

Labour Inspection Country Profile: Bosnia and Herzegovina

Labour Inspection Structure and Organization

Name of institution that manages work issues

Following the Dayton Peace Agreement, the country was divided in two political entities, the Federation of Bosnia and Herzegovina (the "Federation") and the Republika Srpska. Each entity has its own government, president, parliament and police forces. As a result, each entity has its own authorities overseeing labour and employment issues. In the case of the Federation of Bosnia and Herzegovina, the Ministry of Labour and Social Policy is responsible for social policy, labour and employment and pension and disability insurance (<http://www.fbihvlada.gov.ba>). In the case of the Republika Srpska the Ministry of Labour, War Veterans and Disabled Person's Protection is the highest authority over labour issues.

Department(s) responsible for Labour Inspection

As a result of the administrative division of the country, each entity also has its own state inspection service. In both cases, the labour inspectorate is integrated into a general inspection service, covering other issues and not only labour and occupational safety and health (OSH).

In the Federation of Bosnia and Herzegovina, the Federal Inspection Agency shares the mandate with the administration for inspection issues of each canton. The Federal Inspection Agency works as an independent federal authority and the Labour Inspectorate is one of several organizational units. The Labour Inspectorate is organized in two areas covering labour relations and OSH. In the cantons, organizational structures present some variation.

In the Republika Srpska the Inspectorate an agency that is subdivided into 13 units, among which labour inspection is included (<http://www.inspektorat.vladars.net/>). The labour inspectorate monitors compliance with the laws that regulate employment, workers' rights and regulations that ensure the occupational safety and health of workers.

Law covering organization and functional composition

In the Federation of Bosnia and Herzegovina inspection bodies are regulated by the Law on Inspections in the Federation of Bosnia and Herzegovina ("Official Gazette", No. 69/05) and Law on Amendments to the Law on Federal Ministries and other federal administration ("Official Gazette", No. 61/06).

In Republika Srpska Inspection bodies are regulated by Act of 28 July 2005 on inspections in the Republika Srpska (Text No. 1286).

Scope of labour inspection

Both in the Federation and in Republika Srpska, the labour inspectorates oversee all economic sectors and all fields related to working conditions, including occupational safety and health. The main issues falling under the mandate of labour inspection include employment contracts, wages, working hours, holidays and leave, employment of foreign citizens, termination of employment, strike, rights of worker's representatives, employment of disabled persons and health and safety at work.

Intervention in occupational safety and health matters in public services is not undertaken as a regular activity.

In both the Federation of Bosnia and Herzegovina and in Republika Srpska labour inspectors ensure the enforcement of labour law, provide information and technical advice to employers and workers and are empowered to bring to the attention of the competent authorities any gaps in existing legal provisions. Work organization is different in the two entities. While in the Federation of Bosnia and Herzegovina, cantons have specialized inspectors for occupational safety and health or labour conditions, in the Republika Srpska, labour inspectors take an integrated approach and each inspector is responsible for working conditions as well as occupational safety and health.

Local divisions

In the Federation, according to the Labour Code, the Federal Administration for Inspection Issues performs supervision over the implementation of labour laws in the Federation, but as the Constitution provides cantons with their own jurisdiction over labour issues, cantonal inspectorates also have a mandate over all fields of labour, which leads to some overlapping competencies. The Federation is divided into ten cantons (Una-Sana, Posavina, Tuzla, Zenica-Doboj, Bosnian Podrinje, Central Bosnia, Herzegovina-Neretva, West Herzegovina, Sarajevo and Canton 10) and the headquarters of the Federal Administration for Inspection Activities in Sarajevo.

The Republika Srpska is divided into 62 municipalities and there are local inspection offices in six different regions (Prijeedor, Banja Luka, Doboj, Bijeljina, Istочно Sarajevo and Trebinje).

Programming and communication

The two entities define their own priorities and agendas since a national policy on Labour Inspection does not exist.

In the Federation, the Federal Inspection Agency plays the role, to a certain point, of central authority although the cantons have their own jurisdiction and agendas for labour inspection. Planning and programming is organized on an annual basis, both at federal and cantonal level, and periodically reviewed. Coordination seems to be based more on the organization of joint visits with cantonal inspectors than collaboration as regards policies, strategic options and procedures. Communication between cantons occurs occasionally and not on a regular basis. Priorities are focused mostly on undeclared work and wages.

In Republika Srpska, planning is more centralized, partly due to the administrative division of the entity. Plans are prepared annually, periodically monitored and reviewed. Annual reports are submitted to the entity's government and bi-annual reports to the relevant minister.

The ELMO project developed a software (E-Inspector) with capacity to fulfil management needs of labour inspection for both entities, although not all the cantons continue to use it. E-Inspector is an electronic tool developed to cover all the phases of inspection work: planning, document standardization, risk management, registers of subjects under the inspection mandate, objects, regulations, operations, on-field work and post visit work. It also covers the needs of document management, digital archive, digital signature, analysis and reporting, alerts, business activity monitoring and internet based communications with clients.

Current reforms

No information available.

Human Resources and career development

Permanency of inspectors

In both entities, labour inspectors are appointed as civil servants, with protection against dismissal. In the Federation of Bosnia and Herzegovina, the law provides that an administration authority official can exceptionally – when required by needs of service – authorize another civil servant to perform certain inspection tasks or provide assistance to inspectors.

In the Federation of Bosnia and Herzegovina, inspection careers are horizontal, without distinction of junior or senior positions. Seniority is automatic and based on years of service.

In Republika Srpska inspectors are classified as junior inspectors and senior inspectors.

Wages of labour inspectors are different in the Federation of Bosnia and Herzegovina and Republika Srpska and diverge in the cantons (differences can exceed 30 per cent). Sick leave and maternity leave are compensated differently for federal and cantonal inspectors.

Selection process

In the Federation, selection and recruitment of inspectors follows a common procedure. General requirements are set at the Federation level and the cantons can introduce additional conditions for recruitment. Candidates must pass an exam in front of a commission composed of three representatives of the Federal Agency for Civil Servants, two experts from the labour inspectorate and one from trade unions. The selection procedure is organized by the Agency, which sends to the inspectorate a list of the most qualified applicants.

Background required

The requirements to apply for a position as labour inspector include: an appropriate higher education degree; at least three years of service after completion of higher education; and having passed the professional examination.

Although a training policy was developed under the ELMO project for Bosnia and Herzegovina and some training was delivered, there is no regular training on the subjects relevant for labour inspection in most of the cantons in the Federation. In some cantons, training relies entirely on the Agency for Civil Service, which is not specific to labour inspectors.

Visits and functions

Types of visits

Both entities carry out reactive and programmed visits. The balance between the different types of visits depends on the number of complaints, accidents and available resources.

In the Federation of Bosnia and Herzegovina, visits can be previously announced. Joint visits are frequent, even with inspectors from other units in the same canton.

Role of preventive measures

In the Republic of Srpska, different prevention campaigns are organized on safety and health at work on an annual basis.

Planning of labour inspection visits

In the Federation of Bosnia and Herzegovina priorities are focused mostly on undeclared work and wages.

Registries and reporting of accidents/diseases at work

Reporting of work accidents and occupational diseases is mandatory for all registered employers.

In the Federation, employers are obliged to submit an annual report to the labour inspectorate that covers the numbers of work related injuries and occupational diseases, causes of injuries and death cases, type and causes of occupational diseases and implemented safety measures.

Sanction and administrative processes

Labour inspectors can impose various kinds of sanctions in both entities, including fines and work stoppages. They can also refer cases to the court based on observed criminal offences.

In the Federation, inspectors have the authority to order that irregularities be corrected in due time, by using a written notice, order the execution of binding administrative actions, make an interdiction of activities, issue fines, request initiation of an offence proceeding at the competent court and file criminal charges. At cantonal level, the statutory provisions and administrative practices of labour inspection differ, with some standardization in most of the cantons. In some cantons, inspectors lack almost all inspection supervisory powers and rely almost exclusively on providing recommendations.

Social dialogue and labour inspection

Collaboration with social partners is weak in most of the cantons in the Federation of Bosnia and Herzegovina. Neither employers' nor workers' organizations are involved on a regular basis in the activities of labour inspection.