



EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Making access to social protection for workers and the self-employed more transparent through information and simplification

Bosnia and Herzegovina

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European Social Policy Network (ESPN)

**ESPN Thematic Report on
Making access to social
protection for workers and the
self-employed more
transparent through
information and simplification
Bosnia and Herzegovina**

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CONTENTS

SUMMARY.....	4
1 CURRENT POLICIES AND PRACTICES TO ENSURE INFORMATION ON, AND TO SIMPLIFY ACCESS TO, SOCIAL PROTECTION FOR WORKERS AND THE SELF-EMPLOYED	5
1.1 Policies and practices to ensure access to information on social protection rights, entitlements and obligations	5
1.1.1 Policies and practices to ensure access to general and personalised information	5
1.1.2 General awareness-raising campaigns	10
1.2 Policies and practices to simplify access to social protection	13
1.2.1 Simplification objectives embedded in reforms of social protection schemes...	13
1.2.2 Simplification of the application process for accessing benefits	14
1.2.3 Simplification of the structures within the social protection administration	15
2 ISSUES, DEBATES AND ONGOING OR PLANNED REFORMS TO ENSURE INFORMATION ON, AND TO SIMPLIFY ACCESS TO, SOCIAL PROTECTION FOR WORKERS AND THE SELF-EMPLOYED	16
2.1 Issues, debates and reforms related to information	16
2.1.1 Issues	16
2.1.2 Debates.....	17
2.1.3 Ongoing or planned reforms.....	17
2.2 Issues, debates and reforms related to simplification	17
2.2.1 Issues	17
2.2.2 Debates.....	18
2.2.3 Ongoing or planned reforms.....	18
2.3 Suggestions for improvements	19
REFERENCES	21

Summary

The purpose of this report is to identify and analyse policies put in place by the country to improve transparency in access to social protection, considering both access to information and simplification of access. The report focuses on the six social protection branches covered in the 2019 Council Recommendation on "Access to social protection for workers and the self-employed" and covers policies and measures implemented between January 2017 and May 2022. All six types of benefits examined in the report (unemployment benefits; sickness and healthcare benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits and survivors' benefits; and benefits in respect of accidents at work and occupational disease) are provided through social insurance schemes. The exception is the maternity and equivalent paternity benefits in the FBiH entity, which are financed from cantonal budgets.

Access to the social protection rights and benefits for workers in standard employment and the self-employed is derived from the regular payment of payroll social insurance contributions. To ensure access to social protection rights and information about entitlements and obligations, most social protection schemes examined in this report use traditional methods (provided through a network of local offices) and digital tools, such as websites. However, access to information differs greatly, depending on the institution. For example, while some social insurance schemes have well-maintained and informative websites, there are other schemes where information about access and possible entitlements can be obtained only by visiting the offices. In addition, most schemes provide personalised information only on personal enquiry, and in some cases, there is a charge for the provision of personal records. As with general awareness-raising campaigns, some institutions, such as the RS Health Insurance Fund, regularly organise information campaigns using traditional tools and digital applications to reach beneficiaries. By contrast, some institutions keep the information obscure.

During the reference period from January 2017 to May 2022, no social protection reforms were adopted with the explicit goal of simplifying access to social protection for workers and the self-employed. However, the digitalisation of the entity tax administrations, which are responsible for collecting social insurance contributions, has contributed to a simplification of procedures and better transparency of the social protection systems. This process has been harnessed best by the healthcare systems, which have pushed ahead with digitalisation and have introduced new electronically based tools to simplify their work processes and the access of beneficiaries. Also, some new laws and bylaw legislation have had a positive impact, such as the new Law on pensions and disability insurance in the FBiH (which has introduced a points system for calculating the pension base) and in the RS a new Rulebook for Sickness Benefits, which has resulted in simplified and more transparent rules for workers and the self-employed when on sick leave.

Lack of transparency and administrative hurdles associated with access to benefits are rarely reported and discussed. Instead, issues associated with widespread work precarity and various forms of labour market informalities dominate the public discussions. Yet, improving access to information and simplifying administrative requirements could be important tools for strengthening the systems and reducing informality. Moreover, ensuring better system transparency and access to general and individual information could broaden support for the system and widen its coverage, especially among workers and the self-employed who are currently excluded. The ongoing digitalisation of the public administration offers many possibilities, but the reform should be well thought out in advance.

1 Current policies and practices to ensure information on, and to simplify access to, social protection for workers and the self-employed

1.1 Policies and practices to ensure access to information on social protection rights, entitlements and obligations

This section describes the main policies and practices (including structures and tools) that are used to provide general information (i.e. the conditions and rules of access to each of the six branches) and individual information to workers and the self-employed. Information on general access to social protection schemes is available primarily from institutions responsible for administering a particular social protection scheme. Neither entity nor Brčko District has a one-stop shop or single portal that provides all information about the social protection rights for employees and the self-employed.

1.1.1 Policies and practices to ensure access to general and personalised information

1.1.1.1 Unemployment benefits

Provision of **unemployment benefits** is the responsibility of the public employment services (PES), organised at the level of the entities, cantons and Brčko District. Traditionally, access to unemployment benefits has been ensured through local PES Bureaus, functioning at the level of local authorities, where claimants may walk in to enquire about their rights and register for benefits. The local PES Bureaus in the FBiH are under the authority of the cantonal PES, while in the RS they are under the authority of the entity Employment Institute. All cantonal PES, entity public employment institutes and the PES of Brčko District maintain their websites with information about their activities, statistics and active labour market programme announcements. Most of these websites give information about the main conditions for applying for the benefits, and some cantonal PES even offer online registration for active labour market measures. However, none of the websites offers full information about unemployment benefits; rather, they advise claimants to enquire at local PES Bureaus. Also, none of the PES have an online simulator/calculator for individual benefits.

The full registration for financial benefits is not possible online, because access to benefits is assessed only once documentation has been submitted, such as identification documents, a copy of the employment termination, proof from the Tax Administration that the person has been deregistered from the insurance, proof of paid contributions and similar. PESs do not keep records about the social contribution payments of workers and the self-employed, but their employees can access and check individual records on the registry of the Tax Administration. However, records for the periods before 2011 are often unavailable in the system of the Tax Administration, and workers and the self-employed have to produce other documents – such as old Work Booklets or proof of paid pensions and disability insurance contributions issued by the pension funds – in order to prove the length of the insurance period.

1.1.1.2 Sickness and healthcare benefits

Sickness and healthcare benefits are the responsibility of 12 statutory health insurance funds, organised in accordance with the territorial borders of the RS entity, the FBiH cantons, and Brčko District.¹ For workers and the self-employed, the health insurance is paid to the health insurance fund where they have registered residence. The health

¹ The country has 13 statutory health insurance funds – 11 in the FBiH (one in each canton and one solidarity fund at the entity level), one in the RS and one in Brčko District.

insurance is not portable, which means that a person is insured only on the territory that is the responsibility of a specific health insurance fund (i.e. a canton in the FBiH, RS entity or Brčko District).² Notwithstanding the differences between the packages of services and benefits provided by the 12 health insurance funds in the country, access to sickness and healthcare benefits for persons in employment and their family members depends primarily on the health insurance contributions paid. In order to have access to health care, one needs to be registered with health insurance and have proof of contributions paid. Traditionally, this is proved with stamps in a health insurance booklet, by which a local office of a health insurance fund confirms that health insurance contributions for the current month have been paid. Some health insurance funds have replaced paper health card booklets and introduced electronic health cards. Workers and the self-employed whose contributions have not been paid are treated as being without health insurance.

Provided health insurance contributions have been paid regularly, access to healthcare benefits will depend on the package of healthcare rights (which includes a list of medical services, orthopaedic aids and medicines provided free of charge or that are partially covered by the health insurance fund) provided by the cantonal, RS entity or Brčko District health insurance fund. The healthcare packages provided by health insurance funds differ in terms of the healthcare services provided and the participation costs charged to patients. The content of the healthcare packages is regulated by bylaw legislation published in official gazettes and usually available on health insurance funds' webpages. These bylaws are written in legal language with medical terminology: for most people outside those professions, it can be challenging to understand. However, the information is also available from healthcare professionals, as these bylaws also regulate their work and public healthcare institutions in general.

Most health insurance fund webpages provide information about basic rights and services, copies of relevant laws and bylaw legislation, how to register for health insurance and similar. Personalised information, such as payment records of health insurance contributions, is available upon request from local health insurance fund offices. In contrast, some health insurance funds that have introduced electronic health booklets can check the payment records online (RS Health Insurance Fund and the Health Insurance Fund of Canton Sarajevo). Personalised information about the provision and availability of services can be obtained through consultations with a medical specialist. Some services are available only upon approval by a medical commission (such as health treatment in another canton, entity or abroad) and on condition that the health insurance fund has funds available.

In the RS, access to information about healthcare rights is regulated by the Rulebook on rights protection of insured persons (*Правилник о заштити права осигураних лица*), adopted by the RS Health Insurance Fund, which is available on the fund's website. In addition, the RS Health Insurance Fund conducts an annual survey about beneficiaries' satisfaction with the services and healthcare services. According to the latest survey, 77% of beneficiaries surveyed declared themselves well informed of their rights, while 74% said they had adequate access to information about their rights. Furthermore, 53% of clients surveyed confirmed that the procedures related to access to the rights had been simplified in recent years (RS Health Insurance Fund, 07.04.2022).

The RS Health Insurance Fund takes on some of its ex-employees as so-called rights protectors: they act as navigators and inform insured people about the benefits, procedures and access to rights. The rights protectors are appointed by the local branches of the health insurance fund. Their names can be found on the health insurance fund

² Sometimes, when a patient requires a treatment that cannot be received in the canton or entity of residence, they can be referred to another canton or entity where the treatment is available, on condition that there is an agreement between institutions. These exceptions have to be approved by a medical commission.

website,³ in all health insurance fund offices, healthcare institutions and pharmacies all over the RS entity.

In addition, the RS Health Insurance Fund has an android application, telephone lines and Facebook and Twitter profiles, through which beneficiaries can communicate with the fund employees and receive information.

The right to **sickness benefits** for persons in employment is regulated as a health insurance right by general laws on health insurance in the entities and Brčko District, and by a corresponding bylaw that regulates the procedures, the eligibility criteria and the level of benefits. These benefits are available only to workers and the self-employed on the basis of the payment of payroll health insurance contributions (currently, the rates amount to 16.5% in the FBiH and 10.2% in the RS), which means that workers on most non-standard contracts, who are not liable for payroll health insurance, have no access to these benefits. The sickness benefits consist of salary compensation for work absence due to sickness – in the FBiH of over 42 days and in the RS of over 30 days. In most cases, the first part of the sick leave has to be financed by the employer (i.e. the first 42 days in the FBiH or the first 30 days in the RS), while the health insurance fund finances the second part (beyond 42 days in the FBiH and 30 days in the RS). The exception in the RS is sick leave caused by a work injury or occupational illness, which is entirely financed by the employer. Also, in the FBiH entity, absence from work on account of an infectious disease is financed entirely by the health insurance fund from day one of the leave. The sickness benefit can also be granted for care for an immediate family member.

Access to sickness benefit is conditional on the regular payment of healthcare contributions and on approval of sick leave for longer than 42 (or 30) days by a medical commission that may – depending on the canton or entity – be appointed by a healthcare centre, an institute for work medicine or a health insurance fund. Information about sickness benefits can be obtained only from the responsible health insurance fund. Although most funds maintain a website, the bylaw that regulates access to sickness benefits and the benefit levels are neither easily accessible nor visible. Furthermore, the benefit amount varies between health insurance funds, and may also depend on the cause of sickness. This information is not clearly presented on the websites of the social insurance funds and has to be searched out.

The sickness benefit as salary compensation during the approved sickness leave beyond 42 days in the FBiH (30 days in the RS) is refunded to the employer. Hence, the employer applies for the benefit – and in order to receive the benefit, must not have any arrears owing to the health insurance fund. A worker on sick leave up to 42 days in the FBiH (30 days in the RS) and beyond this period should receive their salary as stipulated in their employment contract.

1.1.1.3 Maternity and equivalent paternity benefits

The primary **maternity and equivalent paternity benefit** for workers and the self-employed is salary compensation, which is conditional on approved maternity leave.⁴ Although the entities in Bosnia and Herzegovina do not have paternity or parental leave, fathers may take maternity leave after the first 42 days in the FBiH and Brčko District and the first 60 days in the RS. The first part of the leave (i.e. the first 42 days in the FBiH and Brčko District and the first 60 days in the RS) must be used by the mother, and the mother cannot return to work before the expiry of this time (FBiH Law on Labour, Article 62 and RS Law on Labour, Article 108). A father can only take maternity leave if both parents work, and the mother must consent to it. In the FBiH, the financing and administration of

³ https://www.zdravstvo-srpske.org/files/dokumenti/zastitnici_spisak_2019_maj.pdf

⁴ In Bosnia and Herzegovina, maternity leave is primarily a mother's right. Based on the general labour legislation, maternity leave can be taken for a continuous period of 12 months. However, in the RS and Brčko District, maternity leave can last up to 18 months in the event of the birth of twins or multiple births.

maternity leave benefit (which consists of salary compensation during maternity leave) are the responsibility of the cantons and are regulated by social assistance legislation, under which each canton determines its eligibility criteria and benefits formula. The benefit is paid from the cantonal budget to employers. In the RS, the financing of the salary compensation during maternity leave is the responsibility of the RS Fund for Child Protection, which is financed from contributions. Brčko District pays the benefit from the budget.

The RS Fund for Child Protection has a well-maintained website,⁵ with information about rights and access to rights presented in a simple and straightforward manner. However, the website does not offer a calculator/simulator to assess individual benefit entitlements. In the FBiH and Brčko District, information about maternity benefits can be found on the webpages of the cantonal ministries responsible and the local authority departments, but finding the information is not straightforward. In the FBiH, applications for salary compensation are submitted through local centres for social work or the local authority departments responsible. These local institutions are the best place to access information about eligibility criteria and the benefits.

1.1.1.4 Invalidity benefits

In Bosnia and Herzegovina, invalidity benefits⁶ for workers and the self-employed are provided within the pensions and disability insurance system on the basis of regular payment of pension and disability contributions (currently, the contribution rate in the FBiH amounts to 23%; in the RS it is 18.5%). Some types of workers in non-standard forms of employment⁷ should also be covered in the event of work injury, provided their employer pays the disability insurance of 4.5% in the RS and KM 60 (€30.70) monthly in the FBiH.⁸

In general, access to these benefits depends on the nature of the injury (whether or not it is work related) and the outcome of a medical assessment. The websites of entity funds for pensions and disability insurance give information about the eligibility conditions for disability pension, which is granted to workers and the self-employed aged below 65 who have suffered a disability (that could have been caused by either a work-related or a non-work-related illness or an injury) that renders them unable to work. However, the websites do not have a calculator/simulator for the assessment of individual benefits, and provide just basic information about the main eligibility criteria specified by law.

The rules regulating benefits for persons with some working ability (who do not qualify for disability pension) after suffering a work injury or occupational illness are particularly obscure. Information about these rights can be obtained only by reading the law. These benefits (such as the right to perform work that corresponds to a worker's remaining work ability, the right to professional rehabilitation and reskilling, and the salary compensation that covers the difference between the old job and the new job) should be implemented and financed by the employers. Due to the generally low level of implementation of labour rights in the country, implementation of these provisions remains problematic, especially in the private sector and among the self-employed, who bear the burden of financing these rights on their own.

⁵ <https://www.ifdz.org/sr>

⁶ Additional invalidity benefits are provided within the system of non-contributory benefits to which some workers and the self-employed might be eligible (for more information on disability benefits, see ESPN Thematic Report on Access to Social Protection for Persons with Disabilities – Bosnia and Herzegovina).

⁷ Those are persons engaged during natural disasters, pupils and students in practical education, workers attending upskilling and reskilling, volunteers, youth working through youth cooperatives, etc. (FBiH Law on Pensions and Disability Insurance, Article 17, and RS Law on Pensions and Disability Insurance, Article 17).

⁸ The responsible FBiH Ministry of Labour and Social Policy has not adopted bylaw legislation that regulates insurance payment under special circumstances (i.e. insurance in the event of work injury). Therefore, an earlier decision (Official Gazette of the FBiH, 26/14) that stipulates a contribution of KM 60 (€30.70) monthly should be applied.

An additional set of invalidity benefits is related to professional rehabilitation and the employment of persons with disabilities.⁹ Professional rehabilitation for persons in employment is organised and paid for by employers. In contrast, professional rehabilitation for unemployed persons with disabilities is assisted by entity funds for professional rehabilitation and the employment of persons with disabilities. The employment of persons with disabilities can be conducted under general conditions (under identical conditions as for persons without disabilities) and special conditions in an organisation founded for the employment of persons with disabilities or self-employment. Both entities apply a quota system (1 person with a disability to 16 employees without a disability) in order to stimulate the employment of persons with disabilities. Companies that do not comply with the quota system should pay additional special contributions as a penalty. In order to stimulate the employment of persons with disabilities, the entity funds provide subsidies and grants to employers. Grants can be used to adapt the workplace for a person with a disability, purchase the necessary equipment, and similar. General information about grants and subsidies for the employment of persons with disabilities can be found on the webpages of entity funds for professional rehabilitation and in their brochures.

1.1.1.5 Old-age benefits and survivors' benefits

Old-age and survivor benefits are the responsibility of the two entity pension funds for pensions and disability insurance. The main benefits are old-age pension and survivors' pension. Generally, the right to these pensions is conditional on the payment of pension and disability contributions – something that is stipulated as an obligation for all workers in standard employment, the self-employed and (in the RS) for workers in non-standard employment, such as those on occasional short-term contracts and service contracts. The general pensionable age for an old-age pension in both entities is 65, with at least 15 years of pension insurance. Still, both entity pension systems have exceptions to this rule, depending on gender, time spent in the army and similar. The right to a survivor pension depends on the spouse's gender, age and work ability, and on the number and age of any children.

Information about the old-age and survivors' benefits, stipulated by general entity laws on pension and disability insurance, is available on the entity pension fund webpages. In addition, the FBiH Pension Fund cantonal offices employ legal advisors to provide legal advice to all interested persons, including advice about the eligibility criteria for old-age and survivor pensions. The same type of advice can be obtained from the RS Pension Fund's regional and local offices. Neither pension fund has on its website a calculator/simulator to assess individual benefits.

Individual information about the insurance collected and the eligibility for benefits can be requested from the pension insurance funds. The FBiH Pension Fund charges KM 10 (€5) for issuing individual pension insurance records. However, some social categories are exempt from payment of this fee.

1.1.1.6 Benefits in respect of accidents at work and occupational diseases

This area is regulated by entity laws on labour (FBiH Law on Labour; RS Law on Labour), entity laws on health insurance (Law on Health Insurance of the FBiH; Law on Health Insurance of the RS) and entity laws on protection at work (FBiH Law on Protection at Work; RS Law on Protection at Work) and bylaw legislation in this field.¹⁰

⁹ This area is regulated by entity laws on professional rehabilitation (FBiH Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities and RS Law on Professional Rehabilitation and Employment of Persons with Disabilities), bylaw legislation, as well as entity labour laws, laws on pensions and disability insurance, laws on social protection and laws on employment mediation and rights during unemployment.

¹⁰ The benefits include healthcare protection and medical care, including the right to orthopaedic aids and medical rehabilitation, reimbursement of the full cost of medical treatment and medical rehabilitation in the

Entity laws on protection at work and bylaws stipulate the special procedure for reporting work injury and occupational disease that must be respected if a worker is to receive all benefits. The employer must report accidents at work and occupational disease as soon as possible, within 48 hours. The procedure involves filling in the forms, which need to be signed by different professionals, including the employer, work inspection, health insurance fund, and the healthcare centre responsible for work medicine. The same procedure is applied if a worker or a self-employed person wants to claim a disability pension (see section 1.1.1.4).

Information about the procedure, including the required forms for reporting the accident at work or work injury, can be found on the webpages of the responsible RS Ministry of Labour and Veterans with Disabilities and the FBiH Ministry of Labour and Social Policy. Although the general eligibility criteria for disability pension prescribed by the laws on pensions and disability insurance are available on the webpages of the entity pension funds, information about the procedures that should be followed in the event of work injury or professional illness stipulated by the bylaws is not available there.

1.1.2 General awareness-raising campaigns

General awareness-raising campaigns surrounding social protection rights available to workers and the self-employed are rare. The most recent was organised during the COVID-19 pandemic, in 2020, by the RS Labour Union for workers in the RS and the Association of Independent Unions in the BiH for workers in the FBiH entity. Due to the COVID-19 pandemic, activities were limited to online communication and media interviews, which sought to improve awareness among workers of their rights, entitlements and obligations during the COVID-19 pandemic. Both unions published a brochure on their webpages, providing information about workers' social protection rights, such as unemployment benefits, sickness benefits, and general advice about employers' and workers' responsibilities and rights during the pandemic.

The government measures taken by the entities and Brčko District during the COVID-19 pandemic, such as employment protection measures that were implemented as wage subsidies (for more information, see Obradović, 2021b), were publicised on television and other media. Although the government announced the adoption and implementation of these measures in media and on government webpages, it is questionable if information about access to these measures reached all businesses affected (see section 2.2.1).

General awareness-raising campaigns during the reporting period were conducted only by institutions responsible for managing and administering a particular social protection scheme. However, none of the initiatives was coordinated between institutions to cover several social protection branches. The following subsections give an overview of the initiatives.

1.1.2.1 Unemployment benefits

Employment institutes in the entities and Brčko District regularly publish information about their activities and unemployment trends, which are further disseminated by media organisations. In addition, these institutions also organise press conferences.

event of a work injury or occupational disease, reimbursement of transportation costs related to health treatments or rehabilitation and salary compensation during absence from work due to an accident at work or occupational disease (see section 1.1.1.2). In addition, laws on protection at work and pensions and disability insurance stipulate that workers who have suffered a work injury or occupational disease have the right to be transferred to a workplace that corresponds to their remaining work abilities (see section 1.1.1.4). Furthermore, for workers and the self-employed whose work entails increased risk of work injury and occupational disease, the Law on Health Insurance in the FBiH (Article 73) stipulates additional insurance for work injury and occupational disease to cover the cost of compensation. Similarly, the RS Law on Labour (Article 16, line 7) requires employers to ensure workers collectively in the event of a work injury.

General awareness-raising campaigns by the entities' PESs are mainly related to employment programmes implemented as employment subsidies and labour market trends. Each year, the entity PESs publish general information about planned employment programmes and invite employers and the unemployed to apply for specific programmes. The usual channels for disseminating information are their websites and PES profiles on social networks (Facebook and Instagram), which content is further disseminated by newspapers and electronic media outlets. The FBiH Employment Institute (2022, p.38) reports that, during 2021, 39 announcements were posted on its web portal, which had 125,180 users with a total of 430,618 sessions and 2,338,827 page views. Furthermore, the FBiH Employment Institute Facebook profile, where the institute posts information on labour market programmes, employment announcements and labour market trends, has 25,000 followers. In addition, employees of the FBiH Employment Institute appeared on 22 television and radio programmes, where they spoke about the Institute's activities and labour market trends. The RS Employment Institute does not report on general awareness-raising campaigns in its work reports.

1.1.2.2 Sickness and healthcare benefits

In order to keep all beneficiaries informed, the RS Health Insurance Fund regularly publishes leaflets and brochures about healthcare rights, including changes to the relevant laws and bylaws. These leaflets and brochures are available on the webpages of the RS Health Insurance Fund and its regional and local offices. In addition, its Facebook and Twitter profiles are used as regular communication channels to post information about all its activities, including the Health Insurance Fund's activities reported by newspapers, television programmes, etc.

In 2021, the RS Health Insurance Fund marked 29 years of work by distributing a brochure about access to benefits.¹¹ The fund also organised public events, facilitating enquiries and conversations with citizens in eight regional centres.

To inform beneficiaries about new rules regarding the right to **sickness benefits**, the RS Health Insurance Fund published a new brochure, available online¹² and in all the RS Health Insurance Fund offices.

Cantonal health insurance funds in the FBiH also maintain webpages, where they usually publish information about the rights, access to rights, changes to legislation and similar.

1.1.2.3 Maternity and equivalent paternity benefits

Responsibility for administering and financing maternity benefits in the FBiH devolves to its cantons. Still, in most cantons information about the eligibility criteria and benefit entitlements is accessible only on personal enquiry at the responsible office. Moreover, cantons generally do not conduct awareness-raising campaigns about these benefits.

In the RS, the Fund for Child Protection regularly publishes information about the payment of monthly benefits and legislative changes. Its webpages contain all relevant information about benefits and access to benefits. The information is also reported by the RS media.

1.1.2.4 Invalidity benefits

General awareness-raising campaigns about invalidity benefits are conducted only by entity funds for professional rehabilitation and the employment of persons with disabilities.

The FBiH Fund for professional rehabilitation and the employment of disabled persons, in cooperation with associations for persons with disabilities and sometimes in cooperation with cantonal governments, conducts online and virtual public presentations about its programmes of support for the employment of persons with disabilities and how to access

¹¹ <https://www.zdravstvo-srpske.org/prava-osiguranika/vodici-kroz-prava.html>

¹² https://www.zdravstvo-srpske.org/files/dokumenti/Informacija_26-bolovanja.pdf

the benefits. These campaigns are directed primarily toward employers and persons with disabilities as potential beneficiaries. Information about these presentations is published on the fund's webpages. For 2020, the Fund reports 160,000 views on its website and 21,000 new viewers compared to 2019 (FBiH Fund for the Professional Rehabilitation and Employment of Disabled Persons, 2021, p. 7). Furthermore, the Fund's Strategic Plan of development for the period 2021–2023 offers as a strategic objective improved information for employers and improved information of persons with disabilities about their employment rights. Still, the fund's annual work reports do not contain information about these activities.

In 2021, the RS Fund for the Professional Rehabilitation and Employment of Persons with Disabilities, in cooperation with the NGO Caritas of Bosnia and Herzegovina and the financial support of the United States Agency for International Development (USAID), held public presentations and round tables about the possibilities for the employment of persons with disabilities in 10 local authorities in the RS and Brčko District. These presentations and round table discussions aimed to inform the public and potential beneficiaries (i.e. employers and persons with disabilities) about the legislative framework and benefits that a person with disabilities can have when starting employment or self-employment. These activities will continue in 2022. However, the impact of these campaigns is unknown, since the Fund's annual work reports are not publicly available.

1.1.2.5 Old-age benefits and survivors' benefits

At the beginning of each calendar year, the RS Pension Fund publishes a call addressing persons who will fulfil the conditions for an old-age pension in that year. The aim is to encourage these people to visit their local Pension Fund offices to check if their pension records are complete and – if not – to submit any missing documentation in time. This is important so that the pension claims of persons with complete pension documentation can be processed without delay.

In the FBiH, the Pension Fund has conducted awareness-raising campaigns to target beneficiaries and insurance payers. It has used promotional leaflets, media campaigns and large posters (FBiH Pension Fund, 06.04.2022). However, the FBiH Pension Fund annual reports do not contain information about these campaigns, and the impact is not known.

1.1.2.6 Benefits in respect of accidents at work and occupational diseases

The new Law on Protection at Work in the FBiH was passed in 2020. However, the FBiH government has not organised any general awareness-raising campaigns concerning accidents at work or occupational disease benefits. This could be because these benefits are the responsibility of two levels of government (i.e. the entity and cantons) and several institutions. Hence, a general awareness-raising campaign would require coordinating activities between different institutions, such as ministries for labour and social policy, healthcare institutions and the inspectorate.

In 2020, the RS Government issued a recommendation for employers and workers on the implementation of work protection and health at work measures under the risk of the COVID-19 pandemic (RS Government, 23.10.2020). The occasion was also used to mark the European week of security and health at work. The document was published on the government website, and newspapers and online news portals reported on it. However, there is no information about the impact of this activity.

In 2021, the RS Labour Union held several round table discussions with representatives from the Union of Health Professionals about safety at work during the pandemic. These were implemented as project activities supported by the International Confederation of Labour Unions. No information about the impact of these round table discussions is available.

1.2 Policies and practices to simplify access to social protection

1.2.1 Simplification objectives embedded in reforms of social protection schemes

1.2.1.1 Unemployment benefits

There have not been any reforms within the systems of unemployment benefits with simplification objectives embedded in the reforms.

1.2.1.2 Sickness and healthcare benefits

There have not been any reforms within the healthcare systems with simplification objectives embedded in the reforms.

1.2.1.3 Maternity and equivalent paternity benefits

There have not been any reforms within the system of maternity benefits with simplification objectives embedded in the reforms.

1.2.1.4 Invalidity benefits

The 2018 Law on Pensions and Disability Insurance in the FBiH replaced the old formula for determining the pension base with a points system. Although the conditionality for a disability pension depends on whether the disability was work related or caused by an injury outside the workplace, calculating the pension base for a disability pension is the same as for an old-age pension. The points system has simplified the calculation and made it easier to understand (see below section 1.2.1.5).

1.2.1.5 Old-age benefits and survivors' benefits

The FBiH statutory pension system has been simplified with the passing in 2018 of the new Law on Pensions and Disability Insurance of FBiH. In particular, the law introduced the points system for calculating the pension base, in the same way as was done in the RS earlier (in 2011). The points system replaces the not-so-simple formula (which was also benchmarked to the average wage), which became flawed due to discrepancies in adjustments and which created inequalities in the benefit levels between old and new pensioners. Although the eligibility criteria remain complex (due to exceptions and *lex specialis* legislation), the pension benefit base can easily be calculated. However, beyond the law, the calculation method has never been explained by the responsible ministry or the Fund.

1.2.1.6 Benefits in respect of accidents at work and occupational diseases

In 2020, the FBiH entity passed a new Law on Protection at Work, which replaced the previous 30-year-old legislation. The law introduced procedures to prevent accidents at work and occupational disease and to protect the work environment. Furthermore, the law and the bylaw legislation have clarified the procedure for protection at work, which was earlier outdated or poorly regulated. The simplification consists of the introduction of clear rules that oblige employers to specify those workplaces with an increased risk of injuries and occupational disease; the introduction of preventive healthcare check-ups for workers; the obligation for the responsible healthcare institutions to maintain records of medical check-ups of workers, etc.

The RS and Brčko District have not seen any changes regarding accidents at work and occupational disease benefits during the reference period.

1.2.2 Simplification of the application process for accessing benefits

1.2.2.1 Unemployment benefits

PESs in the country are required to reform health insurance for the unemployed, in order to simplify and reduce the workload of public employment services personnel. This reform occurred towards the end of 2019 in the RS, with changes to the Law on Employment Mediation and the Law on Health Insurance. As a result of this reform, the unemployed in the RS receive health insurance paid for by the public employment system only for the duration of the time they receive unemployment assistance benefits.

However, access to health insurance for the unemployed has become complicated: after the expiry of unemployment assistance, the unemployed person must register directly with the RS Health Insurance Fund and pay the contributions. Only those people whose family income is below the minimum income level can receive health insurance paid for out of the entity's budget.

The system of registering, monitoring and collecting social insurance contributions within the Tax Administration has contributed to a simplification of the application process for accessing unemployment benefits. All social insurance funds, including public employment services, have access to individual accounts held by their entity Tax Administration. Therefore, they can check the insurance status of each person who applies for benefits. This has simplified the application procedure for the unemployed, whose entire contribution history is recorded in the registry of the Tax Administration. However, unemployed persons with more years of insurance are usually required to submit proof of the earlier insurance periods.

During the lockdown period, from approximately March to the end of May 2020, the reporting requirements for the unemployed were postponed to the end of the extraordinary situation. But as the COVID-19 pandemic persisted, the regular reporting required of the unemployed at their local PES even after the lockdown period was made possible by e-mail, telephone, fax or post. In addition, unemployed persons were encouraged to use the telephone to inquire about their status and benefits. Also, the registration procedure at PES was simplified and made possible by e-mail. However, none of the PES offices offer online application for benefits.

1.2.2.2 Sickness and healthcare benefits

Major reform within the healthcare systems of both entities has occurred due to digitalisation and the introduction of electronic healthcare documentation, such as electronic healthcare cards (which have replaced paper booklets), electronic prescriptions, electronic medical referrals, medical healthcare records and so on. This has simplified the procedure for healthcare treatment, enables patients to receive regular prescriptions over the phone without having to visit a health centres, and has rendered visits to health insurance funds to get a healthcare booklet stamped a thing of the past. The electronic system is fully operational in the RS healthcare system, Canton Sarajevo, Herzegovina-Neretva Canton and Zenica-Doboj Canton. However, none of the funds offer online registration for health insurance.

In the RS, the new Rulebook for Sickness Benefits (*Правилник о остваривању права на накнаду плате за вријеме привремене неспособности за рад*) stipulates that pregnant women, persons with movement impairments and those suffering from infectious diseases are no longer required to undergo an assessment of work incapacity every month in person. The Rulebook stipulates that somebody else can submit the required documentation for approval, instead of the person affected. The RS Health Insurance Fund is working to upgrade electronic healthcare cards for patients. Once the upgrade is completed, the medical commission for the approval of sick leave and medical doctors will be able to approve sickness leave without the patients having to submit any documentation. This will also apply to persons in hospital care.

Since 2019, the Health Insurance Fund of Canton Sarajevo has made all forms for the sickness and healthcare benefits relevant to employers and the self-employed available online and in its offices free of charge.

1.2.2.3 Maternity and equivalent paternity benefits

There have not been any legislative changes concerning applications for maternity benefits in either entity. In both entities, responsibility for applying for the benefit rests with employers and the self-employed. However, functioning of the registry within the Tax Systems has simplified the procedure for proving the payment of social insurance contributions, and employers and the self-employed are no longer required to submit proof of contribution payments. Now, the responsible institution checks the social insurance payment records direct with the Tax Administration. However, online application for benefits is not provided by any institution responsible for maternity benefits.

1.2.2.4 Invalidity benefits

There have not been any changes concerning the application process for invalidity benefits by the entities' pensions and disability insurance funds and the responsible ministries. Online application for invalidity benefits is not possible in either entity or Brčko District.

1.2.2.5 Old-age benefits and survivors' benefits

During the COVID-19 pandemic, the FBiH Pension Fund accepted documentation sent electronically (FBiH Pension Fund, 06.04.2022). However, this was an exception, since the current legislative framework does not allow for the electronic submission of documentation.

1.2.2.6 Benefits in respect of accidents at work and occupational diseases

There have not been any changes concerning the application process for accessing benefits regarding work-related accidents or occupational diseases. None of the responsible institutions offer online application for benefits.

1.2.3 Simplification of the structures within the social protection administration

1.2.3.1 Unemployment benefits

Both entities' public employment services have digitalised the system and introduced new working processes.

In 2020, the PES system in the FBiH (which is made up of the FBiH Employment Institute and cantonal PESs) finished upgrading the application module used by the entity and cantonal PESs for active labour market measures. The system is aligned with bylaw legislation that regulates the database for the unemployed and integrates different work processes, such as the registration of the unemployed and employers, the waiting lists, and checking data against external information systems, such as the Tax Administration and the Financial-Information Agency of FBiH, etc. Establishing this applicative information system was one of the prerequisites for completing the World Bank credit arrangement and implementing the Rulebook for Registering Unemployed from 2018 (FBiH Employment Institute, 2021).

At the end of 2019, the RS Employment Institute put new software into operation to register the unemployed (RS Employment Institute, 2021). The system can perform matching of labour demand and supply; it integrates the process of registration, profiling and implementation of individual plans of the unemployed. Also, the system is connected to the system of the Tax Administration, and it allows statistical and analytical reporting.

1.2.3.2 Sickness and healthcare benefits

There have not been any changes within the structures of the health insurance funds that are responsible for administering sickness and healthcare benefits. However, the healthcare systems that have advanced with the digitalisation of their work processes have simplified data sharing, ensuring access for all relevant users to information, such as medical records, records on contribution payments, and so on.

1.2.3.3 Maternity and equivalent paternity benefits

The RS Fund for Child Protection no longer relies on centres for social work to process benefit claims. With changes to the law that became effective from January 2020, the RS Fund for Child Protection established a new organisational structure made up of six regional seats and administrative units for one or more local authorities. However, it has not been reported that these changes have affected access to benefits for the claimants.

1.2.3.4 Invalidity benefits

Entity pension funds have the status of entity budget users.¹³ The FBiH Pension Fund lost its extra-budgetary status in January 2020, while the RS Pension Fund lost it earlier, in 2016. However, the administration of benefits remains the responsibility of the pension funds, and there have not been any significant changes in the structure of pension funds administration dealing with beneficiaries.

1.2.3.5 Old-age benefits and survivors' benefits

There have not been any significant changes to the structure of pension funds responsible for the administration of old-age and survivors' benefits.

1.2.3.6 Benefits in respect of accidents at work and occupational diseases

There have not been any significant changes within the institutions responsible for administering benefits regarding accidents at work and occupational diseases.

2 Issues, debates and ongoing or planned reforms to ensure information on, and to simplify access to, social protection for workers and the self-employed

2.1 Issues, debates and reforms related to information

2.1.1 Issues

In general, access to information for workers, the self-employed and the public is generally not reported as an issue in government strategic documents, such as the FBiH Development Strategy 2021-2027, the Economic Reform Programme for 2022-2024 and the Strategic Development Goal (SDG) Framework in Bosnia and Herzegovina. Most institutions of social protection follow their earlier established communication and information-sharing patterns, assuming that workers and the self-employed already have adequate information about their rights and entitlements. Such practices do not guarantee transparency and can negatively affect access to social protection, because workers and the self-employed do not have sufficient information on how to access certain rights and may be unaware of their rights or entitlements.

Very few reports mention access to information as an issue. The most notable is the performance evaluation concerning the employment protection measures stipulated under

¹³ The pension funds' revenue and expenditure are planned and reported within the entity's budget.

the FBiH Law on Ameliorating Negative Economic Consequences. This report mentions several omissions made by the FBiH government during the implementation of these measures, including insufficient transparency and failing to reach those business subjects worst affected by the crisis (Audit Office of the Institutions in the FBiH, 2021a). Namely, the report points out that the most affected business subjects (including the self-employed) did not have sufficient information on how to apply for the assistance.

Furthermore, the FBiH Audit Office of the Institutions in the FBiH (2021b) also conducted a pre-evaluation study about employment subsidies, based on the FBiH government's Decree on Intervention Measures to Support Affected Sectors of the FBiH Economy in the context of the COVID-19 pandemic, implemented at the end of 2020. However, based on the pre-evaluation study, the FBiH Audit Office decided to forgo the main evaluation study, having found out that the ministries responsible did not have complete documentation and because the responsible financial-information institutions had failed to submit documentation about companies that had benefited from these measures, inter alia.

2.1.2 Debates

There is no public debate about access to information on social protection for workers and the self-employed. Instead, most current debates concern the general deterioration in labour rights, labour market informalities, the lack of social dialogue and the inadequate response by the governments to the health and economic crisis caused by the pandemic (BHRT.ba, 17.12.2019; Buka, 21.04.2022).

Non-governmental organisations implementing the project "Assistance to citizens in the fight against corruption in Bosnia and Herzegovina", financed by USAID, aim to increase citizen participation in combating corruption and to improve the credibility of civil society organisations. One of the activities included a survey of mothers of new-born children. Its results suggest wide-scale corruption in the country's maternity wards, thereby limiting access to healthcare for those without the ability to pay (bribe) medical staff. In addition, the survey results were presented in several cities of Bosnia and Herzegovina, with the aim of stimulating discussion about the problems of corruption and access to health care.

2.1.3 Ongoing or planned reforms

The RS Government (2019) adopted its Strategy for the Development of Electronic Administration for the period 2019–2022, envisaging further digitalisation of the public administration at all levels of government, including the provision of e-services and better coordination, wider and improved internet coverage, free internet connectivity in places with high population density, etc. The strategy provides a framework for improving electronic administration for the entire public administration, including ministries and institutions responsible for the social protection rights of workers and the self-employed.

At the time of writing, the RS National Assembly has adopted a draft law on health documentation and evidence in health care (RS Government, 14.04.2022); it will replace the current law, which dates back to 2007, and a bylaw from 1995. The law stipulates the introduction of standardised health and medical data in electronic format, which will enable the exchange of data between information systems and data analysis. Hence, the new law will regulate the functioning and content of the new integrated health information system in the RS.

2.2 Issues, debates and reforms related to simplification

2.2.1 Issues

The governments' strategic documents, such as the FBiH Development Strategy 2021–2027, the Economic Reform Programme for 2022–2024 and the SDGs Framework in Bosnia and Herzegovina, do not mention the simplification of procedures in access to social protection for workers, the self-employed or the public in general.

Very few documents mention it. The RS audit report mentions that organisations representing persons with disabilities had raised the issue of the complexity of the procedure related to the employment of persons with disabilities under the quota system. Reportedly, the procedure requires some 20 documents to be submitted, which outweighs the modest financial benefits received under the scheme (The Supreme Office for the RS Public Sector Auditing, 2019, p.38).

Reform of health insurance for the unemployed was planned under the Reform Agenda 2015–2018 and has been taken over into the most recent strategy, the Common Socio-Economic Reforms for the period 2019–2022. The idea is to delink health insurance for the unemployed from the public employment services. According to the latest strategy, the current unemployment benefits system, which includes health insurance for the unemployed, gives distorted (overestimated) figures for registered unemployment and increases the expenses of the public employment services (Bosnia and Herzegovina, 2019). By taking health insurance for the unemployed out of the unemployment system, the public employment services could devote more time to currently underperforming functions, such as employment mediation. Therefore, the public unemployment system would become simplified and more focused on active labour market measures. This requires change to the FBiH Law on Health Insurance, which has not been initiated yet. The RS entity has already achieved this by changing the Law on Employment Mediation and the Law on Health Insurance in 2019.

2.2.2 Debates

Debate over the financing of salary compensation during maternity leave emerged in the FBiH when the FBiH government proposed the Law on Material Support for Families with Children (Obradović, 2021a). Although the law stipulates only the right to maternity allowance and child benefits, it also suggests that salary compensation for employed women during maternity leave should be financed from health insurance. The re-inclusion of salary compensation during maternity leave as one of the health insurance rights¹⁴ would equalise maternity leave benefits throughout the FBiH entity on the same social insurance principles as in the RS entity. As a result, the current system, where each canton decides on its benefits formula and application procedure, would be replaced by a single procedure defined at the level of the FBiH entity. This would require changes (as yet undrafted) to the FBiH Law on Health Insurance. In fact, the initiative is unlikely to be welcomed by ministries responsible for health care, since the inclusion of salary compensation under health insurance rights would place an additional strain on the health insurance funds' finances. The subject is likely to stir discussions over the financing and administration of this right in the future. However, for the time being, salary compensation remains financed by cantons from general taxation.

2.2.3 Ongoing or planned reforms

Alongside the digitalisation of the healthcare systems at the cantonal level, which thus far has proceeded unevenly,¹⁵ the FBiH government is planning to integrate the fragmented FBiH healthcare system electronically. According to the FBiH Development Strategy for 2021–2027 (FBiH Government, 2020), the FBiH should introduce standardised protocols

¹⁴ Salary compensation during maternity leave for employed and self-employed mothers was financed from health insurance contributions before adoption of the FBiH Law on Health Insurance in 1997.

¹⁵ The electronic system is fully operational in Canton Sarajevo, Herzegovina-Neretva Canton and Zenica-Doboj Canton, while other cantons lag behind in the digitalisation of the healthcare systems. In most cantons, the process seems to be held back by lengthy procurement procedures. In Tuzla Canton, the digitalisation of the healthcare system that started seven years ago is due to be completed in 2022 (Klix, 31.12.2021). This will include the introduction of an electronic healthcare booklet and electronic referral of patients and prescriptions, which will simplify access to healthcare rights and access to information.

based on a common European format that will be supported by an adequate digital platform, in order to horizontally and vertically connect the cantonal and entity health insurance funds and institutions. Furthermore, it would include developing and adopting a programme for integral health-information systems and e-health documents. This system would enable citizens to access health data and exchange health data within the FBiH and – later – with the EU.

At the time of writing, the FBiH has adopted a Law on Material Support for Families with Children, which has introduced a single amount of maternity allowance for all unemployed women, including those in education, whose family income per family member does not exceed 20% of the average net salary in the FBiH (FBiH Government, 2021). The maternity allowance will amount to 30% of the average net salary in the FBiH, and it will be paid for 12 months. Since cantons will finance this benefit, they will need to align their legislation with the FBiH law, in order to start paying the benefits. The new law will simplify the application procedure, broaden the coverage and increase the benefit level for the maternity allowance throughout the FBiH.

Based on the RS Strategy for Protection at Work for the period 2021–2024 (RS Ministry of Labour and Protection of War Veterans with a Disability, 2021), the RS entity is planning to improve and simplify the procedure for recording accidents at work and occupational diseases, and to harmonise its laws with EU legislation in this field. The RS plans to establish a central electronic register of work injuries and occupational diseases. The new system will simplify the registration procedure and enable an analysis of data and monitoring of economic costs related to absence from work due to sick leave caused by work injuries. The reform will be accompanied by informative and awareness-raising campaigns in the media.

2.3 Suggestions for improvements

The social insurance systems in Bosnia and Herzegovina are at a critical crossroads and in need of reforms to ensure their broader coverage and higher benefits level (ILO, 2022). Even though transparency and access to information regarding access to social protection are not reported as issues and are rarely discussed, improving these aspects of the social protection systems could enhance and modernise the systems and contribute to their long-term sustainability. Improving transparency and access to information could stimulate an increase in general public support for the systems and make them more credible and worth investing in, in the eyes of beneficiaries, i.e. the workers and the self-employed.

The tax administration authorities in both entities already have in place systems for registering, monitoring and collecting social insurance contributions; these have indirectly contributed to the modernisation of social insurance schemes, by simplifying the procedures in some instances and contributing to transparency by providing individualised information about the payment of social insurance contributions online. However, the systems for registering, monitoring and collecting social insurance contributions have not yet been fully harnessed by the social insurance systems. For instance, the system of the Tax Administration could be integrated with social insurance funds to provide multidimensional personalised information to its beneficiaries, by offering an overview of what a worker has contributed so far and indicating possible future entitlements to social protection schemes. This tool could have not only an informative function, but could also provide the possibility of submitting claims and applications online, making online appointments and so on. Such a tool would contribute to the system's sustainability in the long term, by providing a visible link between contributions and benefit entitlements in the present and the future. The digitalisation of social protection systems, however, should not be conducted without consideration for persons who have inadequate digital skills and persons with disabilities, who might have difficulty using digital platforms. For those reasons, the traditional tools in communication with beneficiaries should be maintained and improved by finding new ways to reach out to beneficiaries, rather than wait for

claimants to approach, assuming that they are informed about their rights and possible benefits.

Social partners, such as representatives of employees and employers, have an important role in providing information. One of their main functions is to inform members of their rights and obligations concerning social protection, and it is in their interest to have the social protection rules made more accessible and transparent. Apart from traditional representatives, groups representing non-standard workers and the self-employed should also be included, given the growing diversity in work forms and the substantial number of unregistered workers. Ideally, traditional interest groups, such as trade unions, should also represent these non-standard groups of workers. Besides, since the social insurance system is maintained primarily through the contributions of employers and employees, the representatives of those groups have every right to demand greater transparency from the government.

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