

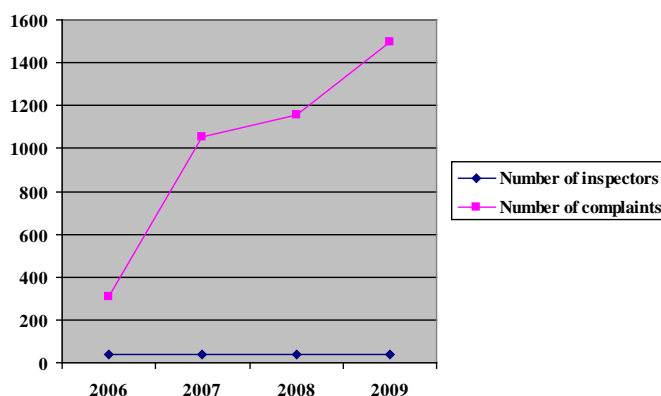


# Better Protection of Labour Rights or More Strikes?<sup>1</sup>

Andela Lalović

**Violations of labour rights** are frequent in Bosnia and Herzegovina according to reports coming from domestic and international institutions and organisations. Even though B-H has national legislation regulating labour rights and institutional mechanisms for protection of the same in form of labour inspections, still there is a large gap between the law and its implementation. The **“soft” approach** (prevention, information and social dialogue) mainly used in EU countries is **still a wishful thinking** in Bosnia and Herzegovina. Here, in order to reach the stage of better protection and realization of basic labour rights in the country, labour inspections have to pursue more **restrictive measures** to ensure that the employers don't violate workers' basic labour rights in Bosnia and Herzegovina. Ensuring the **basis**, i.e. respect of basic labour rights, is a **precondition** for labour inspections to widen their focus to protection of workers in context of occupational health and safety. However, labour inspections in charge of protection and promotion of labour rights and monitoring of implementation of the related laws are fighting the tough battle with their weak capacities. There are **36 labour inspectors** supervising respect of labour rights in **60.000 enterprises in Republic of Srpska** and **around 51 labour inspectors for over 100.000 enterprises in Federation of Bosnia and Herzegovina**.

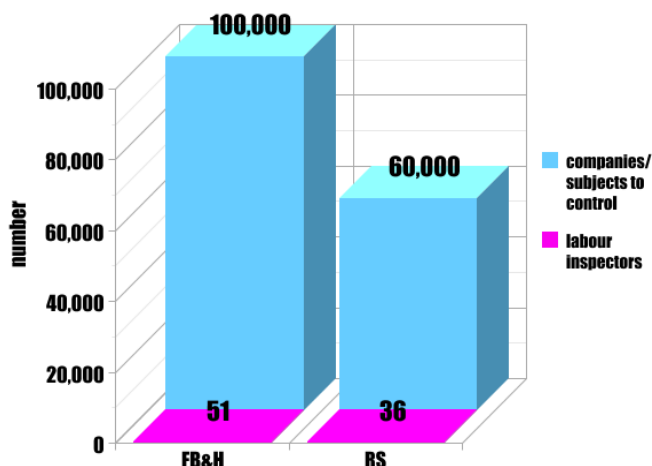
From 2006 to 2009 there has been a drastic **increase in number of complaints** received through the Centre for Complaints at Labour Inspectorate of Republic of Srpska while **the number of inspectors remained the same**.



**Graph 2 – Number of labour inspectors at Labour Inspectorate of RS in comparison to the number of received complaints<sup>2</sup>**

Source: Calculation of the author based on the data from the reports of Republic Administration for Inspection Activities of Republic of Srpska.

Those numbers represent one part of the story on lack of capacities of labour inspections to meet their obligations as protectors and promoters of labour rights in B-H. Without efficient labour inspections labour rights in B-H are unprotected and in danger of being completely marginalised.



**Graph 1 - Number of labour inspectors in comparison to the number of subjects to control**

Source: Calculation of the author based on reports of labour inspectorates in FB&H and RS

<sup>1</sup> This policy brief is based on the policy study “Bosnia and Herzegovina – “Labour-land”: Capacity Assessment of Labour Inspections in Protection of Labour Rights” by Andela Lalović, produced under the Policy Development Fellowship Programme of the Open Society Fund Bosnia and Herzegovina

<sup>2</sup> Calculation for 2009 was presumption of the total number of complaints based on the number of complaints for the first half of 2009 (there was 1016 complaints in that period) and on the trend of previous years.

### Why is it important?

**Economic crisis** has found a fertile ground in Bosnia and Herzegovina opening the possibilities for justifications of **employers** while **violating the labour rights** of their employees. More and more employees strike complaining on **unpaid work, disrespect of their basic human rights, non-payment of benefits by employers, working hours, lousy working conditions** etc. If continued, **strikes** can eventually **lead** to the state of **civil disobedience and social unrest**, resulting with increased insecurity and dissatisfaction of citizens with their government(s) in the country.

*"In this moment in RS, workers of 25 manufacturing companies are on strike for not receiving their salaries. Not one or two salaries, but four, five and even more." (Mišić R., President of Association of Trade Unions in RS, 2009)*

*"Our benefits for pension and health insurance have not been paid since the end of 2001 and our company owes us three more salaries from last year and already three from this year. We can't have medical treatment because our health-books are not verified. We're afraid of the future because we see no exit from this situation. It seems more likely that we will reach out for more radical measures." (Maglov M., President of the Board of Strikers at Mermer Company Čelinac, 2010)*

*"Workers of "Oslobođenje" company started today one hour strike of warning for unfulfilled promises after the general two-month strike in July and August and seven unpaid salaries, that is debt towards workers in amount of 1,2 million of BAM." ("Warning Strike", 2010)*

### Status quo?

Although the laws in both entities of Bosnia and Herzegovina, covering labour rights, provided mechanisms for promotion and protection of labour rights in form of labour inspections, **the**

**relevant government bodies in entities haven't done much in strengthening the capacities of inspections** to act as enforcers and supervisors of existing labour rights. Present **status quo** will **lead** to continued **disrespect of labour rights** by employers and **increase of workers' strikes**. Even now there are announcements of general workers' strikes in RS: **"As trade union announces, warning strike will be organized because of the difficult material and social position of workers in RS caused by violations of basic labour and union rights by large number of employers."** ("One Hour Warning Strike on 12 May", 2010) The increase of workers' strikes and inexistence of any reaction of the relevant government bodies to prevent the causes of strikes will result in workers' feeling of **being unprotected** by their government **as well as in feeling of desperation**. This eventually can result in **radical actions** of the workers (beginning by hunger strikes and similar measures), endangering afterwards the sense of **security in the community**.

### What chances are there?

**Restructuring the labour inspections** in order to achieve better organisational structure within the inspections in both entities would **require strong political will** for introducing these changes for the hundredth time. Introducing the branches of labour inspections at local level would require also **financial resources** for employment of additional number of inspectors at the local level. Here it still remains the question of to whom will these inspectors answer for their work – local community/municipality or labour inspectorate at entity level. Considering current economic crisis requests for **smart usage of financial means** by governments and increased savings/decrease in expenditures, the most preferable **policy option** in the current situation is **to increase the capacities of labour inspections in both financial and human terms** providing the power and resources for inspections to fulfil their work in satisfactory manner.



## How to increase the capacities of labour inspections?

Strengthening of capacities of labour inspections will be done through the following:

### 1. Reallocation of budget lines (shifts within the existing budgets) and provision of necessary funds for increasing number of inspectors.

#### How?

- Reallocation of budget lines within the existing budget planned by the respective Government(s).
- Certain percentage of the money coming from fines comes as an income within the budget of the labour inspection<sup>1</sup>.

<sup>1</sup> For example, in 2008, the Labour Inspection in RS has collected 1.208.715 BAM through fines. If 20% of this amount collected through fines has been allocated to the Labour Inspection for their own budget, they could have had 10 more persons employed in 2009 (if we calculate that the gross salary per person is 2.000 BAM or 1.200 BAM net salary).

### 2. Increase of number of inspectors: (a) employment of new inspectors and (b) establishing a programme for apprentices - soon to be graduates at the Faculty of Law.

#### How?

- Through vacancies or through promotion of apprentices.
- The establishment of programme for apprentices for interested final year students at the Faculty of Law.

### 3. Trainings for newcomers.

#### How?

- Training modules organized in accordance with the inspection requirements.

### 4. Procedural changes - in order to decrease the possibility of corruption.

#### How?

- Labour inspectors execute inspection control without announcement ("surprise effect")
- Sending inspectors from one part of the entity/canton to another part where they are not known in person (example: from Bijeljina to Prijedor).

### 5. Ensuring more power in hand of inspector – changes of law provisions in more restrictive manner.

#### How?

- Ministry of Labour together with the Inspectorate elaborates a draft law on inspection, or amendment to the existing ones providing more powers to the inspectors in regards to the enforcement of the law.
- Power: labour inspector could request payment of a fine "on spot" of the control, the latest within 24h.
- More powers which labour inspectors can execute on the spot of control.

Only strong and efficient labour inspections could impact the better protection of labour rights as one of the basic elements for achieving economic and social development (especially enhancing the labour market conditions).



**Andela Lalović** is employed at the Human Rights Centre of the University of Sarajevo. She is coordinator for B&H within the Regional Research Promotion Programme in the Western Balkans (RRPP). She obtained her BA in Economics at the University of East Sarajevo and is currently completing her Master studies in Marketing at the Faculty of Economics at the University of Sarajevo. Her fields of interest are human rights in Bosnia and Herzegovina, rights of persons with disabilities, labour rights and corporate social responsibility, as well as marketing influences on society.

## References

Lalović A. (2010). *Bosnia and Herzegovina – “Labourland”: Capacity Assessment of Labour Inspections in Protection of Labour Rights*. Sarajevo: Open Society Fund Bosnia and Herzegovina

Agency for Local Development Initiatives. (2008). *Progress report for Bosnia and Herzegovina on respect and development of economic and social rights in 2007 within the process of European integrations with recommendations*. Agency for Local Development Initiatives

International Labour Organisation. (2009). *Decent Work Country Programme: Bosnia and Herzegovina 2008-2010*. Budapest: International Labour Organisation.

Richthofen von W. (2002). *Labour Inspection: A Guide to Profession*. Geneva: International Labour Office.

ICVA. (2009). *Primjena Evropske socijalne povelje kroz zakone i praksu u BiH*. ICVA.

Republička uprava za inspekcijske poslove RS. (2008). *Izveštaj o radu i efektima rada Republičke uprave za inspekcijske poslove za 2008.godinu*. Banja Luka: Republička uprava za inspekcijske poslove RS



A “Policy Development Fellowship Program” has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options. The program provides an opportunity for selected fellows to collaborate with the Open Society Fund in conducting policy research and writing a policy study with the support of mentors and trainers during the whole process. Sixty three fellowships have been granted in three cycles since the starting of the Program. All policy studies are available at [www.soros.org.ba](http://www.soros.org.ba)