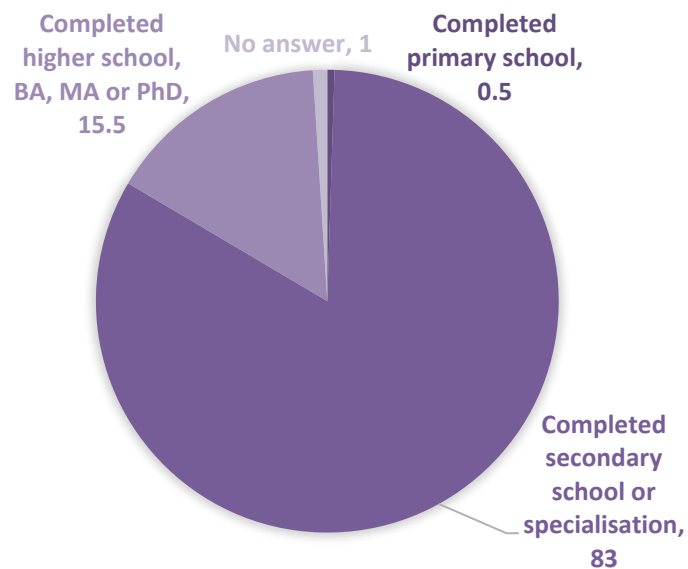
The greatest percentage (37.9 per cent) of responses was collected at retail commerce establishments in the wider Sarajevo area (including Hadžići and Vogošća), followed by the territory of Banja Luka (25.7 per cent), Kozarska Dubica (12.6 per cent), Gradiška (12.1 per cent), and Visoko (11.7 per cent).

### TYPE OF RETAIL ESTABLISHMENT



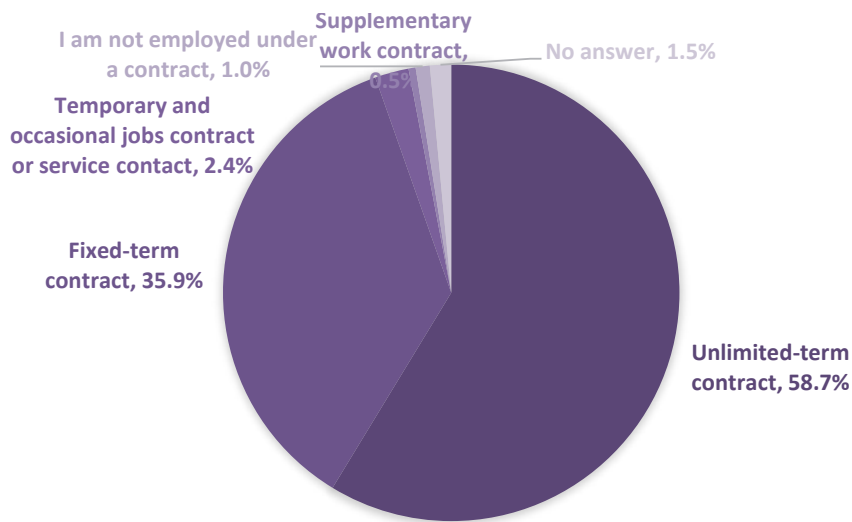
The questionnaires were filled out by female workers at: retail chains selling consumer goods (33.5 per cent); retail chains selling clothes, footwear and accessories (29.6 per cent); independent retail shops selling assorted goods (19.9 per cent); chemist shops (7.3 per cent); newsagents/kiosks (7.3 per cent); and bookshops (2.4 per cent).

### EDUCATION LEVEL



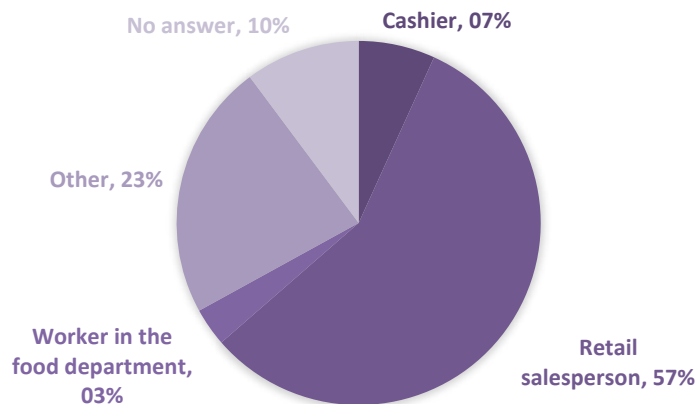
More than four-fifths (83 per cent) of the respondents had a secondary school diploma or specialisation, while 15.5 per cent had completed higher school, university, or had an MA or a PhD.

### EMPLOYMENT RELATION BY CONTRACT



More than half the respondents (58.7 per cent) were employed under unlimited-term contracts, while 35.9 per cent had fixed-term contracts. Only two respondents had no contract whatsoever.

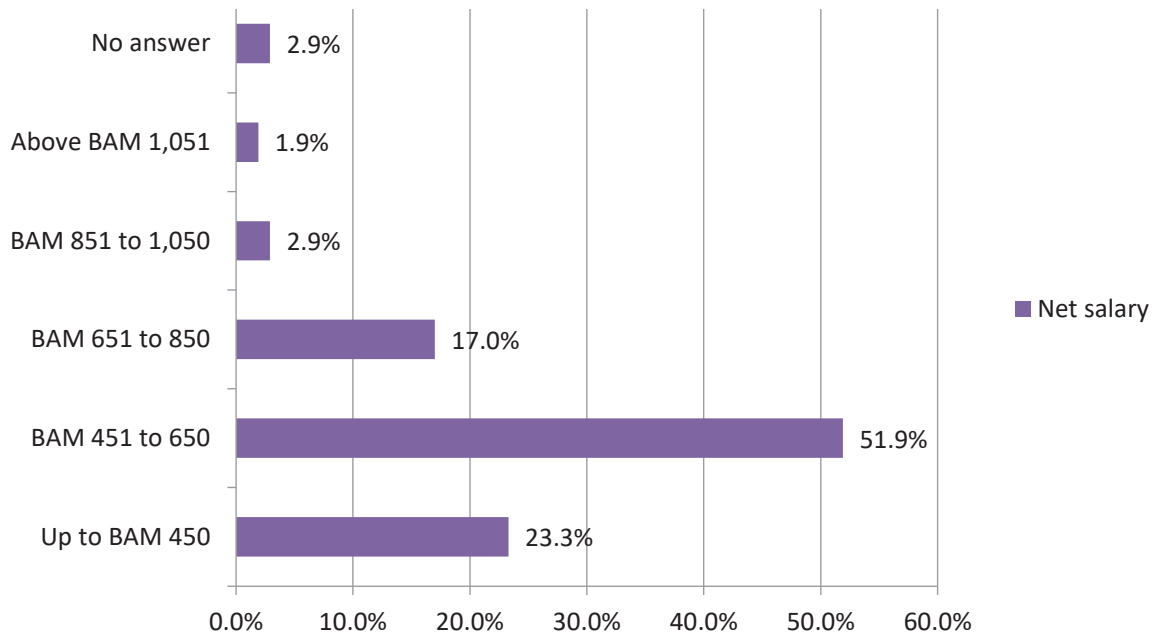
### JOB TITLE



More than half the respondents (56.8 per cent) identified their job title as “retail salesperson”, while 22.8 per cent cited a number of different jobs such as cashier, manager, salesperson, checkout girl, worker in the food/bakery/roisserie/delicatessen/ footwear/clothes/cosmetics/fruit and vegetables/toys/chemist’s department, kiosk worker, bookseller, etc. More data is available in Table 1 annexed to this study. Based on the offered answers, it is clear that most of the workers did various jobs within their establishment, usually those of retail salesperson, cashier, cleaner, stock clerk, etc. More data is available in Table 2 annexed to this study.

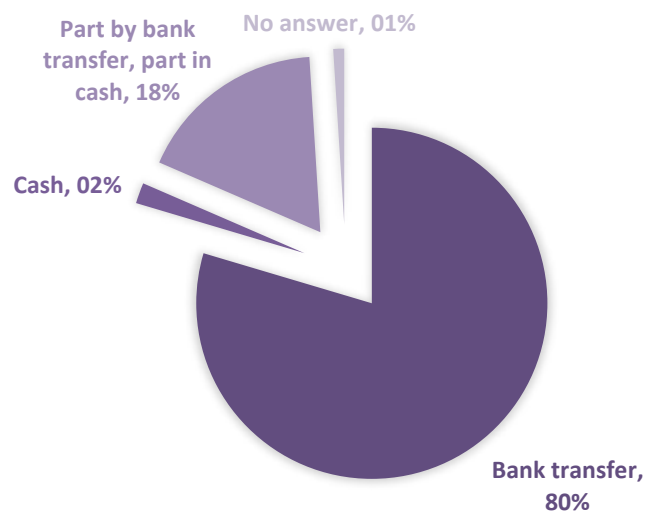


### NET SALARY



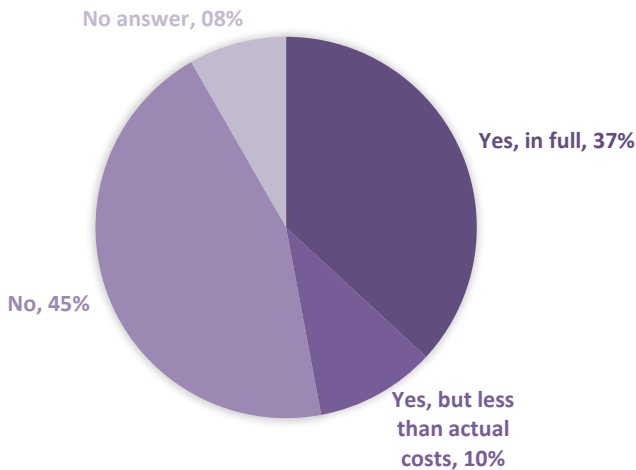
The net salary of half the respondents ranged from BAM 451 to 650, while just under a quarter (23.3 per cent) of the respondents received the so-called “minimum wage”, *i.e.* a net salary below BAM 450, and 17 per cent received a net salary between BAM 651 and 850. Six respondents did not provide information on their net salaries.

### MANNER OF PAYMENT OF SALARY



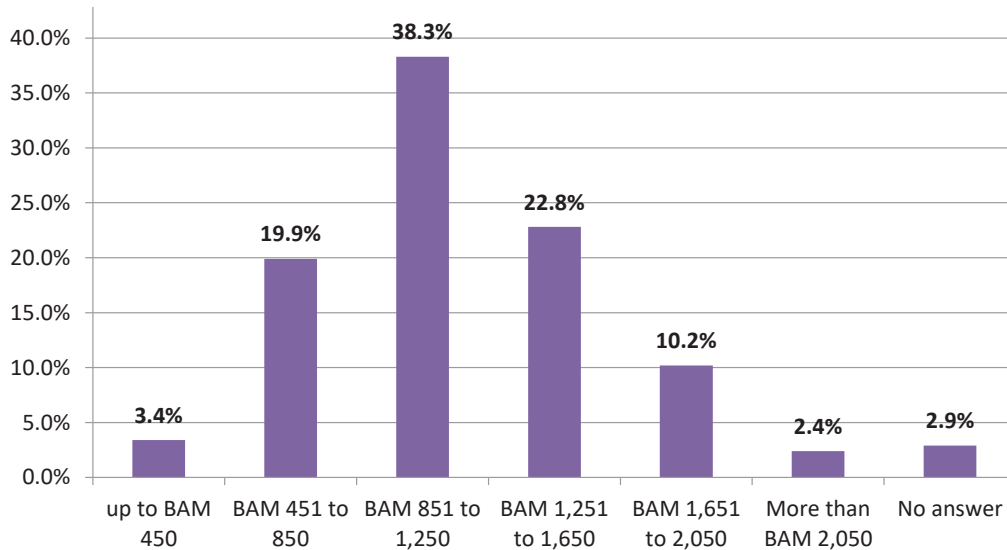
More than three quarters (79.6 per cent) of the respondents received their salaries exclusively through bank transfers, while 17.5 per cent were paid part of their salary through their bank account and the rest in cash. Two respondents did not answer this question.

**PAID TRANSPORT COSTS  
(more than 2km distance)**



Of the total number of respondents who had to travel more than 2 km from their home to their place of work, 48.7 per cent did not receive a transport allowance, 40.2 per cent had transport costs fully covered, and 11.1 per cent received a transport allowance that did not cover their actual costs.

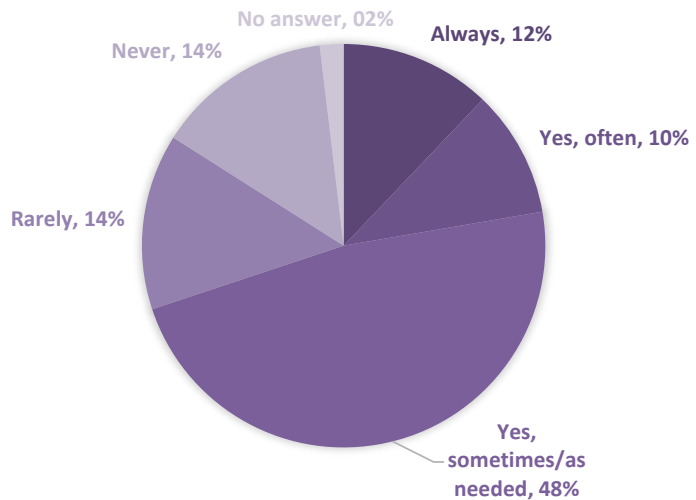
**MONTHLY COST OF LIVING PER RESPONDENTS' HOUSEHOLD - personal estimates**

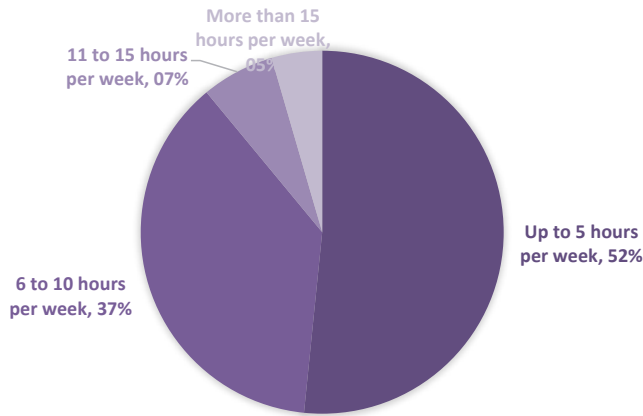


For the majority of respondents, the cost of living exceeded BAM 851 a month, where 38.3 per cent of respondents had monthly costs between BAM 851 and 1,250, while 22.8 per cent had costs between BAM 1,251 and 1,650. A fifth of the respondents (19.9 per cent) had living costs between BAM 451 and 850 a month.

**OVERTIME WORK**

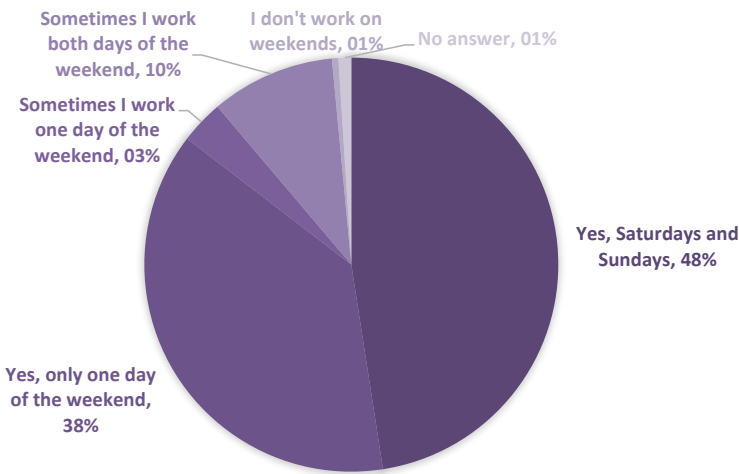
The majority of the respondents (85.6 per cent) worked more than 40 hours a week, with 10.2 per cent doing so often, 47.6 per cent sometimes/as needed and 14.1 per cent rarely.





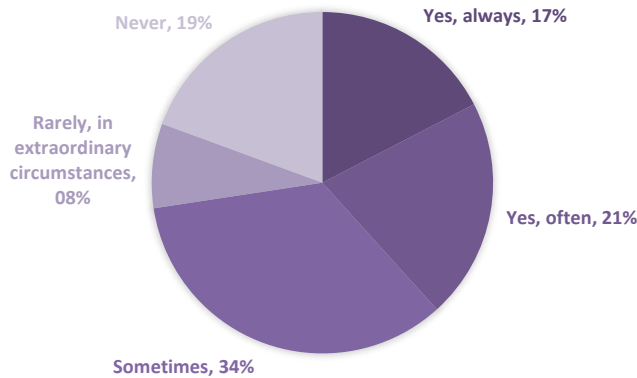
### AVERAGE NUMBER OF OVERTIME HOURS PER WEEK

Half of the respondents who worked overtime (51.6 per cent) had up to five hours of overtime a week, while 37.4 per cent had six to 10 hours of overtime a week. Smaller percentages, 6.5 per cent and 4.5 per cent, had from 11 to 15 or more than 15 hours of overtime per week, respectively.



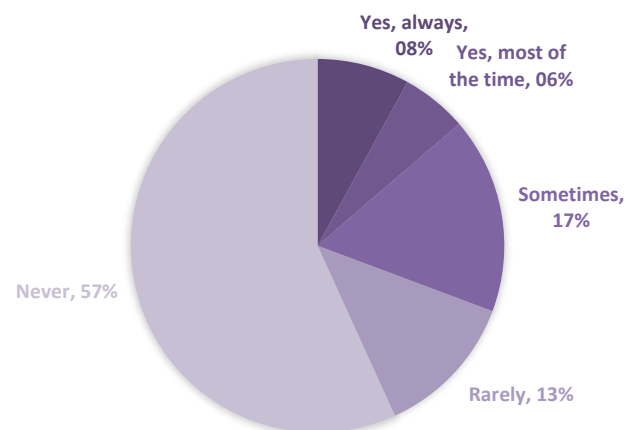
### WEEKEND WORK (AVERAGE)

The majority of the respondents worked on weekends, with 47.6 per cent working both days and 37.9 per cent working only one day of the weekend.



### WORK DURING HOLIDAYS (AVERAGE)

Of the total number of respondents who answered this question (201 respondents), 19.4 per cent never worked during holidays, while 80.6 per cent did work during holidays, with 20.9 per cent doing so often, 34.3 per cent sometimes and eight per cent rarely, in extraordinary circumstances.

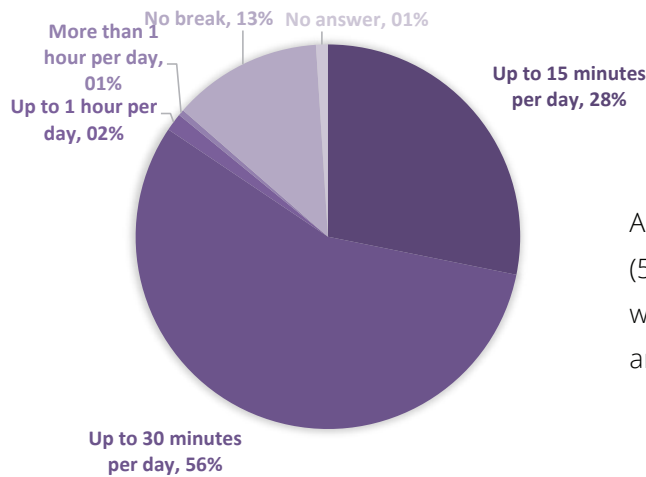
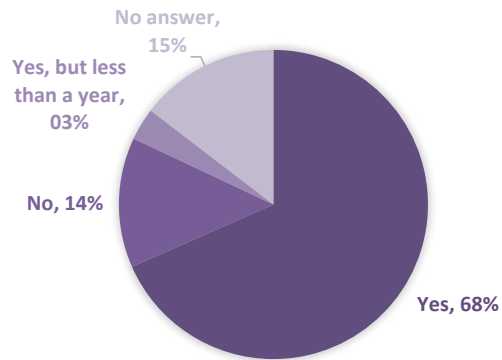


### REMUNERATION FOR OVERTIME WORK, WORK DURING WEEKENDS AND HOLIDAYS

Of the respondents who stated that they worked more than 40 hours a week, on weekends and during holidays, and who also answered this question, overtime and additional work was never paid in the case of 56.8 per cent of the respondents, while a smaller percentage reported receiving additional remuneration for such work.

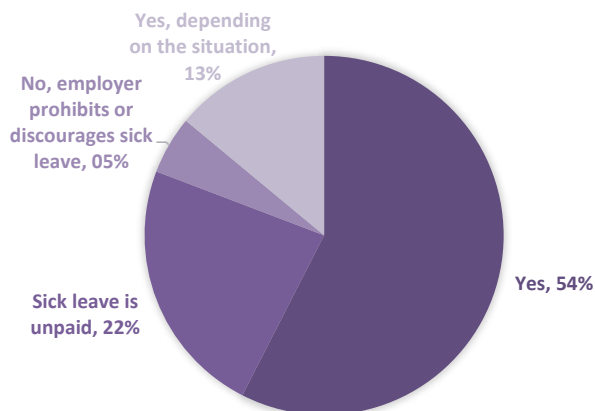
## PAID MATERNITY LEAVE

The majority of respondents stated that their employers provided for paid maternity leave (68.4 per cent of the total number of respondents), while 13.6 per cent stated that they did not. Of the respondents who stated that paid maternity leave was provided, but for less than one year, the periods they cited were 11 months (one respondent), six months (one respondent), and eight months (one respondent), while four respondents said they were not sure of the exact duration.



## USE AND AVERAGE DURATION OF DAILY BREAK

A little over one half of the respondents (56.3 per cent) had a 30-minute rest break, while 28.2 per cent had a 15-minute break and 12.6 per cent had no break at all.

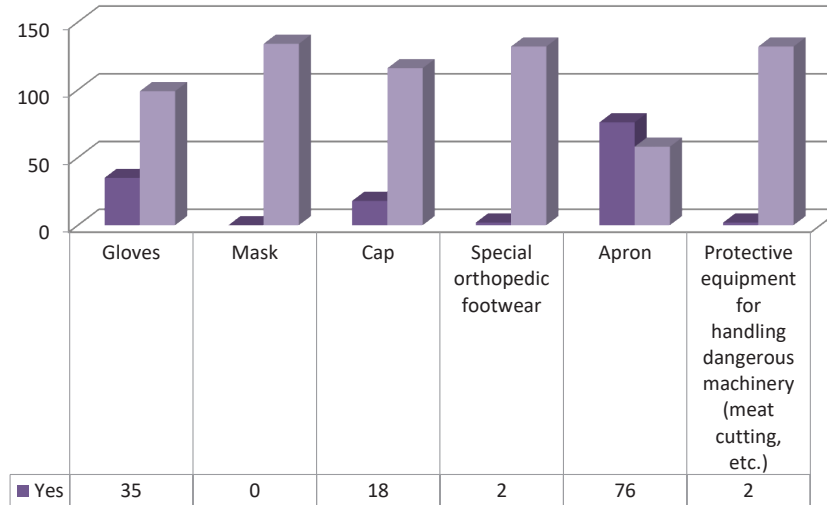


## PAID SICK LEAVE

Half of the respondents (53.9 per cent) reported having the possibility of paid sick leave, while for 21.8 per cent responded that sick leave was unpaid. Table 3, annexed to this document, shows detailed responses regarding the problems workers encountered when using their right to sick leave.

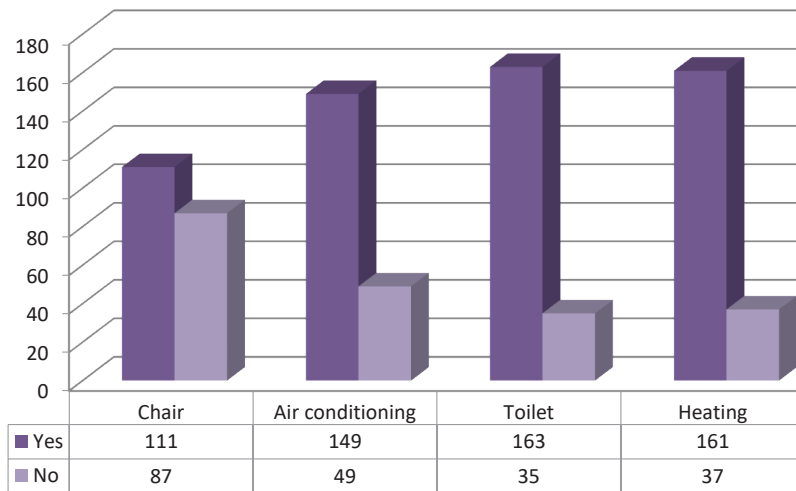
### AVAILABILITY AND USE OF PROTECTIVE EQUIPMENT AT WORK PROVIDED BY THE EMPLOYER

Table 4 lists other, less frequent responses to the question of availability and use of protective equipment at work.



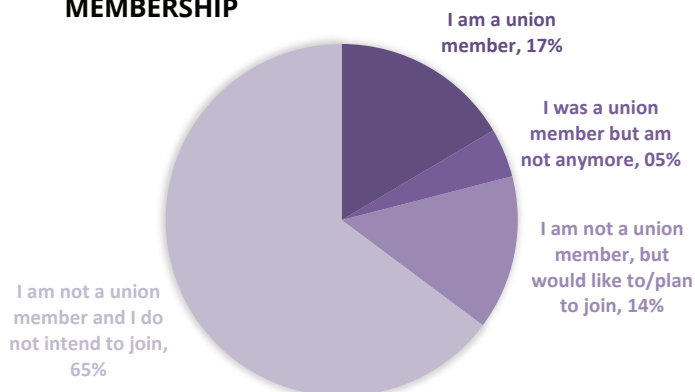
### DOES YOUR PLACE OF WORK HAVE APPROPRIATE WORKING CONDITIONS AND DO YOU REGULARLY USE THE FOLLOWING:

A little over one half of the respondents (53.9 per cent) reported having and using a chair at



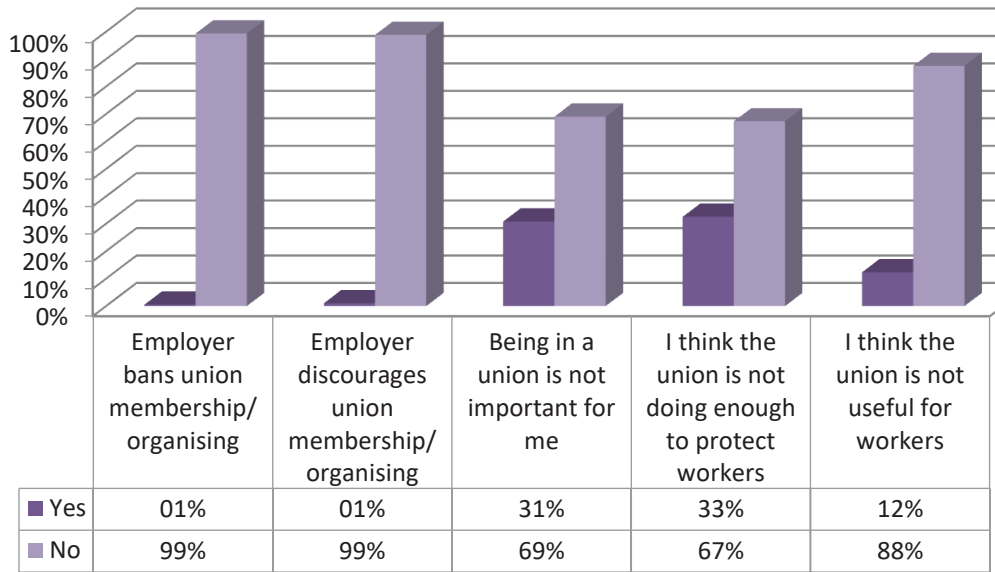
their place of work, while 42.2 per cent did not use a chair. The employer provided air conditioning at the workplace for 72.3 per cent of the respondents, while this was not the case for 23.8 per cent of the respondents. The majority of respondents (79.1 per cent) had access and permission to use the toilet at their workplace, while 17 per cent did not have access to toilet facilities. The majority of the respondents (78.2 per cent) had and used heating at the workplace, while 18 per cent did not.

### UNION MEMBERSHIP



Of the 176 respondents who answered the question about union membership, the majority (64.8 per cent) were not and did not intend to become members, 14.2 per cent were not members but would like to be/planned to join, while 16.5 per cent were current trade union members and 4.5 per cent were former trade union members.

### REASONS FOR NOT BEING IN A UNION



Most of the respondents who stated reasons for not being trade union members said that it was not important for them (30.9 per cent), they thought the trade union was not doing enough to protect workers (32.6 per cent), or the trade union was not useful for workers (12.4 per cent). Only one respondent stated that her employer banned union membership/organising, while two respondents reported that their employer discouraged union membership/organising.

## RESPONDENTS' PERSONAL EXPERIENCES

At the end of the questionnaire, the respondents were asked open-ended questions in order to provide us with a better understanding of the daily problems they faced at work. This type of question is used not just to complement previously asked quantitative questions, but in order to gain insight into the qualitative, personal experiences of the respondents, which can in some instances provide a better indication of their position than the quantitative data.

### THERE IS NO PROBLEM

Nineteen respondents stated they had no problem related to their job, place of work, employer or supervisor.

In most cases, the respondents reported small salaries, overtime work, work during holidays, during weekends (especially Sundays) and too few days off in general as the main problems. Below are some of the responses:

### SALARY, DAYS OFF AND WEEKEND SHIFTS

- The only problem is that we work every other weekend. It would be good if we could have every weekend off.
- It's hot in the summer. Sometimes I work without a break. The salary is barely enough to live on.
- Small salary, transport and meals not covered.
- Small salary and toilet breaks.
- Small salary, long hours in the summer.
- Small salary, not enough workers, we work one or two hours overtime every day.
- Small salary, working on Sundays.
- Small salary, work during the holidays and overtime without pay.
- Small salary, day off for holidays.
- Small salary. Weekend shifts. High contributions.
- Small salaries. We are understaffed, we have to work double.
- Small salaries. We work on weekends and holidays.
- Too few days off and small salaries. We have to work during almost all of the holidays.
- Too few weekly days off (every 15th day off, one day in 15).
- Minimum salary, working hours.
- The salary could be higher.
- The biggest problem is the low salary.
- For me the biggest problem is having to work during the weekend.

**SALARY, DAYS OFF  
AND WEEKEND  
SHIFTS**

- The biggest problems for me are the long shifts, minimal salaries, irregular days off.
- Too few days off.
- An underpaid, thankless job. Work during the holidays.
- I am not paid enough for everything I do.
- Paid sick leave and paid annual leave. A slightly higher salary. Weekends off.
- The salary that is not enough to live on.
- The salary, sometimes the customers, no toilet.
- Salary, overtime work.
- Salary, work during holidays and no sick leave or maternity leave.
- Salaries and too few days off.
- The salaries are not high enough.
- The salaries are too small.
- The salary is too small, unpaid sick leave, work during holidays and weekends. Doing more jobs under the one stated in my contract. Listening to illiterate people who became “boss” overnight.
- Average salary.
- Work during weekends and holidays (days off), salary.
- Work during holidays and weekends.
- Work during weekends (Sundays).
- We work during the holidays.
- We work during the holidays, the salary could be better.
- We work during holidays and on Sundays.
- Working Saturdays and Sundays.
- The fact that we work full working hours on Saturdays.
- The fact that we work weekends.
- Working conditions. Salary. Working hours.
- More time off, higher salaries!
- I wish we did not have to work on Sundays (so that we could spend them with our families like everyone else) and that we had higher salaries that everyone needs.
- I wish we had higher salaries, everything else is OK.
- Unpaid overtime work.
- Overtime work, a lot of responsibilities and working more jobs.
- Overtime hours.
- Too much to do and too few workers and they do not want to work. The salaries are too small.
- Too much work and too few workers. The salaries could be better. Right now, they are too small.
- Too many working hours, annual leave is too short.



## ANNUAL LEAVE

- Annual leave is not in line with the law. We are restricted by when we use it and it is only a few days.
- The biggest problems are unpaid overtime work, denial of the right to annual leave (partially — 10 days for the whole year).
- Not enough annual leave.
- That I don't have annual leave or sick leave.
- We do not have annual leave in line with the law, which we are entitled to. It is not provided to us.

- 1. Unpaid contributions for pensions and health insurance. 2. Salary below anything normal, below minimum wage. 3. Meal allowance below anything normal, below minimum allowance. 4. Not enough annual leave, only 12 days in the year. 5. Transport ticket (BAM 15). 6. Working during national holidays.
- My biggest problem at the workplace is the frequent turnover of colleagues. Most colleagues who work pray to God they do not have to. Everyone expects to work four hours but be paid for eight and also to be able to leave whenever they want to and quit overnight. It is very stressful, but as for my employer, I have never had any problems.

## MORE PROBLEMS

- Contributions and health insurance are not paid. Meals allowance is minimal, BAM 100. No transport allowance. Annual leave 12 days a year. No end-of-year bonuses. The salary is minimal BAM 400-430 (depending on your hourly wage). We work for all the holidays except Eid.
- We have no union and there is no union except in the civil service. The salary is small, if you complain or ask for a raise, then they replace you with someone willing to work for that salary and on and on it goes. Annual leave is short and scheduled for when it suits them.
- Irregular salary, no health insurance, no sick leave, overtime work, the boss harasses us.
- Irregular salary, no health insurance, no days off, no sick leave, overtime work, harassment from bosses.
- The problem is that I do not have a permanent contract and that we work in split shifts.
- Overtime work is not registered, too much to do and too little pay. Supervisors shift their obligations onto the workers. Ban working on Sundays, at all shopping centres, because today we can only get jobs in retail. Poor organisation, the law should determine how many workers you need to hire based on the amount of business you have.

## MORE PROBLEMS

- Working hours, shifts, salary, health insurance, length of annual leave, intensity of the lights — microclimate, no possibility for advancement, precarity.
- Just a concrete job that requires working on Sundays, because as a mother, I am not able to spend a single Sunday with my family! I have two school-aged children, nine and seven years old.
- A free day in the week, annual leave. When my colleague is on annual leave, I get no rest, one day in the week, some only every 14th or 15th day. Too much to do and too few workers, work over the weekend, frequent inventories, work over the holidays.
- Day off every week. Use of annual leave (when a colleague is on leave, we do not get our weekly day off, only every 14th or 15th day off). Work over the weekend, frequent inventories, robberies, too much work and too few workers. Work over the holidays, especially national holidays, because we go on working as if we were not part of this country.
- Days off, no meals allowance, annual leave of six days.
- Standing up during working hours. Weekend shifts.
- Everything: salary, we are blamed for shoplifting, no toilets.
- The fact that I am on a fixed-term contract and have no security. And frequent inventories.

## INTERACTIONS WITH CUSTOMERS

- The biggest problem is people's insolence, customers take all sorts of liberties.
- I do not have a problem with my supervisor, a decent person to work with. I sometimes have problems with customers, people like to take it out on workers in the private sector because they can be sanctioned and punished, but in most cases, we are not to blame and are not responsible for the problem.
- Working with difficult customers.
- Shop workers are in the most difficult position, but I would also say waiters. Very low salary, too many demands, too much work and on top of everything, you have to be nice and pleasant to the customers. A very thankless job.

## OVERSIGHT BY THE BOSSES AND FREQUENT INVENTORIES

- Frequent inventories.
- One of the problems is being constantly monitored by the bosses and constant pressure to do more than our supervisors.
- Concentration. Working with people, money. Understanding people. Maintaining cleanliness, checking sell-by dates, restocking, etc.
- Lack of communication.
- Not enough workers. When someone does not show up for

**OVERSIGHT BY  
THE BOSSES AND  
FREQUENT INVENTORIES**

work, we have to cover for them and this is not paid, inventory is done every little while.

- Sometimes one of the problems is constant surveillance by bosses and pressure to work more than we should.
- Very poor communication with supervisors.

**TOILET FACILITIES**

- Toilet. I cannot leave work even in an emergency. My salary is small
- Toilet, salary, holidays.

**BEING ON MY FEET**

- Being on my feet for too long.
- I eat standing up, I do not have a chair.
- Working on Sundays. Being on my feet at the workplace.
- Working at the counter. No breaks. Working hours.

**OTHER**

- My employer is really great. I feel sorry when I see and hear what happens in other shops and how exploited the workers are. They have no chairs, they pay for expired goods, they work overtime, and it is the union's fault for not doing anything about it.
- I do not have a problem. BiH is in a sorry situation and we all accept our lot, because we need to make a living and we have to accept the conditions.

PLEASE BRIEFLY DESCRIBE THE MOST DIFFICULT SITUATION YOU FACED IN RELATION TO YOUR JOB, WORKPLACE, EMPLOYER OR SUPERVISOR.

- *With all due respect, I did not respond to all the questions. I need this job and I care about keeping it. Although the questionnaire is anonymous, I am still scared.*
- *Insolent customers.*
- *There were many, but I would rather keep them to myself.*
- *Frequent thefts.*
- *Frequent thefts by unknown persons.*
- *When I was given the job and 15 days later told they did not need a worker. Being fired because of maternity leave.*
- *We face various difficult situations every day and the main reason is that we have no rights and we have no one to turn to, that is the worst. Disorganised system in the country! Thank you.*
- *Physical assault and robbery.*
- *Generally, nothing physically difficult, but people are psychologically exhausting.*
- *Annual leave.*
- *There were several, but most often it is interacting with customers who can be very insolent and rude. It is difficult that we have the rule that the customer is always right!*
- *I would have a lot to write about, so maybe it is better I keep it to myself or wait for another opportunity to say something.*
- *Honestly, there are more bad days than good. Being a shop worker these days is a very difficult occupation.*
- *When I have to come to work on the weekends.*
- *When they robbed the shop.*
- *When I have to work on Sundays and holidays.*
- *As I said, being let go when I was pregnant.*
- *Theft.*
- *Thefts. Paying for anything that gets broken.*
- *Customers are often rude.*
- *People coming in here are frustrated and we face difficult situations every day. It is not just a problem here, but in 90 per cent of shops. I think this is because people are dissatisfied and the country is disorganised.*
- *Customers treating us shop workers badly and being arrogant.*
- *Shortages at work. People stealing.*
- *Shortage of goods.*
- *I could write about this till the sun comes up, because something happens every day.*
- *Maybe it is not the most difficult situation, but it is really hard for me when we are short-staffed and I have to work 14 hours alone, in one day. Then there is the thefts, etc.*
- *Customers are sometimes disrespectful.*
- *At my job before this one, I had a boss who kept watching the CCTV non-stop. If a customer came in and did not buy anything, she would call me right away to ask why I did not sell them anything. Constant pressure and different forms of psychological harassment. At this job where I am now, they respect me, I am satisfied.*
- *Fortunately, we do not have such situations that would make us complain about our employer or our colleagues.*

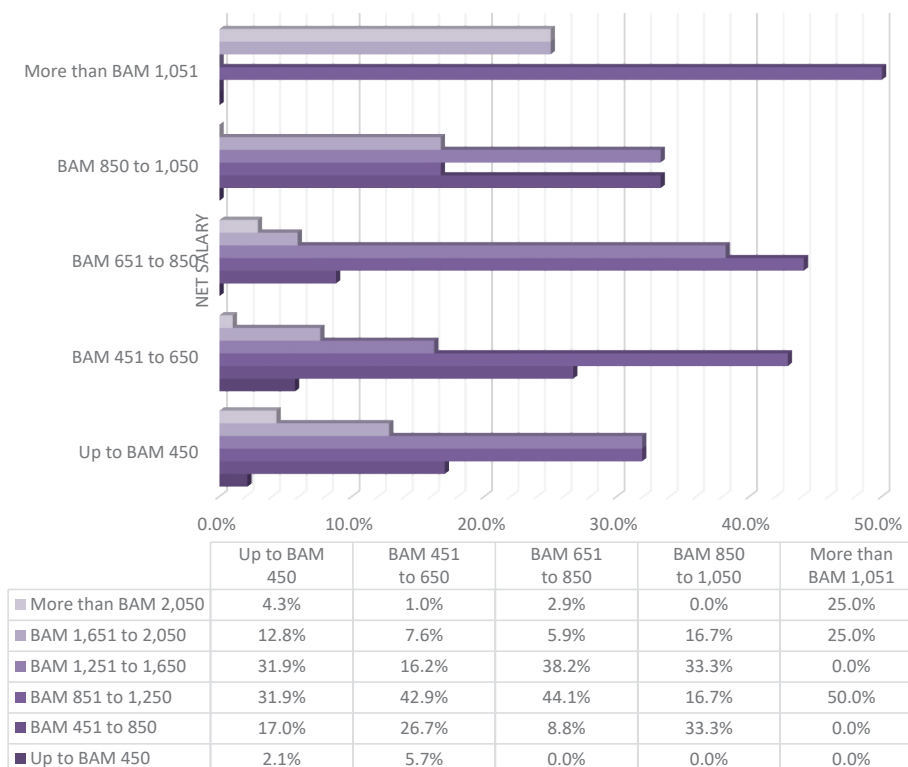
- *The most difficult situation for me was when my colleague got fired.*
- *The most difficult situation is working on Sundays.*
- *It is hardest when I am treated unfairly (and I often face such situations).*
- *The most difficult thing for me is working when you have a fever above 38 degrees. Work during the holidays (1 May, 1 March, 25 November, 2 January).*
- *I find it hardest when the manager demands that we pay for goods that were stolen, because it is not our fault that there is so few of us in the shop. And we had a case where some expired goods had to be paid for, because apparently there was no arrangement for returns, and more things like that.*
- *The worst are the working days before holidays when there is a lot of overtime work.*
- *Mostly rude customers.*
- *Feeling unsafe because of thefts!*
- *Impolite customers.*
- *Customers disrespecting shop workers.*
- *Difficulties related to servicing phones, mostly with customers.*
- *There were no difficult situations (at least not yet). Sometimes customers can be very difficult and rude; but as for my supervisor, I only have words of praise. And I might be one of the rare few with only praise for her employer. The salary is good and on time, the conditions are good, the employer is friendly and understanding.*
- *My health insurance was not paid and I had to go see a doctor.*
- *They did not let me have maternity leave.*
- *Going on sick leave is the biggest problem.*
- *Robberies.*
- *Attempted thefts.*
- *Sometimes problems with customers.*
- *Sometimes problems with customers and with the boss.*
- *Being humiliated and made to feel stupid. Everything is fine as long as you go along with whatever they say; but as soon as you want to leave work on time, all hell breaks loose.*
- *The job of a shop worker requires a lot of communicating with people. And these days, that is really hard work.*
- *My employer would not let me get anything to eat during working hours.*
- *Overtime work is not paid. My health insurance is not being paid (I have to pay for my health screening and medicines).*
- *Taking over for the boss. Too much responsibility.*
- *There were many of them.*
- *Just the lack of time for having a private life! Not being able to go anywhere for the weekend, because we never have two days off — only Sunday. The relationship between us workers and the owner is decent in all other respects.*
- *As for my employer, there were never any problems in these two years. I think I can single out that it is difficult for me when we work over the holidays, such as 1 March, 25 November, and especially that we work full working hours on Sundays like it was any other working day.*
- *Every time when I have to pay for damaged or stolen goods.*
- *Frequent thefts.*
- *In brief, there were all sorts of situations!*

# COMPARATIVE DATA ANALYSIS

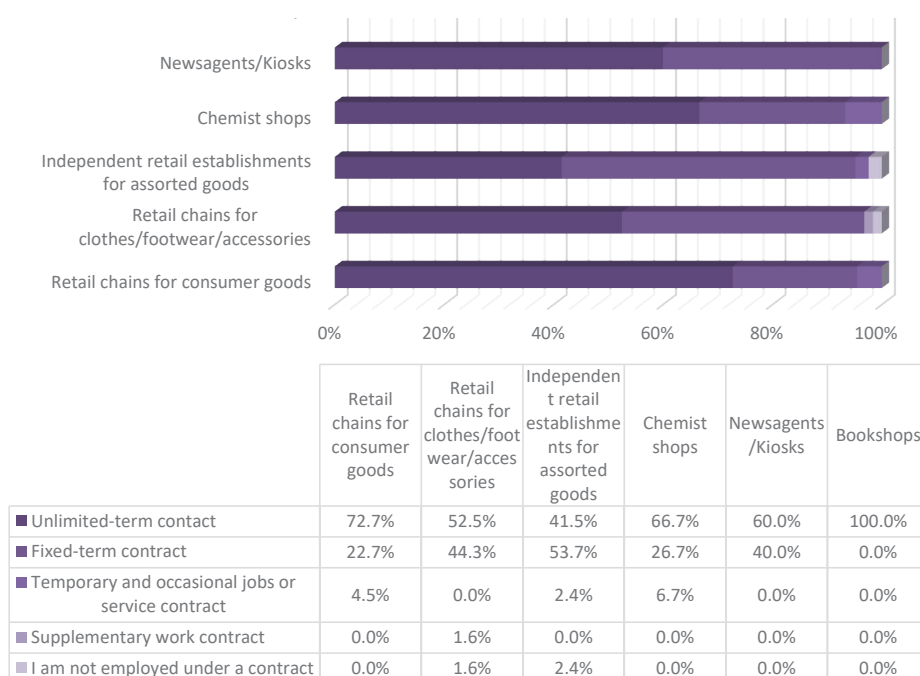
Of the total number of respondents who reported their monthly net salary and estimated their total household cost of living, it is significant that a greater percentage within each value group according to net salary had higher living costs than the amount of net salary received. For instance, almost a third of workers who reported a net salary of BAM 450 at the same time estimated their cost of living to be between BAM 851 and 1,250 (31.9 per cent) and between BAM 1,251 and 1,650 (31.9 per cent).

In addition to this, workers who reported a net salary between BAM 651 and 850 also reported living costs from BAM 851 to 1,250 (44.1 per cent) or from BAM 1,251 to 1,650 (38.2 per cent). It is clear from the above that the majority of workers had living costs that were at least double the net salary they received.

## NET SALARY - MONTHLY HOUSEHOLD COST OF LIVING



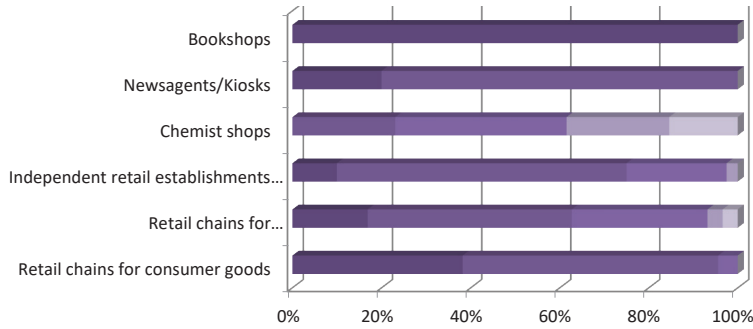
## TYPE OF RETAIL ESTABLISHMENT - EMPLOYMENT RELATION



Of the total number of respondents who provided answers about their employment status, the majority had unlimited- or fixed-term contracts, irrespective of the type of establishment where they worked. Thus, 72.7 per cent of workers in a retail chain for consumer goods were employed under an unlimited-term contract and 22.7 per cent under a fixed-term contract. The situation

was somewhat different in independent retail establishments for assorted goods where more than half of the respondents were employed under fixed-term contracts (53.7 per cent) and 41.5 per cent under unlimited-term contracts, with 2.4 per cent having contracts for occasional and temporary jobs/service contracts and the same percentage having no contract at all.

### TYPE OF RETAIL ESTABLISHMENT – NET SALARY

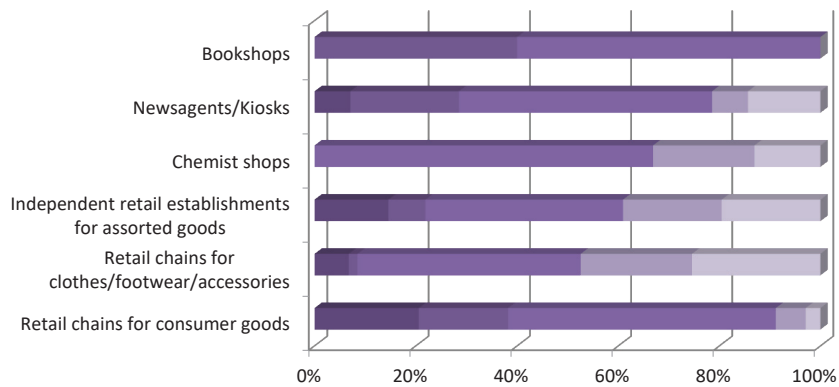


	Retail chains for consumer goods	Retail chains for clothes/footwear/accessories	Independent retail establishments for assorted goods	Chemist shops	Newsagents/Kiosks	Bookshops
■ Up to BAM 450	38.2%	16.9%	10.0%	0.0%	20.0%	100.0%
■ BAM 451 to 650	57.4%	45.8%	65.0%	23.1%	80.0%	0.0%
■ BAM 651 to 850	4.4%	30.5%	22.5%	38.5%	0.0%	0.0%
■ BAM 850 to 1050	0.0%	3.4%	2.5%	23.1%	0.0%	0.0%
■ More than BAM 1051	0.0%	3.4%	0.0%	15.4%	0.0%	0.0%

cent of workers in independent establishments selling assorted goods, and 45.8 per cent of those in retail chains selling clothes/footwear/accessories. Salaries were somewhat higher in chemist shops where 23.1 per cent of workers received a net salary from BAM 451 to 650 and the same percentage received a net salary from BAM 850 to 1,050, while 38.5 per cent were paid from BAM 651 to 850, and 15.4 per cent received a salary above BAM 1,051.

### TYPE OF RETAIL ESTABLISHMENT – OVERTIME WORK (MORE THAN 40 HOURS A WEEK)

Across the various types of establishments, the greatest percentage of respondents who reported working overtime described it as being sometimes or as needed. This percentage was 52.9 per cent in retail chains for consumer goods, 44.1 per cent in retail chains for clothes/footwear/accessories, 39 per cent in inde-

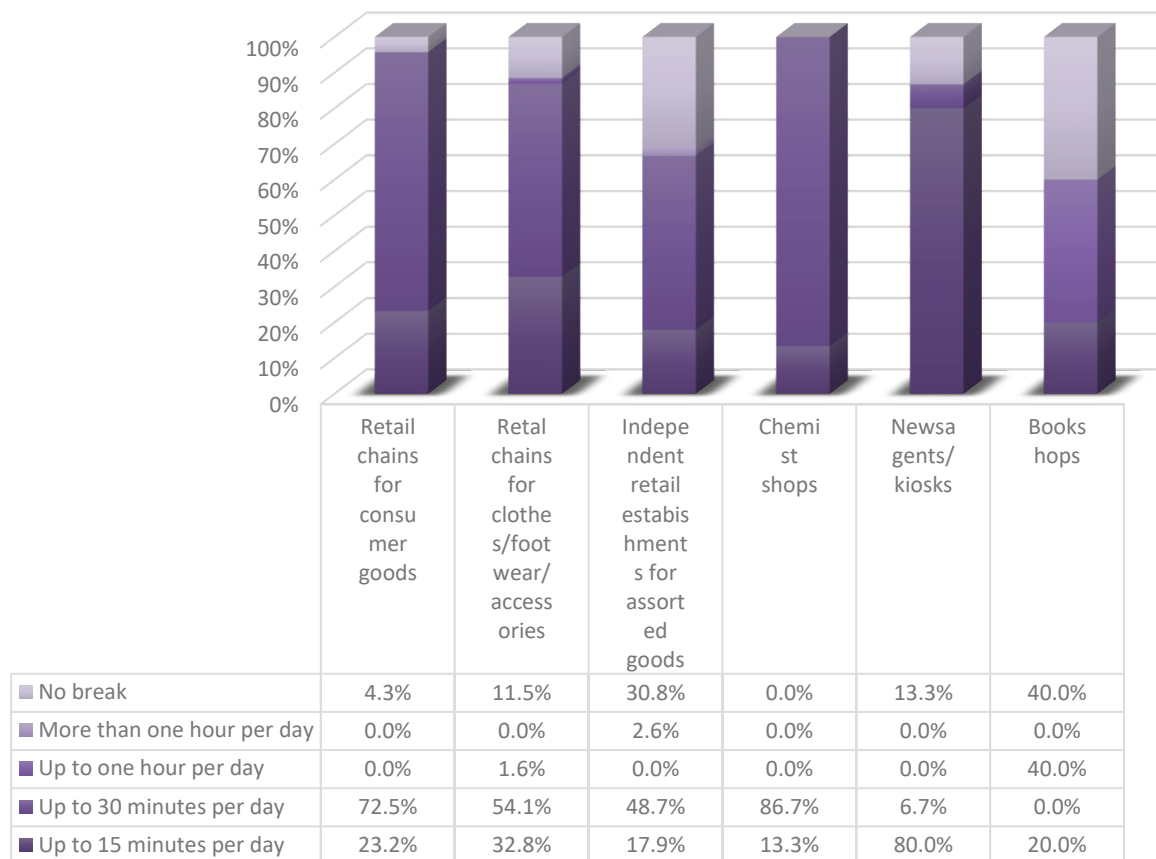


	Retail chains for consumer goods	Retail chains for clothes/footwear/accessories	Independent retail establishments for assorted goods	Chemist shops	Newsagents/Kiosks	Bookshops
■ Always	20.6%	6.8%	14.6%	0.0%	7.1%	0.0%
■ Yes, often	17.6%	1.7%	7.3%	0.0%	21.4%	40.0%
■ Yes, sometimes/as needed	52.9%	44.1%	39.0%	66.7%	50.0%	60.0%
■ Rarely	5.9%	22.0%	19.5%	20.0%	7.1%	0.0%
■ Never	2.9%	25.4%	19.5%	13.0%	14.3%	0.0%

In most establishments, irrespective of type, the respondents' net salaries ranged from BAM 451 to 650. Of the respondents employed in retail chains for consumer goods, 38.2 per cent received a net salary up to BAM 450, as did 16.9 per cent of the respondents employed in retail chains for clothes/footwear/accessories, 20 per cent of those working in newsagents/kiosks, and all the respondents employed in bookshops. At the same time, a net salary from BAM 451 to 650 was received by 80 per cent of newsagent/kiosk workers, 57.4 per cent of workers in retail chains for consumer goods, 65 per cent of workers in independent establishments selling assorted goods, and 45.8 per cent of those in retail chains selling clothes/footwear/accessories.

pendent establishments selling assorted goods, 66.7 per cent in chemist shops, 50 per cent in newsagents/kiosks, and 60 per cent in bookshops.

### TYPE OF RETAIL ESTABLISHMENT - USE OF BREAK DURING WORKING HOURS



The majority of respondents employed at retail chains for consumer goods (72.5 per cent) had a daily 30-minute break, while 23.2 per cent had a daily break of 15 minutes and a smaller percentage (4.3 per cent) had no break. Compared to them, a slightly higher percentage of respondents working in retail chains for clothes/footwear/accessories had a 15-minute break (32.8 per cent) or no break (11.5 per cent), while 54.1 per cent had a 30-minute break every day. The situation with breaks was somewhat better in chemist shops where 86.7 per cent of respondents had a break up to 30 minutes every day, while 13.3 per cent had a 15-minute break. When it came to breaks during working hours, the worst off were workers in independent establishments selling assorted goods where 30.8 per cent did not have a break, 17.9 per cent had a 15-minute break, and 48.7 per cent had a break that lasted up to 30 minutes. Respondents working in newsagents/kiosks mostly had a 15-minute break (80 per cent), while 13.3 per cent did not have a break, and 6.7 per cent had a break that lasted up to 30 minutes.

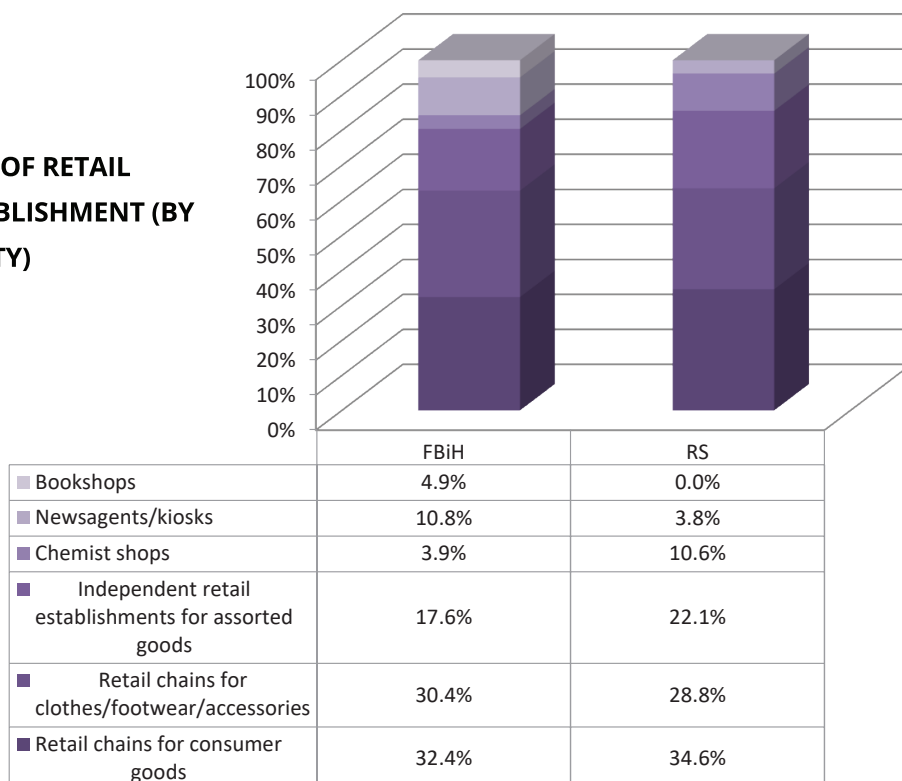


**TYPE OF RETAIL ESTABLISHMENT – USE OF CHAIR, AIR CONDITIONING, TOILET AND HEATING**



The majority of respondents working in retail chains for consumer goods (64.2 per cent) did not use a chair and were not provided with one by their employers, and the same was true for half of the respondents working in retail chains selling clothes/footwear/accessories. In the majority of establishments, irrespective of type, respondents had access to and used heating and air conditioning. When it came to access to and use of toilets, by far the worst off were respondents working in newsagents/kiosks where 92.9 per cent of them did not have access to a toilet.

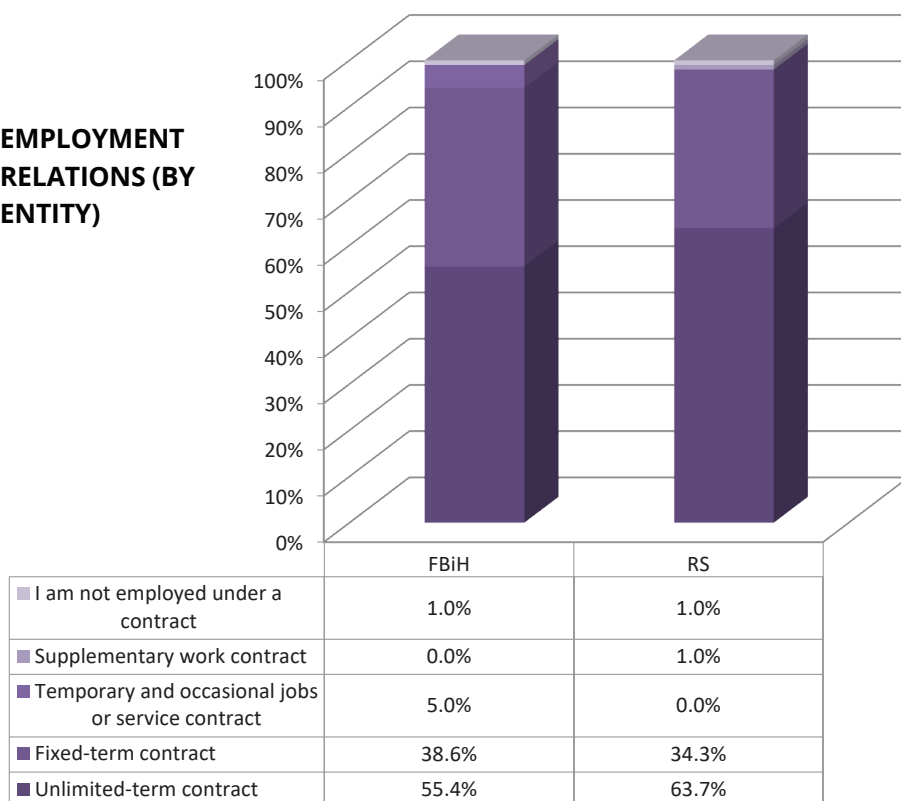
**TYPE OF RETAIL ESTABLISHMENT (BY ENTITY)**



A third of the respondents from the Federation of BiH (32.4 per cent) were employed in retail chains for consumer goods and 30.4 per cent in retail chains for clothes/footwear/accessories. Independent establishments selling assorted goods employed 17.6 per cent of the respondents, while 10.8 per cent worked in newsagents/kiosks,

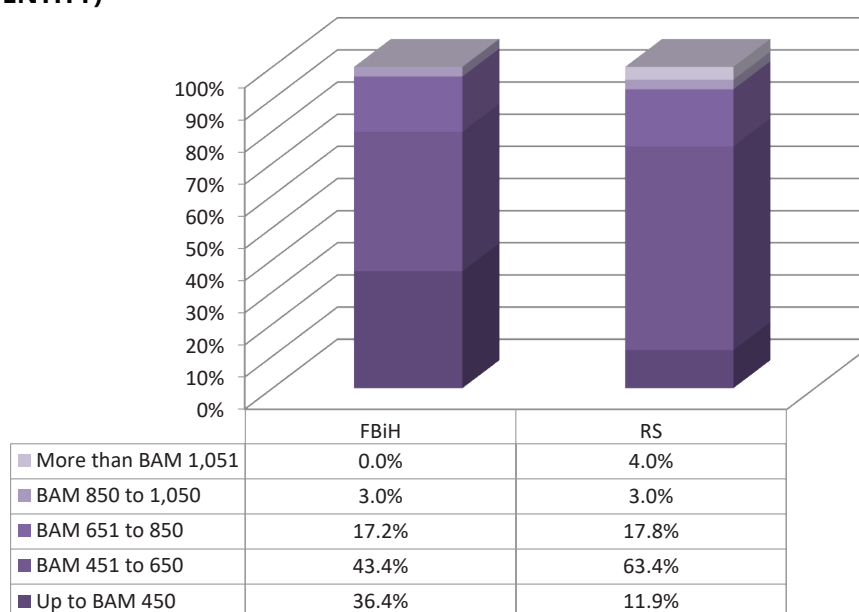
4.9 per cent in bookshops, and 3.9 per cent in chemist shops. In Republika Srpska, 34.6 per cent of the respondents were employed in retail chains for consumer goods and 28.8 per cent in retail chains for clothes/footwear/accessories. Independent establishments selling assorted goods employed 22.1 per cent of the respondents, while 10.6 per cent worked in chemist shops and 3.8 per cent in newsagents/kiosks.

### EMPLOYMENT RELATIONS (BY ENTITY)



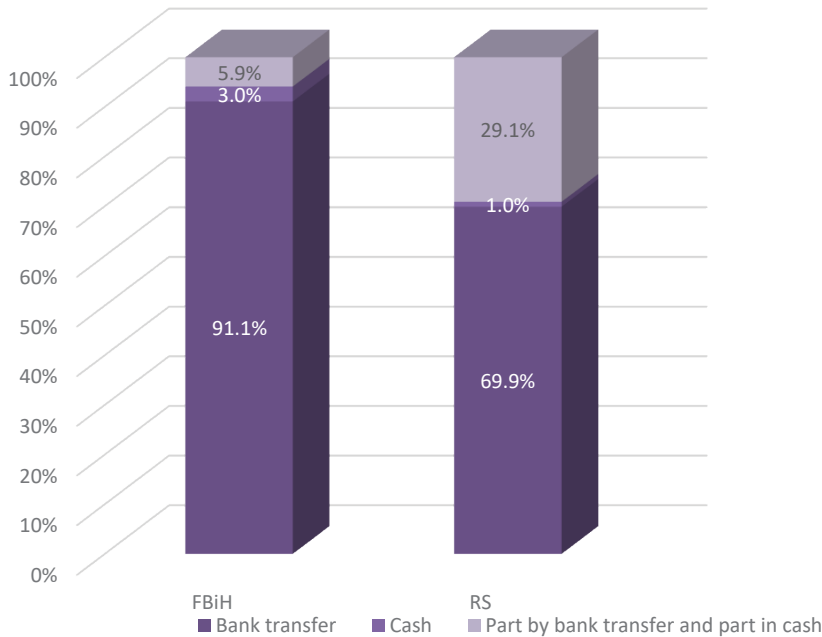
The majority of the respondents from both the Federation of BiH and RS were employed under unlimited-term contracts (55.4 per cent in FBiH and 63.7 per cent in RS), while 38.6 per cent of respondents in FBiH and 34.3 per cent in RS had fixed-term contracts. Smaller percentages were employed under other types of contract.

### NET SALARY (BY ENTITY)



The majority of respondents in both entities received a net salary from BAM 451 to 650 (43.4 per cent in FBiH and 63.4 per cent in RS); but a greater percentage of respondents from FBiH received a net salary up to BAM 450 (36.4 per cent in FBiH compared to 11.9 per cent in RS). Similar percentages of respondents from both entities received a net salary from BAM 651 to 850 (17.2 per cent in FBiH and 17.8 per cent in RS).

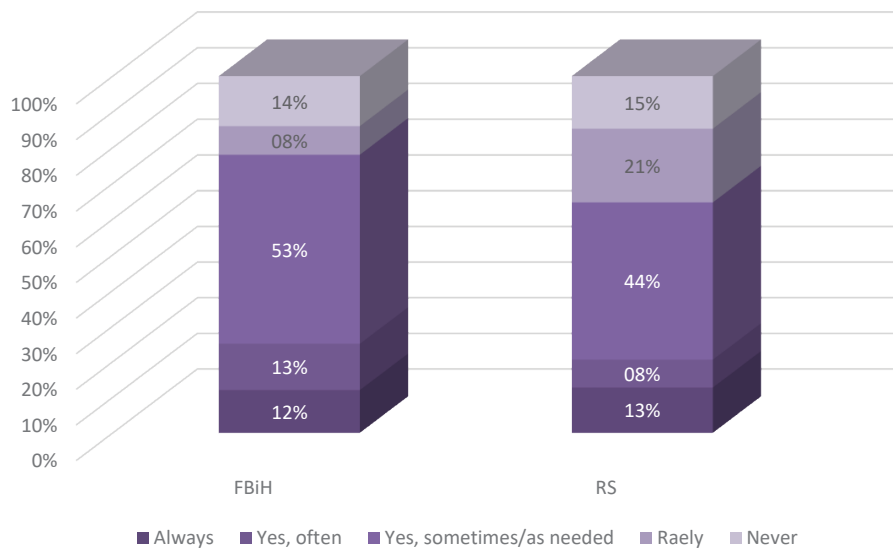
The majority of respondents from both entities received their salaries by bank transfer, but the percentage is significantly higher in FBiH (91.1 per cent) compared to RS (69.9 per cent).



### HOW DO YOU RECEIVE YOUR SALARY FROM YOUR EMPLOYER? (BY ENTITY)

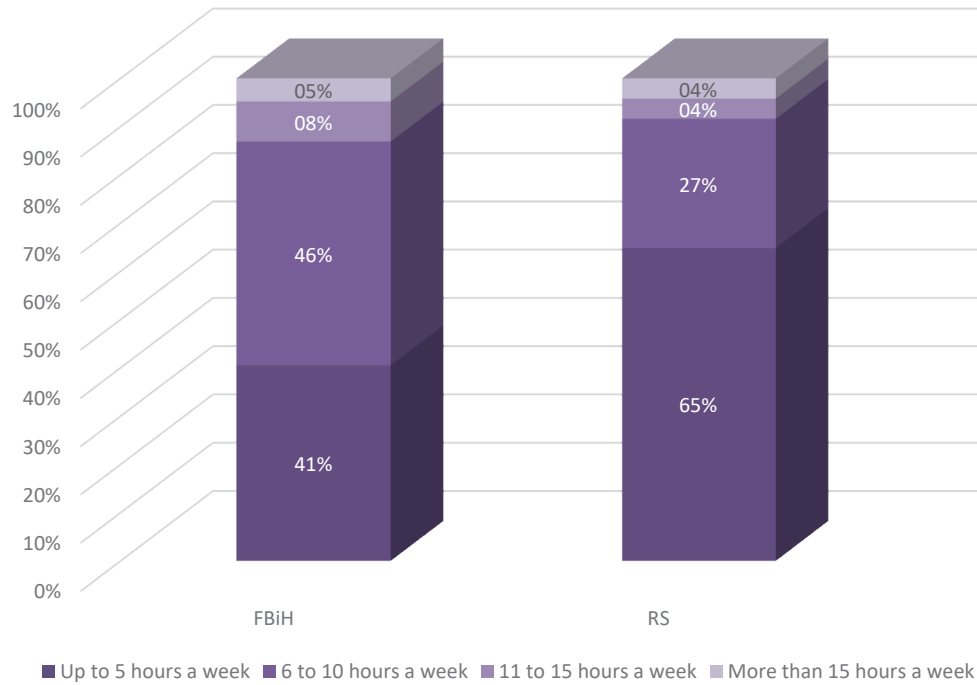
A more significant percentage of respondents in Republika Srpska received part of their salary through their bank accounts and part in cash (29.1 per cent), compared to 5.9 per cent in the Federation of BiH. In FBiH, three per cent of respondents received their salary in cash, compared to one per cent in RS.

### OVERTIME WORK (BY ENTITY)

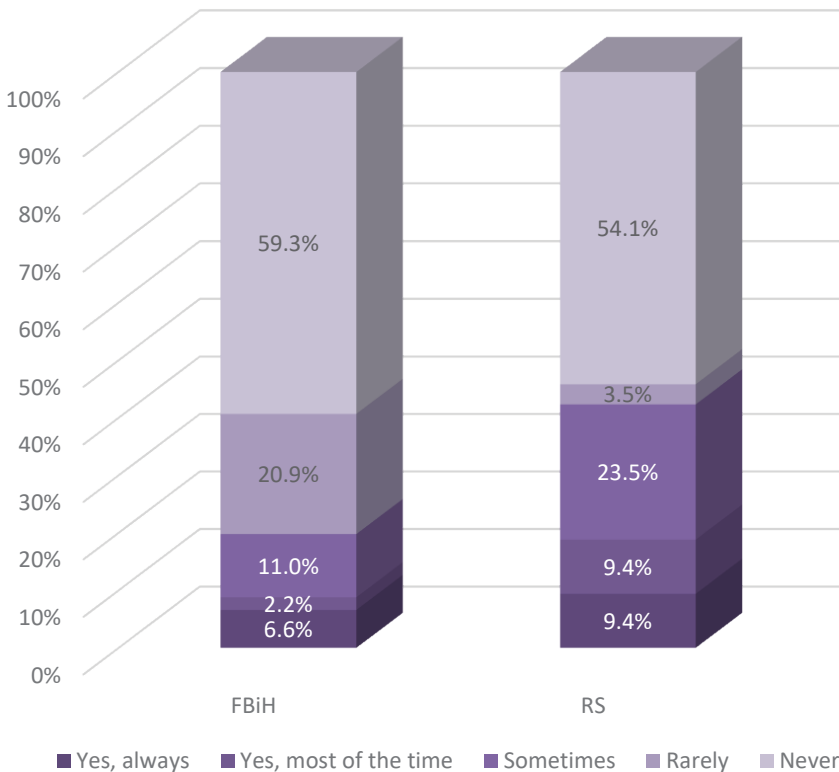


The majority of respondents in both entities worked overtime (more than 40 hours a week) sometimes/as needed (53 per cent in FBiH and 44.1 per cent in RS). Almost the same percentage of respondents in both entities regularly worked overtime (12 per cent in FBiH and 12.7 per cent RS). The percentages were also similar when it came to respondents who never worked overtime (14 per cent in FBiH and 14.7 per cent in RS), while 20.6 per cent of respondents in RS and eight per cent in FBiH rarely worked overtime.

**HOW MANY OVERTIME HOURS DO YOU WORK? (BY ENTITY)**



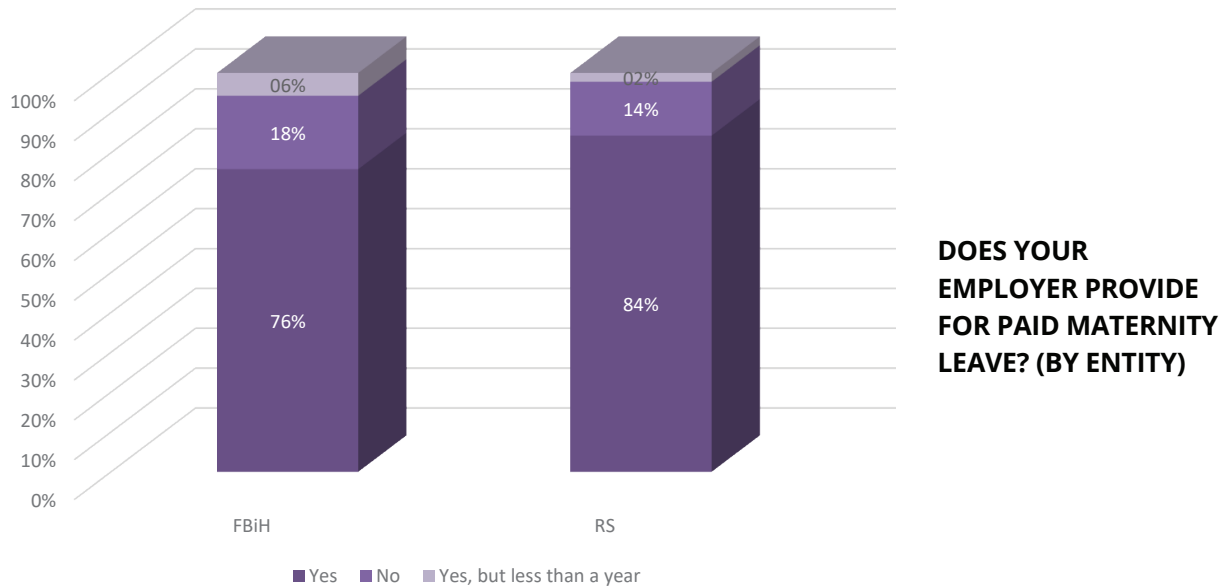
When it came to the amount of overtime work, a greater percentage of respondents in Republika Srpska than in the Federation of BiH worked up to five overtime hours a week (64.8 per cent in RS compared to 40.5 per cent in FBiH). However, a greater percentage of respondents in FBiH than in RS worked six to 10 overtime hours a week (46.4 per cent in FBiH compared to 26.8 per cent in RS). A smaller percentage of respondents in both entities had more than 10 hours of overtime work a week (8.3 per cent in FBiH and 4.2 per cent in RS had 11 to 15 hours of overtime work a week, and 4.8 per cent in FBiH and 4.2 per cent in RS had more than 15 hours of overtime work a week).



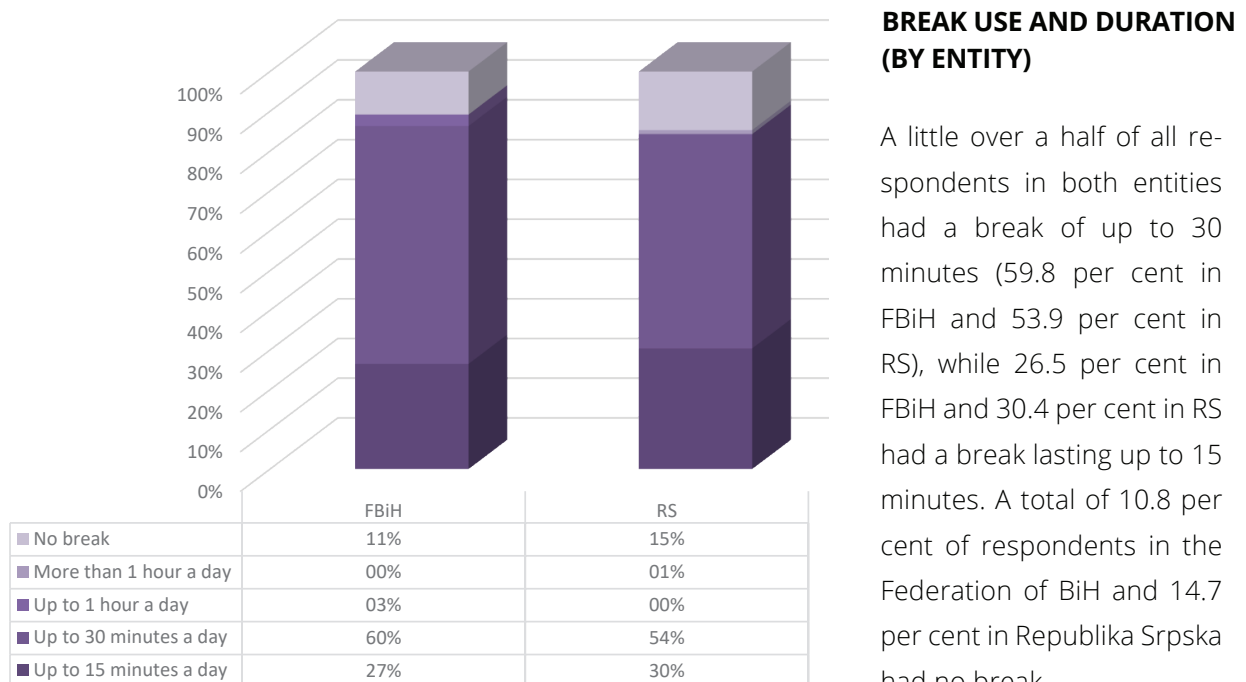
**IF YOU WORK MORE THAN 40 HOURS A WEEK, ON WEEKENDS AND HOLIDAYS, DO YOU RECEIVE ADDITIONAL REMUNERATION FOR THIS WORK? (BY ENTITY)**

The majority of respondents in both entities reported receiving no extra pay for overtime work, weekend work and work during holidays (59.3 per cent in FBiH and 54.1 per cent in RS). At the same time, a greater percentage of respondents in FBiH than in RS reported rarely receiving extra pay for overtime work (20.9 per cent in FBiH compared to 3.5 per cent in RS). Conversely, a greater percentage of respondents in RS than in FBiH reported sometimes receiving extra

pay for overtime work (23.5 per cent in RS compared to 11 per cent in FBiH). Extra pay for overtime work, weekend work and work during holidays was always provided to 9.4 per cent of respondents in RS and 6.6 per cent in FBiH, and most of the time for 9.4 per cent of respondents in RS and 2.2 per cent in FBiH.



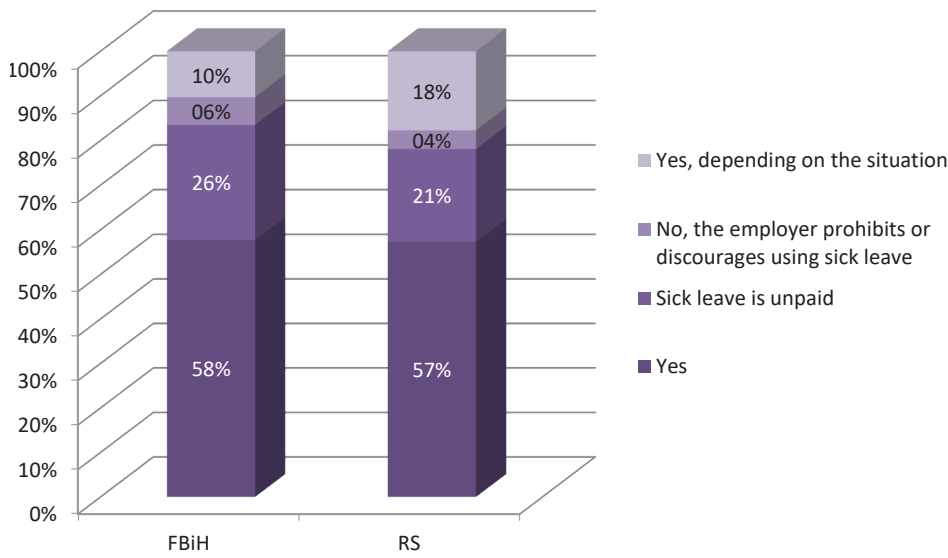
The majority of respondents in both entities stated that their employers provided for paid maternity leave (75.9 per cent in FBiH and 84.3 per cent in RS). For 18.4 per cent of respondents in FBiH and 13.5 per cent in RS, employers did not provide for paid maternity leave, while paid maternity leave of less than one year was provided for 5.7 per cent of respondents in FBiH and 2.2 per cent in RS.



**BREAK USE AND DURATION (BY ENTITY)**

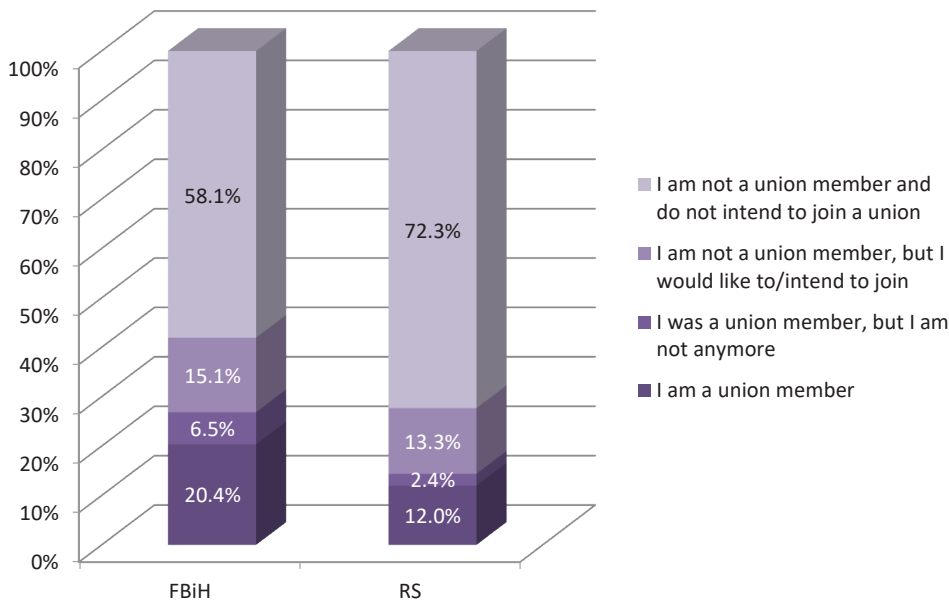
A little over a half of all respondents in both entities had a break of up to 30 minutes (59.8 per cent in FBiH and 53.9 per cent in RS), while 26.5 per cent in FBiH and 30.4 per cent in RS had a break lasting up to 15 minutes. A total of 10.8 per cent of respondents in the Federation of BiH and 14.7 per cent in Republika Srpska had no break.

### USE OF PAID SICK LEAVE (BY ENTITY)



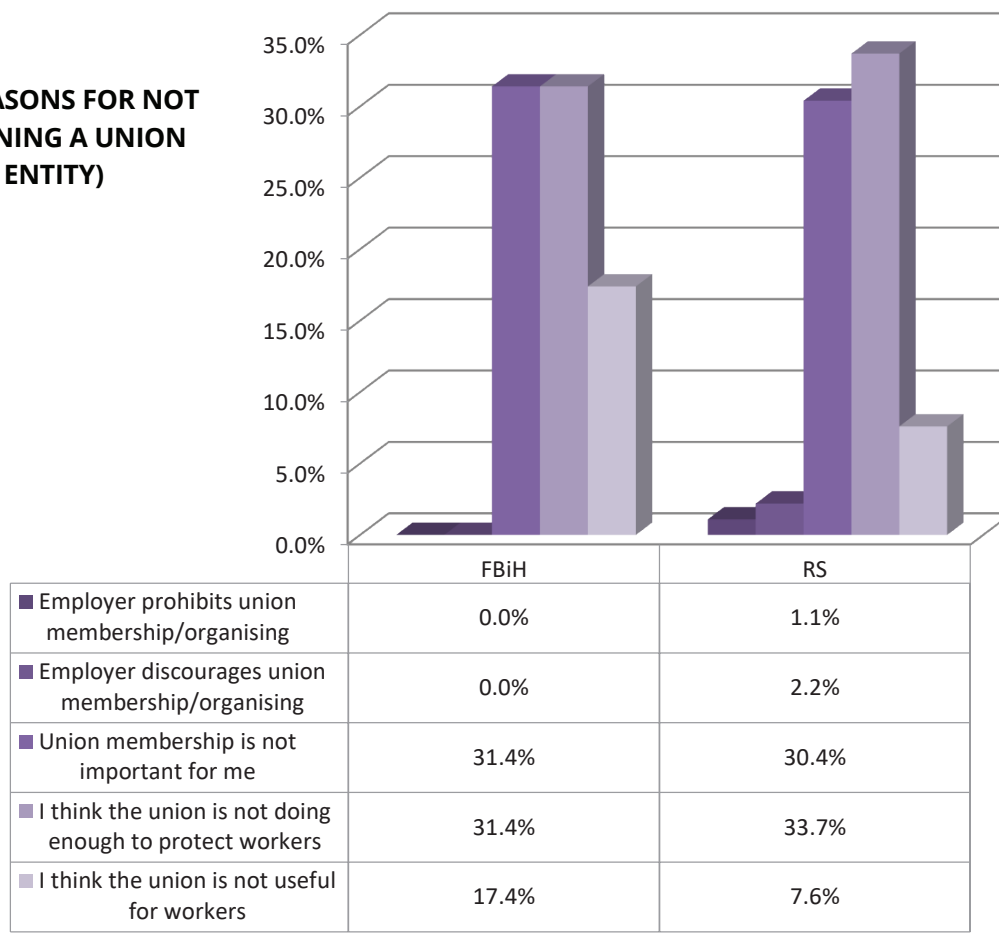
A little over a half of all respondents in both entities had the possibility of paid sick leave (57.7 per cent in FBiH and 57.3 per cent in RS), while for 25.8 per cent of respondents in FBiH and 20.8 per cent in RS sick leave was unpaid. For smaller percentages of respondents in both entities (6.2 per cent in FBiH and 4.2 per cent in RS), employers prohibited or discouraged using sick leave. Depending on the situation, 10.3 per cent of respondents in FBiH and 17.7 per cent in RS had the possibility to use paid sick leave.

### UNION MEMBERSHIP (BY ENTITY)



The majority of respondents in both entities had not and did not intend to join a union (58.1 per cent in FBiH and 72.3 per cent in RS), while 15.1 per cent of respondents in FBiH and 13.3 per cent in RS were not union members but would like to/intended to join a union. Of the respondents in FBiH, 20.4 per cent were union members, compared to 12 per cent in RS, while 6.5 per cent of respondents in FBiH and 2.4 per cent in RS were former union members.

**REASONS FOR NOT JOINING A UNION (BY ENTITY)**



Of the respondents in both entities who reported that they were not union members and provided answers as to why they were not union members, the greatest percentage stated that union membership was not important for them (31.4 per cent in FBiH and 30.4 per cent in RS), or that they did not think unions were doing enough to protect workers (31.4 per cent in FBiH and 33.7 per cent in RS). In the Federation of BiH, 17.4 per cent of respondents believed that unions were not useful for workers, and 7.6 per cent of respondents in Republika Srpska agreed. Also, a small percentage of respondents in RS reported that their employer prohibited union membership/organising (1.1 per cent) or discouraged union membership/organising (2.2 per cent).

# ANALYSIS OF RESEARCH FINDINGS

## LABOUR LAW: EMPLOYMENT CONTRACT

### Legal Framework in RS vs. Research Findings

The Labour Law provides for the following contracts:

- Trial work (up to three months with a possible extension for another three months).
- Fixed-term employment contract (up to 24 months; and longer in special cases if it concerns replacing a worker who is on sick leave until they return or working on a project for up to 60 months; or to meet conditions for retirement for up to five years at most).
- Unlimited-term employment contract.
- Employment contract for part-time work.

Work outside employment relations provisions is specifically regulated by contracts for temporary and occasional jobs (jobs that last no longer than 90 days in the calendar year), service contracts and supplementary work contracts.

According to our research findings, the majority of the respondents in RS were employed under unlimited-term contracts (63.7 per cent), while 34.3 per cent had fixed-term contracts. Smaller percentages were employed under other types of contract.

This is a good indicator if we take into account the fact that the RS Labour Law gives preferential treatment to unlimited-term contracts.

### Legal Framework in FBiH vs. Research Findings

The law provides for the following types of contracts:

- Trial employment (up to six months).
- Fixed-term employment contract (for no more than three years).
- Unlimited-term employment contract.

These contracts may be for full-time or part-time working hours, where full-time is 40 hours a week.

Regulations also provide for contracts for temporary and occasional jobs.

Our research findings show that the majority of respondents in FBiH were employed



under unlimited-term contracts (55.4 per cent), while 38.6 per cent had fixed-term contracts. Five per cent of respondents had other types of contract, while one per cent had no contract at all.

Compliance with the FBiH labour law is evidently widespread, as is the fact that unlimited-term contracts are the preferred mode of employment. The worrisome trend of almost 40 per cent of respondents having fixed-term contracts brings into question the effectiveness of regulatory controls that limit this employment relationship to three years.

## LABOUR LAW: OVERTIME WORK

### Legal Framework in RS vs. Research Findings

According to the RS Labour Law, full working time is 40 hours a week, while overtime work may not exceed four hours a day or 10 hours a week. Workers are entitled to additional remuneration for overtime work.

According to our research findings, the majority of respondents from RS worked overtime (working for more than 40 hours a week) sometimes/as needed (44.1 per cent), while 12.7 per cent did so regularly.

When it comes to the amount of overtime work, 64.8 per cent of respondents in RS worked overtime for up to five hours a week, while 26.8 per cent worked overtime from six to 10 hours a week.

The majority of respondents in RS reported that they never received any additional remuneration for overtime work, weekend work and work during holidays (54.1 per cent). At the same time, 23.5 per cent of respondents in RS reported sometimes receiving additional remuneration for overtime work. Additional remuneration for overtime work, weekend work and work during holidays was always provided to 9.4 per cent of respondents in Republika Srpska.

Unfortunately, non-compliance with provisions on the 40-hour work week and non-remuneration of overtime work are the most frequent infringements of legal regulations in RS.

### Legal Framework in FBiH vs. Research Findings

The 40-hour work week may be extended only in extraordinary circumstances and only for a maximum of eight hours a week. According to the FBiH Labour Law, overtime work requires additional remuneration and the collective agreement stipulates that it must be at least 25 per cent of the hourly wage.

Our research findings indicate that overtime work was widespread (occurring occasionally for 53 per cent, regularly for 12 per cent, and frequently for 13 per cent of respondents). The amount of overtime work for respondents in FBiH varied, but the largest group had from six to 10 hours a week (46.4 per cent), followed by those with up to five hours a week (40.5 per cent), while 8.3 per cent had from 11 to 15 hours of overtime work a week. Another 4.8 per cent of respondents reported having more than 15 hours of overtime work a week.

The majority of respondents reported receiving no additional remuneration for overtime work, weekend work and work during holidays (59.3 per cent never, 20.9 per cent rarely, 11 per cent occasionally). Only 8.8 per cent of respondents reported sometimes or always receiving additional remuneration for overtime work, which was significantly less than in RS. Particularly concerning is work during holidays, which according to the collective agreement should be additionally remunerated at a rate of at least 40 per cent of the net hourly wage.

## LABOUR LAW: WORK DURING HOLIDAYS

### **Legal Framework in RS vs. Research Findings**

As a rule, holidays are non-working days; but municipal and city mayors may determine which enterprises are obliged to continue working and in what scope in order to meet citizens' needs. Workers have the right to paid leave of up to two days for religious purposes or religious holidays.

According to our research findings, one of the respondents' biggest problems was work during holidays and on Sundays.

### **Legal Framework in FBiH vs. Research Findings**

Non-working holidays in FBiH are 1 March, 25 November, 1 and 2 January, and 1 and 2 May. In addition to these, employees have the right to four days off (two paid and two unpaid) for religious/traditional purposes.

Only 19.4 per cent of respondents in both entities reported that they did not work during holidays, while the majority did so sometimes (34.3 per cent), often (20.9 per cent) or always (17.4 per cent) and eight per cent rarely.

## LABOUR LAW: PAID MATERNITY LEAVE

### **Legal Framework in RS vs. Research Findings**

In line with the RS Labour Law, women have the right to one uninterrupted year of maternity leave during pregnancy, childbirth and care for the newborn, and 18 months of uninterrupted leave in the case of twins and for the third and every subsequent child. A woman on maternity leave has the right to salary compensation in the amount of her average salary over the 12 months preceding maternity leave.

The majority of respondents in RS stated that their employers provided for paid maternity leave (84.3 per cent). For 13.5 per cent of respondents in RS, employers did not provide for paid maternity leave, while paid maternity leave of less than one year was provided for 2.2 per cent of respondents.

It is a good indicator that for the majority of respondents, maternity leave was compensated in line with the Labour Law. What is concerning is the percentage of respondents who reported that their employer did not provide for paid maternity leave, which is a direct violation of the Labour Law.

### **Legal Framework in FBiH vs. Research Findings**

As a rule, paid maternity leave lasts for one year and may not be less than 42 consecutive days following childbirth. Salary compensation is required but left to be regulated by other legal acts. In contrast to RS, a single fund for maternity benefits has not been established at the level of the Federation of BiH.

The majority of employers in FBiH comply with this legal provision (75.9 per cent), while 18.4 per cent of employers were reported to be in violation of the right to maternity leave. Also, 5.7 per cent of respondent workers stated that their maternity leave was less than one year. It is unknown whether they provided the legally required consent for shortening their leave and whether they were put under pressure. Due to the broader focus of our research, we were unable to investigate all these possibilities. It is interesting to note that the available reports of inspection authorities do not record violations of this right which, when compared to our survey findings, indicates a lack of controls and inadequate inspection oversight.

## LABOUR LAW: SICK LEAVE

### Legal Framework in RS vs. Research Findings

The RS Labour Law stipulates that workers have the right to sick leave (temporary incapacitation for work with doctor's confirmation) with salary compensation.

A little over a half of all respondents in RS had the possibility of paid sick leave (57.3 per cent), while for 20.8 per cent sick leave was unpaid. For a smaller percentage of respondents (4.2 per cent), employers prohibited or discouraged the use of sick leave. Depending on the situation, 17.7 per cent of respondents in RS had the possibility to use paid sick leave.

There was a significant percentage of respondents who were prevented or prohibited from using sick leave even though this is one of their basic rights under the Labour Law.

### Legal Framework in FBiH vs. Research Findings

Sick leave is a protected right under the FBiH Labour Law and entails paid leave.

A total of 57.7 per cent of the respondents reported having paid sick leave, while 25.8 per cent reported unpaid sick leave and 10.3 per cent stated that they had the possibility of sick leave only occasionally or depending on the situation. As many as 6.2 per cent of respondents claimed that they were not allowed paid sick leave.

This means that over 40 per cent of responding workers were victims of labour rights violations, which again was not identified as a problem in reports by official inspections.

## LABOUR LAW: MANDATORY REST (BREAK)

### Legal Framework in RS vs. Research Findings

According to the RS Labour Law, workers working full-time or at least six hours a day have the right to a 30-minute rest period during working hours which may not be scheduled in the first two or the last two hours of the working day. Workers working for more than four but less than six hours have the right to a 15-minute break. Workers working longer than the full working day, and for at least 10 hours a day, have the right to an additional 15-minute break. Daily rest of 12 hours between two consecutive working days is mandatory.

A little over a half of all respondents in RS had a break that was up to 30 minutes (53.9 per cent), while 30.4 per cent had a break that lasted up to 15 minutes. Another 14.7 per cent of respondents from RS did not have a break.

According to our research findings, there were clear violations of the RS Labour Law with respect to rest periods during working hours, given that there was a larger percentage of respondents who stated that they either had no break or only a 15-minute break.

### **Legal Framework in FBiH vs. Research Findings**

There is a mandatory rest period of at least 30 minutes for workers who work more than six hours a day, with an additional 30 minutes to be granted once a week at the worker's request. In FBiH, breaks are not included in working hours, which is somewhat absurd and encourages workers to refrain from using their right to a break.

This fact is borne out by our research findings, in which 10.8 per cent of workers did not use a break, 26.5 per cent used a break of less than 15 minutes a day, while 59.8 per cent took a break of up to 30 minutes a day.

## **LABOUR LAW: PROTECTION AT WORK**

### **Legal Framework in RS vs. Research Findings**

To conform with the law, the employer must provide workers with equipment and tools for work, as well as for their personal protection.

According to our research findings, at establishments where such provisions were necessary, the respondents mostly reported having access to protective equipment for work (gloves, masks, caps, etc.). However, when it came to equipment and facilities, in the majority of retail chains for consumer goods and retail chains for clothes/footwear/accessories, workers did not have chairs, and in newsagents/kiosks they did not have access to toilets.

### **Legal Framework in FBiH vs. Research Findings**

Protection at work is regulated by a law assumed from SR BiH that is outdated and contains penalties set in Yugoslav dinars. Inspection authorities cite this as a big problem when it comes to imposing penalties, because penalties under this outdated law are contrary to the current FBiH law on offences. A modern law on protection at work that

includes workers in retail commerce is urgently needed.

Use of technical equipment and facilities (toilets, air conditioning, heating, chairs) is limited, especially for workers in kiosks where the current rulebook mandating a toilet within a 100-meter radius around the kiosk is not being respected. Responding workers also reported that they rarely used chairs in shops, even when they had them, due to their employers' policies.

## LABOUR LAW: WEEKEND WORK (MANDATORY WEEKLY REST)

### Legal Framework in RS vs. Research Findings

According to the RS Labour Law, weekly rest of 24 uninterrupted hours is mandatory and usually used on Sundays.

Our research findings revealed that a larger number of respondents worked on weekends, so it was questionable to what extent the provisions of the RS Labour Law on mandatory weekly rest were being complied with in practice.

### Legal Framework in FBiH vs. Research Findings

The legal framework in FBiH also provides for mandatory weekly rest of 24 hours that may be compensated by another day off within the subsequent two weeks, but only in extraordinary circumstances.

Despite this, a large number of workers did not have weekly rest days or they worked on Sundays every other week without there being any extraordinary circumstances as required by law, and without additional remuneration.

Our research findings, when compared to the legal frameworks of RS and FBiH, provide clear indications that even after labour legislation reforms, the rights of female shop workers in the retail commerce sector are still being violated and that increased inspection oversight and control of retail establishments is needed. Given that, in most cases, employment is governed by unlimited or fixed-term contracts and that violations of provisions on paid overtime work, a mandatory rest period during working hours, annual leave, and paid sick leave are more frequent, inspection oversight should focus more on the implementation of these provisions.

Although the legal framework in both entities provides for organising and joining unions to protect workers' interests, the majority of respondents working in RS were not and did not intend to become union members (58.1 per cent in FBiH and 72.3 per cent in RS), while 13.3 per cent of respondents in RS and 15.1 per cent in FBiH were not union members but would like to/plan to join a union. Of the total number of respondents,

only 12 per cent in RS and 20.4 per cent in FBiH were union members, while 2.4 per cent in RS and 6.5 per cent in FBiH were former union members. Of the respondents who reported that they were not union members and provided answers as to why they were not, the greatest percentage stated that union membership was not important for them (30.4 per cent in RS and 31.4 per cent in FBiH), or that they did not think unions were doing enough to protect workers (33.7 per cent in RS and 31.4 per cent in FBiH). In Republika Srpska, 7.6 per cent of respondents stated that unions were not useful for workers, and 17.4 per cent of respondents in the Federation of BiH agreed. Also, a small percentage of respondents in RS reported that their employer prohibited union membership/organising (1.1 per cent) or discouraged union membership/organising (2.2 per cent), while no practices of this sort were observed in FBiH. These research findings are alarming for union organisations because they indicate a high degree of distrust of workers when it comes to union activities.



# STAKEHOLDER MAPPING AND ROLES ANALYSIS

The stakeholders in the context of this research study are interested parties or actors in the labour market – more precisely, all institutions, organisations, companies, entrepreneurs, citizens, employees, the media, political parties and other interest groups that in any way affect or participate in the labour market in Bosnia and Herzegovina. Below, we specifically focus on stakeholders involved in the retail commerce sector in both entities of Bosnia and Herzegovina.

## STAKEHOLDER ANALYSIS

Varvasovszky and Brugha define stakeholder analysis as “an approach, a tool or set of tools for generating knowledge about actors – individuals and organizations – so as to understand their behaviour, intentions, interrelations and interests; and for assessing the influence and resources they bring to bear on decision-making or implementation processes”.<sup>38</sup>

### Stakeholders in the Federation of BiH

Stakeholders		Characteristics				
		Connection to the problem	Interest in the problem	Influence/ power	Position/attitude	Impact of the problem on the actor
Executive government	FBiH government – Ministry of Labour and Social Policy	The FMLSP is a public administration body in the Federation of Bosnia and Herzegovina. The ministry performs administrative, professional and other tasks defined by law within the competences of the federation in social policy, labour, and pension and disability insurance. The ministry has a unit for the implementation of socio-economic support, training and re-employment projects.	Medium high	High	Partially supportive	Medium high
	SC government – Ministry for Labour, Social Policy, Displaced Persons, and Refugees	The Ministry for Labour, Social Policy, Displaced Persons, and Refugees performs administrative and professional tasks defined by the constitution, laws and regulations relevant to the exercise of the canton’s competences in matters concerning labour, social policy, displaced persons, and refugees.	Medium high	Medium	Partially supportive	Medium high

38 Varvasovszky Z. and Brugha R. (2000). “How To Do (or Not To Do) a Stakeholder Analysis.” *Health Policy and Planning*, 15(3), p. 338-345.



<b>Executive government</b>	ZDC government – Ministry for Labour, Social Policy, and Refugees	The Ministry for Labour, Social Policy, and Refugees performs administrative and professional tasks defined by law within the competences of the canton in matters of social policy, labour, protection and return of displaced persons, as well as tasks related to the first and second instance procedure under laws and regulations on the implementation of the laws that fall within the competences of the ministry. It drafts laws and other regulations within the competences of the ministry.	Medium high	Medium	Partially supportive	Medium high
<b>Inspection Authorities</b>	FBiH Administration for Inspection Affairs	According to the FBiH Labour Law, the FBiH labour inspector is responsible for direct inspection oversight of companies, enterprises and institutions of interest for FBiH.	Low	Low	Supportive	Low
	Sarajevo Canton Administration for Inspection Affairs	The Inspectorate for Labour, Protection at Work, and Social Security: performs direct inspection oversight in matters of labour and employment; undertakes administrative and other measures related to oversight; prepares analyses, reports and information on inspections; and measures, establishes and maintains the required records.	Medium high	High (implementation)	Supportive	Medium high
	Zenica-Doboj Canton Administration for Inspection Affairs	The cantonal Administration for Inspection Affairs is responsible for inspection oversight, <i>i.e.</i> administrative oversight, professional and other tasks from within the competences of the canton in matters related to: energy, mining, trade, catering, tourism, agriculture, forestry, water management, veterinary medicine, employment, protection at work, healthcare, sanitary oversight, pharmaceutical oversight, roads and road transport, construction, and environmental protection. It also performs other tasks defined by law.	Medium high	High (implementation)	Supportive	Medium high
<b>Unions</b>	PPDIVUT <sup>39</sup>	The PPDIVUT Union is an organisation of workers in agriculture, the food and tobacco industry, water management, catering, tourism, and trade. This union is a voluntary interest-based organisation through which its members engage in joint activities to achieve and advance their interests and protect their labour and employment rights.	Medium high	Small	Supportive	High
	CTUBiH	The Commercial Trade and Services Union (CTUBiH) represents and advocates for workers in the most dynamic and most progressive sector. Accordingly it defines its programme objectives, and plans and implements its activities. CTUBiH is the representative union in FBiH and the signatory of the collective agreement in its industry. CTUBiH is also represented at the level of companies in both BiH entities.	High	Medium to High	Supportive	High

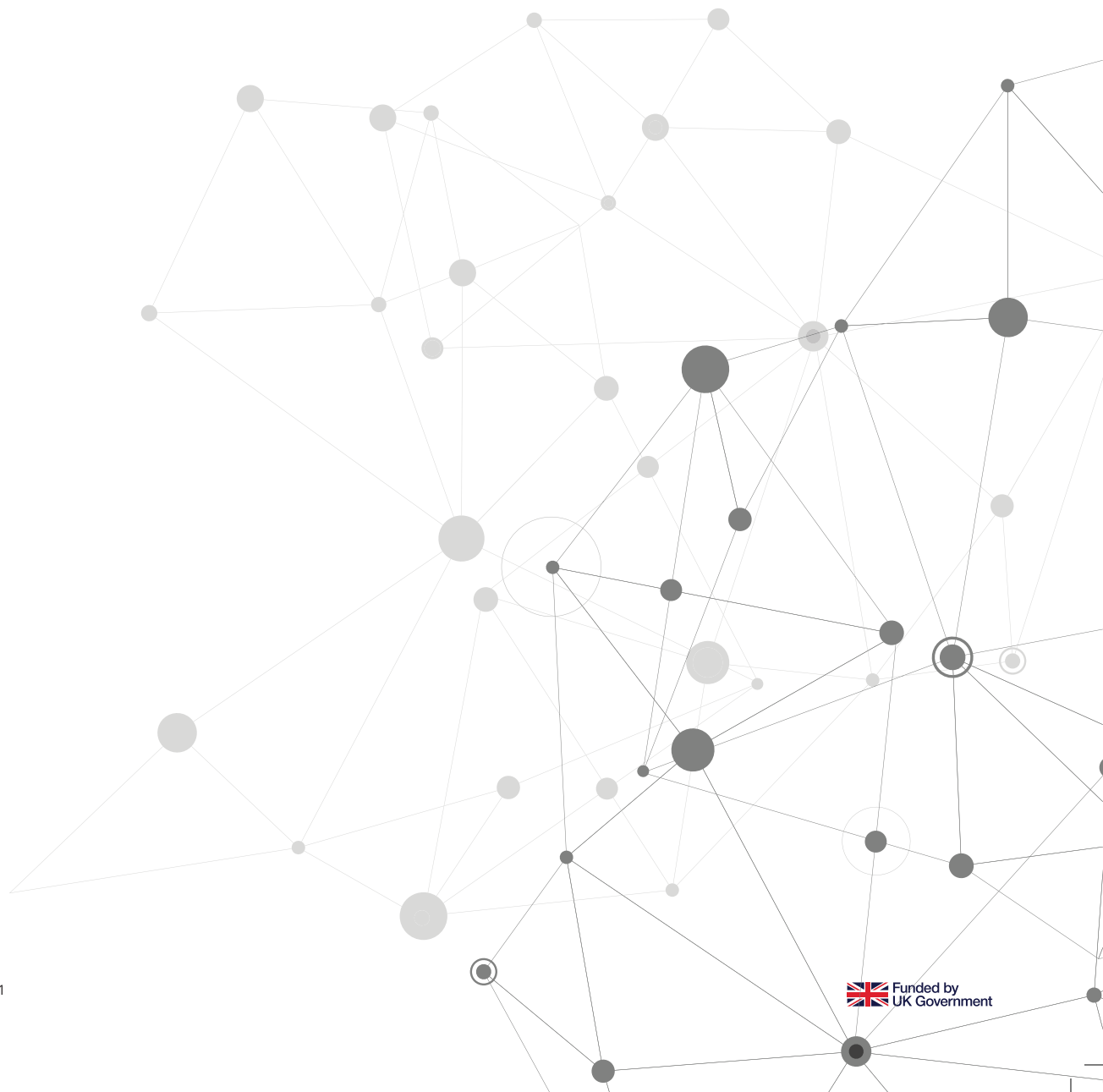
39 Independent Trade Union of Employees in Agriculture, Food and Tobacco, Water Management, Catering, Tourism and Trade of Bosnia and Herzegovina

<b>Employers' Association</b>	FBiH Employers' Association – Group of Employers in Trade	EAFBiH protects and advocates for the rights and interests of its members, working to create conditions for a better business environment. Through its activities, EAFBiH promotes the positions and opinions of employers and is the only recognised representative of employers in social dialogue at the level of FBiH. The group conducts collective bargaining, represents its members in the Economic Social Council, represents the interests of members and supports joint positions, cooperates with FBiH institutions, participates in the drafting of legislation on trade, etc.	High	Medium to High	Partially supportive	High
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### Stakeholders in Republika Srpska

Stakeholders	Characteristics				
	Connection to the problem	Interest in the problem	Influence/ Power	Position/ Attitude	Impact on Actor
<b>RS Trade, Tourism and Services Union (STUD RS)</b>	Represents the interests of workers in this branch through membership in the RS Confederation of Trade Unions, the Forum of Trade Unions of Southeast Europe, and the World Organisation of Workers. It participates in negotiating the branch collective agreement.	High	Medium high	Supportive	High
<b>RS Administration for Inspection Affairs – Labour Inspectorate</b>	Performs inspection oversight to assess compliance with regulations on recruitment, labour and employment, health and safety at work, etc.	High	Medium	Supportive	Medium high
<b>Ministry of Labour and Protection of War Veterans and Disabled Veterans</b>	Proposes legislation on labour, safety and protection at work, employment, etc.	High	High	Partially supportive	High
<b>RS Ministry of Trade and Tourism</b>	Proposes legislation regulating trade.	Medium	Low	Neutral	Low

<p><b>RS Union of Employers' Associations</b></p>	<p>A voluntary organisation bringing together employers from the private and public sector with the aim of representing their interests, providing relevant services, and establishing and improving business connections. It participates in tripartite dialogue and the negotiation of the General Collective Agreement with the Confederation of Trade Unions of Republika Srpska .</p>	<p>High</p>	<p>High</p>	<p>Partially opposed</p>	<p>High</p>
<p><b>RS Association of Employers in Trade, Tourism ,and Catering</b></p>	<p>Represents employers (and their interests) in the trade, tourism, and catering sectors, especially in negotiations with branch trade unions on branch collective agreements, determining wage policies, etc.</p>	<p>High</p>	<p>High</p>	<p>Partially opposed</p>	<p>Medium high</p>
<p><b>Agency for Peaceful Settlement of Labour Disputes</b></p>	<p>A public institution established by Republika Srpska for the purpose of the peaceful settlement of labour disputes as an alternative dispute-settlement mechanism involving third parties and including peaceful settlement and arbitration.</p>	<p>Medium</p>	<p>Low</p>	<p>Impartial</p>	<p>Low</p>



# INSTITUTIONS FOR PROTECTING WORKERS' RIGHTS

## FEDERATION OF BOSNIA AND HERZEGOVINA

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### CANTONAL ADMINISTRATIONS FOR INSPECTION AFFAIRS

Cantonal administrations for inspection affairs conduct overall inspection oversight with respect to compliance with current regulations related to the implementation of the FBiH Labour Law in the retail commerce sector. Given that the FBiH Labour Law (Article 160) stipulates that the FBiH Administration for Inspection Affairs only conducts inspections in companies, organisations, and institutions of interest to the Federation of BiH, oversight over compliance with provisions on labour rights is left to cantonal administrations for inspection.

In the territory of the Federation of BiH, research was conducted in the Sarajevo canton and the Zenica-Doboj canton, whose inspection administrations (SC AIA and ZDC AIA) conduct labour inspections.

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### CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS – ZENICA-DOBOJ CANTON

The *2018 Annual Report of ZDC AIA* was not published on its website (<https://www.zdk.ba/ostali-organi/item/3008>), which is part of the ZDC government and assembly website. The ZDC AIA report was also not published among the materials prepared for the sessions of the assembly, which are available for three of the seven sessions held this year. Due to complex procedures for accessing information and a lack of transparency in the work of ZDC authorities, it is currently not possible to assess the work of ZDC AIA.

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### CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS – SARAJEVO CANTON

The *2018 Annual Report of SC AIA* is not available in the reports section on the administration's website (<https://kuip.ks.gov.ba/uprava/izvjestaj>). The most recent available report is for 2016, which indicates a problem when it comes to the transparency of this inspection authority. However, the report is available on the website of the Sarajevo canton assembly as part of materials prepared for its sessions.<sup>39</sup>

In terms of the legislation applicable in the retail commerce sector, the labour inspection

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<sup>39</sup> 2018 Annual Report on the Work of SC AIA; available on the Sarajevo canton assembly website: [http://skupstina.ks.gov.ba/sites/skupstina.ks.gov.ba/files/izvjestaj\\_o\\_radu\\_za\\_2018\\_kuip.pdf](http://skupstina.ks.gov.ba/sites/skupstina.ks.gov.ba/files/izvjestaj_o_radu_za_2018_kuip.pdf), accessed on 30 April 2019.

office performs oversight over the implementation of the following laws:

- Labour Law (Official Gazette of FBiH, 26/16)
- Law on Workers' Council (Official Gazette of FBiH, 38/04)
- Law on Strikes (Official Gazette of FBiH, 14/00)
- Branch Collective Agreement
- Rulebook on the content and manner of keeping records on workers and other persons hired for work (Official Gazette of FBiH, 92/16).

Within the reporting period, labour inspectors conducted 3,298 inspections of both legal and natural persons in the capacity of employers, of which 1,765 were regular inspections, 1,162 were targetted, and 371 were controlled. Based on these, they issued 85 orders, 52 warnings, 1,040 fines in the total amount of BAM 636,768 and four requests to initiate offence proceedings. In the reporting period, 450 persons were found to be working without an employment contract or registration for insurance.

### **2018 Sarajevo Canton AIA Report**

In the report, inspectors identified undeclared work as the primary problem and therefore the main focus of their work. Another big problem identified by inspection authorities was overtime work and work during weekends and national holidays, "particularly at shopping centres" (*SC AIA Report, 2018: 58*). Inspectors observed a deterioration of the position of workers as a result of the economic crisis and large labour force supply, and particularly noted overtime work, disallowing leave in the duration stipulated by law, and paying minimum wages.

"Based on information gathered both from citizens and particularly from persons employed in manufacturing and retail commerce that workers were working in excess of working hours (40 hours per week) and that overtime work was not paid, *i.e.* that it was introduced contrary to the Labour Law, inspections were conducted and measures undertaken, resulting in significantly improved compliance with the law (*SC AIA Report, 2018: 58*). The report also notes that inspections were conducted during holidays, which enabled workers to receive additional remuneration; but it is unclear which sectors were most susceptible to this problem and how many inspections were conducted for this purpose. It is also of concern that the focus is almost exclusively placed on controlling undeclared work as a practice that is most detrimental to the budget, while other areas are visibly neglected, despite being harmful for workers. It is important to note that in the past period, the Labour Inspectorate was working at diminished capacity (without almost half of the required inspectors), which resulted in a smaller number of inspections conducted, even though inspections were done both during weekends, holidays, and night shifts.

Being understaffed (only 10 labour inspectors in the Sarajevo canton), receiving few reports from citizens and workers whose rights are violated, and the general climate of approval or tolerance for breaking the law definitely contribute to the diminished

efficiency of inspection authorities. Therefore, one of the recommendations coming from this research study is to increase the number of labour inspectors and implement campaigns on reporting employers who violate labour related laws and regulations.

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#### PPDIVUT UNION

The PPDIVUT Union is an organisation of workers in agriculture, the food and tobacco industry, water management, catering, tourism, and trade. The PPDIVUT Union is a voluntary interest-based organisation through which its members engage in joint activities to achieve and advance their interests and protect their labour and employment rights. The PPDIVUT Union is a member of the Confederation of Independent Trade Unions of BiH.

PPDIVUT's activities mostly consist of meeting with existing union branches and employers, without any form of advocacy for workers' rights or public information about workers' rights and violations of those rights. A review of materials available on the union's official website (<http://www.ppdivut.ba>) did not reveal if it participates in negotiations with employers or any active engagement to achieve the union's objectives.

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#### CTUBIH UNION

The Commercial Trade and Services Union (CTUBiH) represents and advocates for workers in the retail commerce and services sector in the territory of the Federation of BiH and to a lesser extent in the territory of Republika Srpska. CTUBiH has a little over 12,000 members, of which 72 per cent are women and 28 per cent are under 30 years of age. CTUBiH is the representative union in FBiH and the signatory of the Branch Collective Agreement. The union is also active at the level of companies in FBiH and RS. The union is exceptionally active in pursuing its objectives and successfully cooperates with representatives of the FBiH Employers' Association on drafting legal solutions to lessen the burden on employers and at the same time improve the income and working conditions for workers in the retail commerce sector. The CTUBiH website (<http://www.stbih.ba>) features numerous campaigns, information, brochures, and videos that the union uses to promote its long-term and short-term objectives. One such example is the campaign "Free for the Holidays!" with a series of activities that promote the right of workers to time off and advocate the passage of a new law on holidays, given that such a law does not exist at the level of the FBiH (the law from SR BiH is used) or at the state level.

Almost concurrently with the "Free for the Holidays!" campaign, the Confederation of Trade Unions of Republika Srpska is running a campaign that calls on workers to report employers who plan to or are already forcing their workers to work during holidays. Although there is no official coordination between these two campaigns, it is interesting that they are both running at almost the same time and with the same objectives – to provide workers with days off during holidays as regulated by each entity's Labour Law. Coordination and joint action by branch trade unions from both entities would certainly

be a significant step forward in protecting workers' rights, seeing as many companies in the retail commerce sector do business in both entities.

## REPUBLIKA SRPSKA

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### RS ADMINISTRATION FOR INSPECTION AFFAIRS – LABOUR INSPECTION

The RS Labour Inspectorate is an oversight authority that performs inspection control over the implementation of and compliance with regulations on recruitment, labour and employment, and health and safety at work. In that sense, the RS Labour Inspectorate performs inspections of compliance with regulations on concluding and implementing employment contracts, calculating and paying salaries and remuneration, working hours, leave, termination of employment, conditions for the work of trade unions and workers' councils, organising protection at work, and implementing protection at work measures. The Labour Inspectorate conducts regular and extraordinary inspections and responds to reports and requests for protection of rights filed by workers. A worker may seek protection of his/her rights through the labour inspector within one month of finding out about a violation and at the latest within three months of the date of the violation (Article 202 of the RS Labour Law). According to the *2018 Annual Report of the RS Administration for Inspection Affairs* (p. 79), with only 31 labour inspectors, the Labour Inspectorate performed 5,627 controls, found irregularities in 1,812 cases and issued administrative measures, penalty warrants and reports. Penalty warrants were issued in 541 cases (amounting to total fines of BAM 1,050,150) and 54 cases were reported for further procedure. The report even states that workers refrain from cooperating with inspectors during controls for fear of being fired and that the most frequent violations of the RS Labour Law concern working hours (overtime work) and remuneration for work. Given the limited capacities of the Labour Inspectorate (small number of inspectors to cover a large number of establishments subject to control) and the slow rate of enforcing penalty warrants and acting on reports of violations (due to the large backlog of cases at the courts), the ultimate impact of the inspectorate's activities is questionable when it comes to improving the implementation of RS Labour Law provisions.

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### AGENCY FOR PEACEFUL SETTLEMENT OF LABOUR DISPUTES

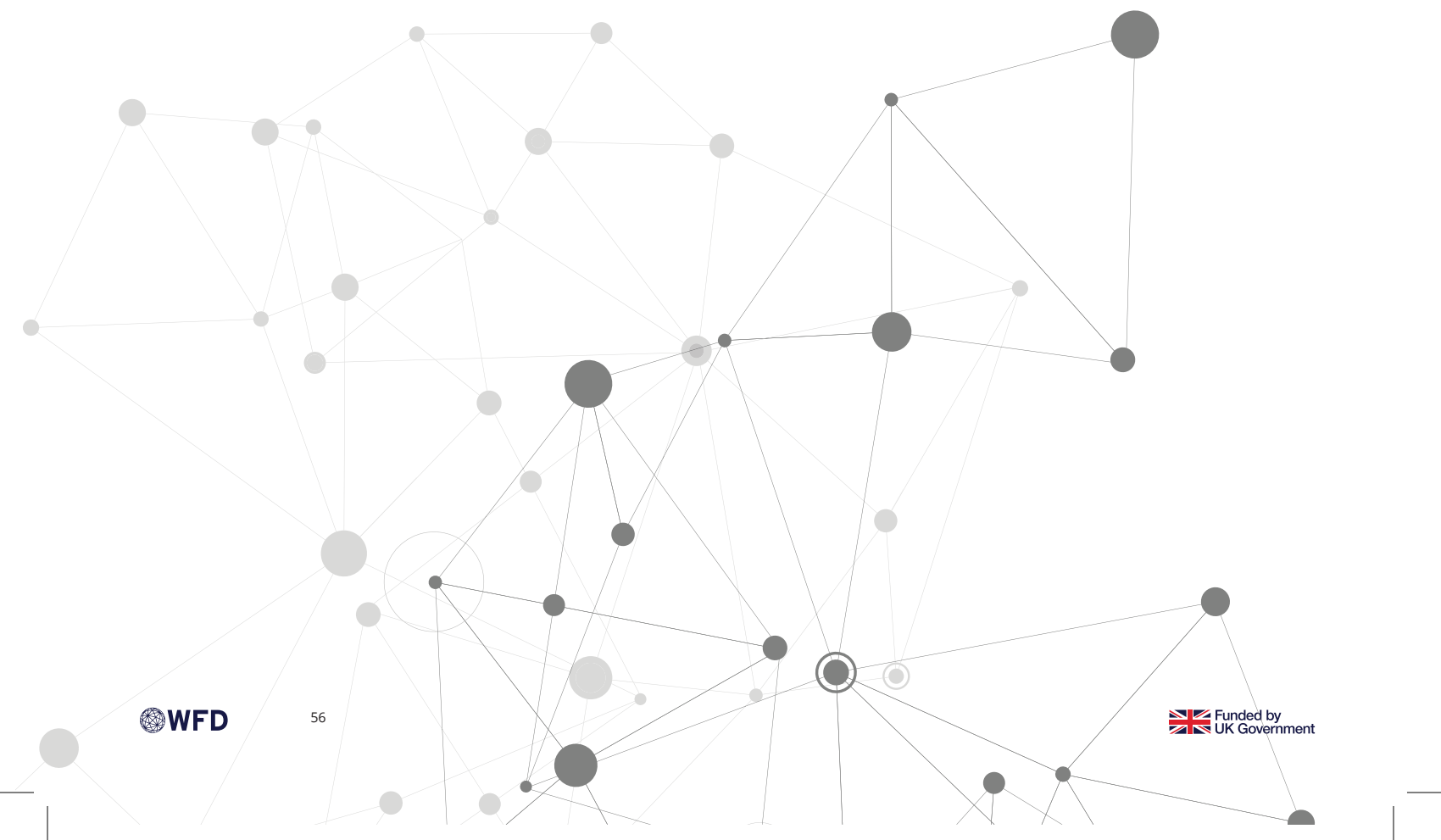
The Agency for Peaceful Settlement of Labour Disputes was established for the purpose of reducing the number of labour disputes in the court system. The agency concerns itself with settling labour disputes (individual and collective) and with alternative dispute settlements between workers and employers, or participants in collective bargaining, that involve third parties – conciliators and arbitrators. According to its website, to date

the agency has helped settle more than 1,300 labour disputes, but data is not available on their type or the outcomes for workers (available upon request under freedom of access to information).

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#### TRADE, TOURISM, AND SERVICES UNION OF REPUBLIKA SRPSKA

The Trade, Tourism, and Services Union of RS (STUD RS) advocates for the interests of workers in the trade, tourism, and services sector. STUD RS actively provides support to the Labour Inspectorate, especially when it comes to undeclared work in retail establishments. STUD RS has also launched an initiative to ban (or restrict and additionally compensate) work on Sundays in the trade, tourism, and services sector. The union has branches for various retail chains, such as Bingo, Mercator, etc. According to its president, Goran Savanović, STUD RS has little or no cooperation with the FBiH Commercial Trade Union and the PPDIVUT Union.





# CONCLUSIONS AND RECOMMENDATIONS

There is an evident discrepancy between legal regulations on labour and protection at work and the situation in the field reflected by the research conducted for this study. Overtime work is a prominent problem, being the most widespread violation of rights reported by responding workers. In addition to overtime work, work during holidays and no weekly day off are problems in both entities. There is also a disturbing trend of not allowing breaks during the day, especially for workers in bookshops, as well as violations of rulebooks regulating technical equipment and facilities in the workplace, specifically the provision that requires toilet facilities within a 100meter radius of a kiosk/newsagent. Employers almost routinely violate the rights of female workers in both entities and both cantons where research was conducted, which leads us to the conclusion that the penalties provided in the current laws are inadequate and that inspection authorities do not conduct sufficiently frequent or thorough oversight of employers in the retail commerce sector. An additional problem is posed by decisions on appeals by legal persons against inspection penalties that frequently overturn them or reduce the original fines. Our examination of reports of inspection authorities did not enable us to determine whether there were any plans to repeat inspections of subjects previously found to have committed violations, which limits the possibility of imposing higher penalties in line with the Labour Laws.

## **Recommendations:**

- *Increase the number of labour inspectors and run campaigns on reporting employers that violate labour laws and regulations.*
- *Provide inspectors with broader authorisations and enable them to impose “on-site” penalties for violations they find, and at the latest within 24 hours of registering the violation.*
- *Provide greater transparency of inspection authorities when it comes to creating strategic documents and making them publicly available, as well as public access to annual reports of labour inspections.*
- *Increase the focus on protecting the rights of workers during inspection oversight, instead of only focusing on those aspects of violations that harm budgets.*

Female workers seem to be insufficiently informed about their labour rights and the possibilities for complaining about or reporting violations to the competent inspectorate or union organisation. This is another serious issue which should be urgently addressed. Unfortunately, reliable data on how informed female workers are about their rights is unavailable, so one of the recommendations of this study is to determine the situation in the field with respect to this matter.

**Recommendations:**

- *Conduct follow-up research on the extent to which female workers in the retail commerce sector are informed about their rights.*
- *Using the findings of the proposed research and in cooperation with unions, create a public campaign to inform female workers in the retail commerce sector about their labour rights.*

As reported above, there is a lack of cooperation among unions. The two unions in FBiH have a running rivalry and cooperation is also absent between entity unions.

**Recommendations:**

- *Intensify activities and the engagement of unions to inform workers of their rights and protect their rights through union organisations and also through public campaigns.*
- *Initiate inter-entity cooperation among unions in the retail commerce sector.*

In contrast to Republika Srpska, in the Federation of BiH there is no permanent body to mediate in labour disputes, although such a body (the Peaceful Settlement Council) is foreseen by the FBiH Labour Law.

**Recommendations:**

- *Establish a Peaceful Settlement Council in FBiH and possibly enact a law on the peaceful settlement of disputes.*
- *Increase transparency in the reporting of the RS Agency for the Peaceful Settlement of Labour Disputes in terms of disaggregated statistics.*

There is a lack of data on attitudes of employers and reasons why they violate workers' rights. Given that employers' associations insist that their members duly comply with laws and regulations on labour and protection at work, it would be useful to determine how many employers are not members of these associations, what the reasons are for this and whether there is any discrepancy in violations between employers that are not members of associations compared to those that are.

**Recommendation:**

- *Research employers' attitudes and practices in BiH.*

In FBiH, protection at work is regulated by an outdated law taken over from SR BiH whose provisions do not cover all sectors and whose penalty provisions are expressed in a non-existent currency, the Yugoslav dinar, which makes it impossible for inspection authorities to issue appropriate violation reports.

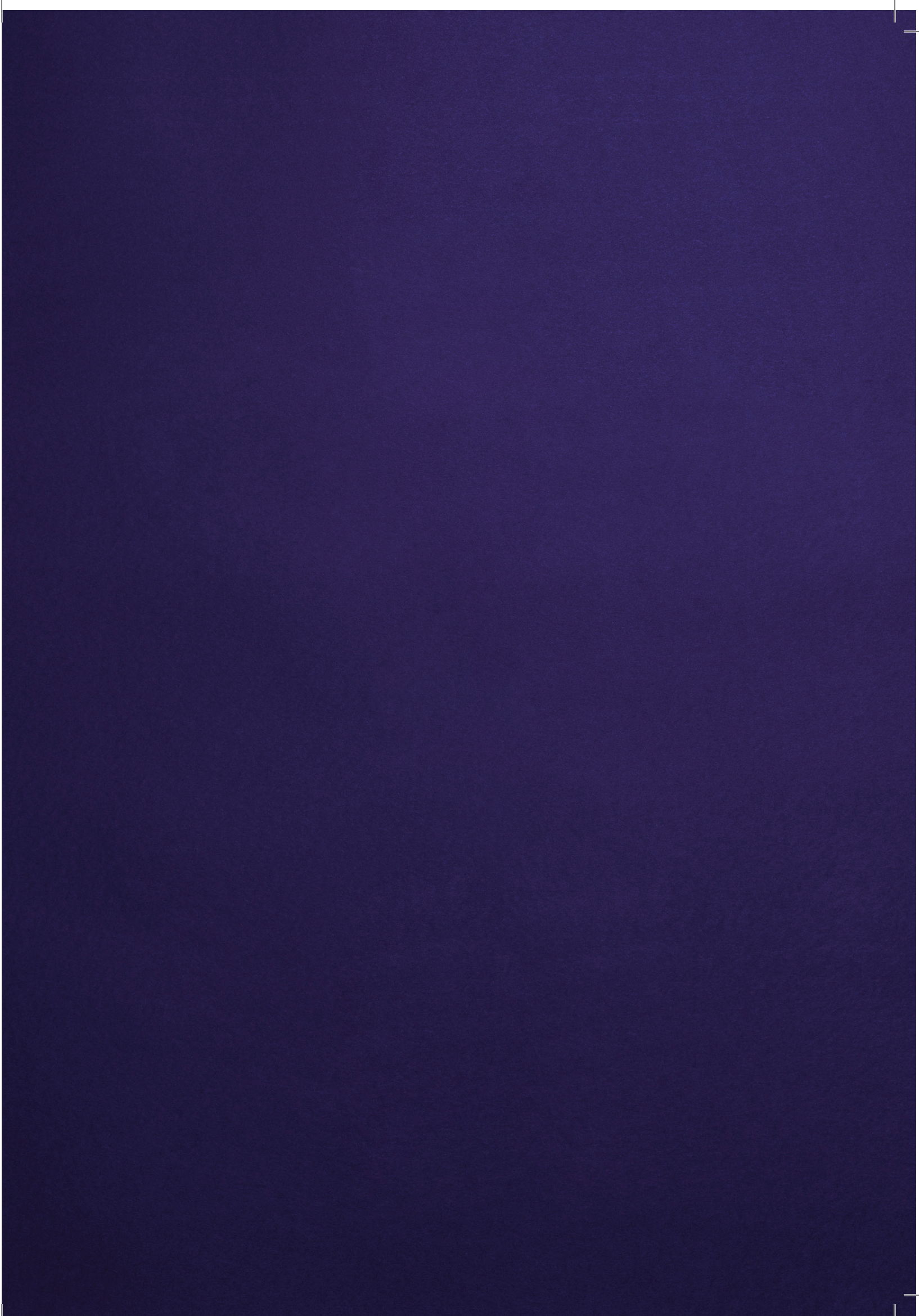
**Recommendation:**

- *Enact a new law on protection at work in FBiH.*

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  - (Footnotes)
- 1 In FBiH, maternity leave compensation is regulated at the cantonal level and each canton has its own law determining these matters. For a brief overview of the legislation, see: Agić, N. (2019). "Overview of Maternity Rights in BiH: How Big are the Differences between Cantons?", available at: <http://soc.ba/pregled-prava-porodilja-u-bih-koliko-su-razlike-medu-kantonima/>.
  - 2 Regulated by the RS Law on Holidays, Official Gazette of RS, 43/07, and the Law on Republika Srpska Day, Official Gazette of RS 113/16.
  - 3 Independent Trade Union of Employees in Agriculture, Food and Tobacco, Water Management, Catering, Tourism and Trade of Bosnia and Herzegovina





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