

## Employment of Persons with Disabilities in Bosnia and Herzegovina<sup>1</sup>

### 1. Labour market in BiH and position of PWDs

Bosnia and Herzegovina shares similar social and economic heritage with other economies of the Western Balkans, yet its political organization is quite different. Pursuant to the Dayton Agreement, the country is compound of two entities - the Federation of Bosnia and Herzegovina (FBiH) comprising of 10 cantons and the Republic of Srpska (RS). In addition, Brcko district (BD BiH) received the status of an independent self-government unit in accordance with international arbitration, following the Dayton Agreement. On the country level, decentralization is applied within most of its political, social and economic governance. However, the Constitution of Bosnia and Herzegovina and the legal framework referring to international relations and international documents signed/ratified on the country level are applied in each of the two entities and the district of Brcko.

Total population of BiH is 3,531,159 (Census 2013). According to LFS 2017<sup>2</sup>, working-age population is 2,407,000 with about 63% in FBiH, 35% in RS and 2% in BD BiH. Most relevant labour market indicators are presented within the official statistics reports on the country level as well as for each of the three separate labours markets (FBiH, RS and BD BiH), sharing similar problems of low activity rates and high unemployment. The country has been facing activity rates (15+) of about 44% almost constantly in the period from 2010 till 2016 as well as unemployment rates between 27 and 28% in the same period<sup>3</sup>. According to LFS data for 2017, activity rates (15-64) were as follow: 54.5% BiH, 51% FBiH, 61.6% RS and 49.1% BD BiH. Also, unemployment rates were 20.5% for BiH, with 20% in FBiH, 21% in RS and 27% in BD BiH.

Like in other economies of the region, PWDs face a particularly weak position on the labour market, due to inadequate accessibility to public places and public services combined with social stigma and deeply rooted stereotypes. Qualitative and quantitative research on smaller samples conducted with the support of several international projects pointed out at the weak position and inadequate status of PWDs within the BiH society. As a result, their unemployment is estimated at a much higher level than for the overall population, leading to high risk of poverty and social exclusion. However, the figures showing unemployment, employment, activity rates, their participation in various fields of social services and labour market in general are not available. Even the total number of PWDs is not presented in the official statistics. The estimate is based on WHO definition according to which about 10 to 15% of the world population lives with any kind of disability. In the case of BiH that is 569,000 PWDs with about 199,000 in living in RS,

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<sup>2</sup> Labour Force Survey 2017, TB 10, Agency for Statistics of Bosnia and Herzegovina, Sarajevo 2017, available at: [www.fzs.ba](http://www.fzs.ba)

<sup>3</sup> Western Balkans Labour Market Trends 2017, World Bank Group and Vienna Institute for International Economic Studies, available at <http://www.worldbank.org/en/region/eca/publication/labor-trends-in-wb>

356,000 in FBiH and 14,000 in DB BiH<sup>4</sup>. On the other hand, according to Census 2013 data, about 8.33% of population BiH (294,058 persons, 4.5% women, 3.9% men) lives with any kind of disability<sup>5</sup>. For example, according to the same source for FBiH 8.2% or 181,927 persons reported facing disabilities affecting their sight and hearing capacities, mobility, communications and cognitive skills as well as problems with regards to self-care<sup>6</sup>.

Despite constituting the majority, the participation of women PWDs in BiH seems to be lower than the participation of men PWDs, at much higher extent than comparing to the overall population. An explanation stems from the fact that a high percentage of registered unemployed PWDs refers to PWDs war veterans<sup>7</sup>. In FBiH for example, PWDs are recorded in the data registry<sup>8</sup> under two categories (PWDs war veterans and other PWDs) while structural data are not kept. In addition, the total number of PWDs cannot be determined as the official institutions register PWDs only upon their own request or if the impairment is undoubted<sup>9</sup>. In the same manner, data on the number of registered unemployed on the level of BiH are not available, since in BD BiH records on unemployed PWDs are not kept as well. However, though not complete, the available data on PWDs in BiH (see table 1) indicate a rather small share of registered unemployed PWDs in BiH.

Table 1: Participation of PWDs in labour markets FBiH and RS

	2015			2016			2017		
	total	women	% women	total	women	% women	total	women	% women
registered unemployed PWDs FBiH	8,355	1,618	20.17	8,061	1,678	20.93	7,883	1,767	22.41
registered unemployed PWDs RS	2,094	122	5.73	1,988	124	6.24	1,730	111	6.42
registered unemployed overall FBiH	389,865	205,639	52.75	372,207	200,726	54	349,699	194,112	55.5

<sup>4</sup> Izveštaj o usklađenosti zakonodavnog i institucionalnog okvira u Bosni i Hercegovini sa UN Konvencijom o pravima lica/osoba sa invaliditetom sa preporukama za harmonizaciju, Banja Luka, 2014.

<sup>5</sup> According to: <https://www.nezavisne.com/novosti/bih/U-BiH-zivi-294000-osoba-sa-invaliditetom/454042>

<sup>6</sup> Knjiga 6 popisa - available at: <http://fzs.ba/index.php/popis-stanovnistva/popis-stanovnistva-2013/konacni-rezultati-popisa-2013/>

<sup>7</sup> When employing PWDs many employers chose to employ war veterans rather than any other category of PWDs, Alternativni izveštaj izveštaj za BiH: Osobe s invaliditetom i dalje na marginama, available at: <http://eu-monitoring.ba/alternativni-izvjestaj-za-bih-2016-osobe-sa-invaliditetom-i-dalje-na-marginama/>

<sup>8</sup> [www.fzz.ba/statistika](http://www.fzz.ba/statistika)

<sup>9</sup> Izveštaj o usklađenosti zakonodavnog i institucionalnog okvira u Bosni i Hercegovini sa UN Konvencijom o pravima lica/osoba sa invaliditetom sa preporukama za harmonizaciju, Banja Luka, 2014

registered unemployed overall RS	135,585	65,732	48.48	125,906	61,461	48.81	114,364	57,077	49.9
% PWDs in overall FBiH	2.14	0.79		2.17	0.84		2.25	0.91	
% PWDs in overall RS	1.54	0.19		1.58	0.20		1.51	0.19	

Source: PES FBiH<sup>10</sup> and PES RS<sup>11</sup>

The table above clearly shows much smaller representation of women PWDs in both entities in comparison to women overall representation among registered unemployed. In FBiH women PWDs accounted for 22.41% as of 2017, in comparison to 55.5% of women registered overall. In RS the situation is much less favourable for women PWDs with the share of 6.42% in registered unemployed PWDs versus 49.9% in the overall population. In addition, the table also shows that the share of registered PWDs in both entities is rather small taking into account the share of PWDs population according to Census 2013 data (8.33%).

While structural data referring to registered unemployed PWDs for FBiH are not available, from the part of RS it is evident that the share of persons with no/low qualifications is substantially higher (34.45% in 2017) than in the case of overall population (22.87% of no/low qualified overall in 2017). Additionally, the share of young population (15-29) is substantially lower (4.85%) than in the overall registered unemployed (26.81% in 2017), which is similar to other countries of the Western Balkans.

## 2. Assessment of regulatory framework with regard to employment of PWDs

BiH ratified UN Convention on the Rights on Persons with Disabilities in 2010 thus accepting this document a part of its national legal framework. This is particularly important since the regulatory framework in the field of employment on the country level is non-existent. The entities develop their own regulatory frameworks based on international regulations which have been signed and or ratified on the country level thus becoming legally binding within the country as a whole. Republic of Srpska is more centralized within the two levels of government - the level of the entity and the level of the local self-governments, which assures higher efficiency in developing regulatory framework, policy making and its implementation. Federation BiH is more decentralized thus acknowledging three levels of government - the level of the entity, level of 10 cantons and the level of local-self governments. All legal and strategic documents on the level of FBiH have to be approved by each of the 10 cantons, which makes the procedure more complicated and much slower than in the case of RS.

<sup>10</sup> Data calculated based on reports (December) available at [www.fzz.ba/statistika](http://www.fzz.ba/statistika)

<sup>11</sup> Data calculated based on reports (December) available at <http://www.zzzrs.net/index.php/statistika/>

The Constitution of BiH as well as the Constitutions of its entities guarantee the right to work and employment for all, including PWDs. Accordingly, protection against discrimination for PWDs is assured through the main legal acts and further regulated by special laws, bylaws and strategic documents developed within each of the entities. Apart from the UN Convention, BiH and its entities have accepted to adjust their internal regulations in accordance with a number of other international documents in the field of protection of human rights (e.g. European Convention on Human Rights, European Social Charter, Convention on Childs' Rights etc), also addressing the right to work and employment of PWDs.

To assure implementation of the named documents on the country level as a whole in 2008 the Council of Ministers of BiH issued the *Policy in the field of disability in BiH*<sup>12</sup>. In accordance, *Strategy for Improved Social Position of PWDs in Republic of Srpska 2010-2015*<sup>13</sup> followed by the *Strategy for Improved Social Position of PWDs 2017-2026*<sup>14</sup> as well as the *Strategy for Equal Possibilities of PWDs in the Federation BiH 2010-2015*<sup>15</sup> and the *Strategy for Improved Rights and Position of PWDs in Federation BiH 2016-2021*<sup>16</sup> have been issued.

While human rights including the right to work and employment for PWDs in BiH have been tackled in various legal and strategic documents on the country level as well as within its entities, there is not a single document universally addressing all relevant issues. Many of the granted rights cannot be fully implemented due to the lack of harmonisation among relevant documents, the problem applying throughout BiH. In 2010, a council for PWDs was established as a permanent, technical, advisory, inter-ministerial and coordinating body of the Council of Ministers of BiH, responsible for cooperation with various international and local stakeholders, coordination of activities among relevant partners, monitoring, evaluation and reporting on the implementation of various activities referring to the protection of rights of PWDs<sup>17</sup>.

Against such a background, it is evident that the regulatory framework related to employment of PWDs consists of 1) international documents approved/ratified on the country level and 2) separate regulatory frameworks developed independently in each of the entities and the district. Therefore, apart from the named strategies concerning improvement of the position of PWDs, the field of employment in general and employment of PWDs have been regulated by the legal acts issued separately for each of the entities and the district. The main legal acts in that regard in

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<sup>12</sup> Council of Ministers of BiH, *Policy in the field of disability in BiH*, Official Gazette No. 76/08

<sup>13</sup> Republic of Srpska Government, *Strategy for Improved Social Position of PWDs in Republic of Srpska 2010-2015*, available at: [www.vladars.net](http://www.vladars.net)

<sup>14</sup> Republic of Srpska Government, *Strategy for Improved Social Position of PWDs in Republic of Srpska 2017-2026*, available at: [www.vladars.net](http://www.vladars.net)

<sup>15</sup> Federation of Bosnia and Herzegovina Government, *Strategy for Equal Possibilities of PWDs in the Federation BiH 2010-2015*, available at: [www.fmrsp.gov.ba](http://www.fmrsp.gov.ba)

<sup>16</sup> Federation of Bosnia and Herzegovina Government, *Strategy for Improved Rights and Position of PWDs in Federation BiH 2016-2021*, available at: [www.fbihvlada.gov.ba](http://www.fbihvlada.gov.ba)

<sup>17</sup> The Decision on the establishment of The Council of PWDs, Official Gazette of BiH No. 21/11

FBiH are *the Labour Law*<sup>18</sup>, *the Law on intermediation in employment and social security of unemployed*<sup>19</sup> and *the Law on Professional Rehabilitation and Employment of PWDs*<sup>20</sup>. In RS, these are: *the Labour Law*<sup>21</sup>, *the Law on intermediation in employment and rights in the case of unemployment*<sup>22</sup> and *the Law on Professional Rehabilitation and Employment of PWDs*<sup>23</sup>. In contrast, regulative framework concerning protection of rights including the right to work and employment in BD BiH has still been under-developed. Special law on professional rehabilitation and employment of PWDs has been not issued in BD BiH, nor has the Fund for rehabilitation and employment of PWDs been established. In consequence, PWDs in BD BiH may claim their rights within established Funds and institutions in FBiH and RS instead.

The responsible institutions in FBiH for the development and implementation of employment policy for PWDs are the Federal Ministry of Labour and Social Policy (FMLSP), Federal Public Employment Service (FPES) and the Fund for Professional Rehabilitation and Employment of PWD, established as a public institution in accordance with the Law. In similar manner, in RS these are the Ministry of Labour and Veterans (MLV), Public Employment Service (PES) and the Fund for Professional Rehabilitation and Employment of PWDs.

### 3. Assessment of employment policy and ALMPs for PWDs

As previously explained, the regulatory framework and employment policy for PWDs in BiH are developed by each of its entities. In general, the employment policies in the two entities are similar, yet there are some minor differences in between the two.

Employment policies for PWDs in FBiH and RS revolve around professional rehabilitation and employment representing the two main pillars. In addition, in each of the entities the Fund for professional rehabilitation and employment of PWDs (the Fund) has been established as a public institution responsible for implementation of policies and programmes directed at PWDs.

Professional rehabilitation is organized under general and special conditions and comprises a set of activities directed at recognizing remaining working capacity and implementing various programmes with regard to individual and group counselling, training, motivation and provision of assistance in keeping current or finding a new job. Both entities envisage the establishment of institutions for professional rehabilitation responsible for the implementation of the listed activities. In RS such institution may be founded by RS Government and/or local self-government, while in FBiH apart from the Federal and local governments the 10 cantons, PWDs associations, FPES, humanitarian organizations, religious organizations and other individuals

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<sup>18</sup> The Labour Law, Official Gazette of FBiH No. 26/16

<sup>19</sup> The Law on intermediation in employment and social security of unemployed, Official Gazette of FBiH No. 41/01

<sup>20</sup> The Law on Professional Rehabilitation and Employment of PWDs, Official Gazette of FBiH No. 9/10

<sup>21</sup> The Labour Law, Official Gazette of RS, No. 1/16

<sup>22</sup> The Law on intermediation in employment and rights in the case of unemployment, Official Gazette of RS No. 30/10

<sup>23</sup> The Law on Professional Rehabilitation and Employment of PWDs, Official Gazette of RS No. 37/12, 82/15

and legal entities may be the founders of these institutions. In both entities the institutions for professional rehabilitation, their founders as well as the Funds for professional rehabilitation and employment of PWDs provide necessary funds for its operation.

The Law on professional rehabilitation and employment of PWDs (the Law) in each of the entities also envisages employment of PWDs under general and special conditions. Employment under general conditions on the open labour market is supported through the introduced quota scheme. In addition, financial incentives (redemption of contributions for employment and funds for adjustment of working place and/or necessary technical equipment) as well as taxes/import taxes reductions are offered to employers who employ PWDs. Employment under special conditions is assured by establishing enterprises for employment of PWDs with assessed disability of at least 60% in FBiH and at least 40% in RS, sheltered workshops for employment of PWDs with disability of at least 70%, as well as working centres for employment and/or habilitation and rehabilitation of PWDs whose working capacity is lower than 50% of the capacity of a person of the same age and same professional qualifications needed for the job. Operations of special enterprises, sheltered workshops and entrepreneurial companies owned by PWDs are supported through binding obligation of public companies and institutions (with more than 50% of state ownership) to sign procurement contracts with these enterprises. Namely, in FBiH at least 35% and in RS at least 20% of goods and services procured from external partners must be obtained from enterprises employing PWDs.

Differently from the host economy, the Funds in FBiH and RS are established as public institutions in charge of the development, implementation and monitoring of policies and programmes of PWDs. In both cases, the Fund is an independent labour market institution whose operations are managed by a Managerial Board composed of 7 members and led by an appointed executive director. It is funded through the contributions paid by employers. Namely, in accordance with the quota scheme, employers with at least 16 employees are obliged to employ one PWD or pay a contribution to the Fund. In FBiH it amounts to 25% of the average salary for each PWDs they have an obligation to employ. Employers with less than 16 employees pay contributions to the Fund amounting to 0.5% of total gross monthly salaries should they not employ any PWD. In FBiH, additional funds for the operation of the Fund and implementation of the programmes directed at PWDs are collected from various sources such as the Federal budget, 10% of FPES budget directed at ALMPs in accordance with annual operational plans (e.g. in 2016 it was 1,250,000KM/625,000 EUR), 5% of the cantonal budgets directed at ALMPs and other sources<sup>24</sup>. Much useful information for employers employing PWDs as well as those obliged to contract special companies and entrepreneurs employing PWDs can be found on the web site of the Fund<sup>25</sup>. In RS, the quota scheme refers only to public institutions and public companies, while private companies are exempt from the obligation to employ PWDs. Also,

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<sup>24</sup> Vodic kroz Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom u Federaciji Bosne i Hercegovine, available at: [www.fond.ba](http://www.fond.ba)

<sup>25</sup> The Fund for professional rehabilitation and employment of PWDs, web address: [www.fond.ba](http://www.fond.ba)

contribution to the Fund<sup>26</sup> paid by employers who fail to fulfil the binding obligation amounts to 0.2% of the total gross salaries paid on monthly basis, while employers within private sector pay contribution to the Fund accounting at 0.1% of the gross monthly salaries as an obligation which may be fulfilled alternatively by employing one PWD per 16 employees.

In FBiH the Fund was established in 2010. In accordance with the Law, collected funds are distributed for three purposes: 1) monetary compensations and subsidies for employment, 2) financial incentives for new employment of PWDs and 3) financing and co-financing projects to support sustainability of employment of PWDs, the development of enterprises for employment of PWDs and their professional rehabilitation. By 2013, the cumulative amount invested was 8,316,265 KM (about 4.1 million EUR)<sup>27</sup>. In RS, the Fund was established in 2004. The contributions collected by 2006 allowed announcing the first public call offering financial incentives to employers who employ PWDs<sup>28</sup>. By 2013, in RS, 1,357 PWDs found employment due to collected contributions.

Public Employment Services in FBiH and RS implement a range of ALMPs which are available to PWDs. However, no special programme has been created for this particular group of registered unemployed. Still, the recognized status of a vulnerable group<sup>29</sup> in the Employment Strategy of Republic of Srpska 2016-2020 gives PWDs priority treatment in many projects implemented by PES. On the other hand, both entities and the district of Brcko announce special annual public calls for employment and self-employment of PWDs. In BD BiH for example, in accordance with annual operation plan envisaging active labour market measures (ALMPs) for 2017, PES BD BiH announced special public call for co-funding employment and self-employment of PWDs. In 2017, total of 142.001,76 KM was invested in employment of 10 PWDs for the duration of 24 months. Similar public call will be repeated in 2018 as well.

#### 4. Assessment of success factors and transferability

The success factors listed in the Host Economy Case Study are grouped under 1) recognition of rights to work and employment and assuring equal opportunities for PWDs based on recognized status of PWDs and assessment of working capacities, 2) development of four pillars of employment policy and 3) proper implementation of ALMPs for PWDs through NES. While the employment policy toward PWDs in BiH is generally rooted in similar paradigm (e.g. the

<sup>26</sup> The Fund for professional rehabilitation and employment of PWDs , web address: <http://www.fondinrvs.org>

<sup>27</sup> Martinovic, I., Pregled stanja i položaja OSI iz perspektive Fonda za profesionalnu rehabilitaciju OSI u FBiH, u Mi smo tu: Analiza trenutnog stanja i mogućnosti njihovog zaposlavanja i samozaposlavanja u BiH, (Renata Ninkovic-Papic, ur.) Fondacija za socijalno uključivanje u BiH, Sarajevo, 2014

<sup>28</sup> Trkulja S., Analiza stanja svih osoba sa invaliditetom i mogućnosti njihovog zaposlavanja i samozaposlavanja - iz perspektive fonda za profesionalnu rehabilitaciju Republike Srpske, u Mi smo tu: Analiza trenutnog stanja i mogućnosti njihovog zaposlavanja i samozaposlavanja u BiH, (Renata Ninkovic-Papic, ur.) Fondacija za socijalno uključivanje u BiH, Sarajevo, 2014

<sup>29</sup> Listed under operational objective 1.6. within *Strategic Goals and Operational Objectives of the Employment Strategy 2016-2020*, available at: [www.vladars.net](http://www.vladars.net)

established Fund for professional rehabilitation and employment of PWDs, the quota scheme and special forms of employment of PWDs) there are many specific matters which could be successfully transferred in future. For example, assessment of remaining working capacity in BiH is still mainly based on medical rather than multidisciplinary approach. Therefore, the establishment of an Assessment Committee under the auspices of PES and/or the Fund which would put stronger emphasis of social aspect of disability may be considered. In addition, the definition of PWDs should be broadened to include more categories, apart from the two general categories of war veterans and other PWDs. The introduced quota scheme in RS and FBiH seems to be aiming primarily at financing the Funds while in the Host Economy stronger emphasis is put on the enhancement of employment of PWDs on open labour market. Therefore, quota-levy may be re-considered to better promote employment and self-employment of PWDs aiming particularly at employment of the most hard-to-employ categories of PWDs. In that respect, all employers (both public and private) could be prompted to employ PWDs or contribute to their employment in special enterprises by paying part of their monthly salaries which is 50% in the case of the Host Economy.

However, the main difference between BiH and Serbia concerning professional rehabilitation and employment of PWDs refers to the implementation of ALMPs. In consequence, in the approaching period the emphasis should be put specifically at the active labour market programmes directed at professional rehabilitation and employment of PWDs, such as employment fairs, job clubs and/or trainings for active job search, trainings for the labour market, trainings for known employers, various kinds of subsidies for employment and self-employment of PWDs, public works and other programmes. While both entities in BiH as well as BD BiH offer ALMPs to all registered unemployed on equal basis, there are neither set targets nor allocated funds for ALMPs for PWDs. However, to improve the implementation of employment policy for PWDs, the establishment of a monitoring and evaluation system is crucial. Setting specific targets and budgeting make the most important steps toward effective implementation of ALMPs for PWDs. Simultaneously, the public employment services need to develop a system of registering PWDs clients to enable better insight into the participation of PWDs in and the evaluation of the effects of implemented ALMPs as well as employment outcomes.

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