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President  
Président  
Präsident  
Presidente

**Sharan Burrow**

General Secretary  
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cc:

- **Mr Edin Mušić, Speaker of the House of Representatives, Federation of Bosnia and Herzegovina e-mail:**  
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- **Ms Lidija Bradara, Speaker of the House of Peoples, Federation of Bosnia and Herzegovina**  
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**PERC/AL**

**19 January 2016**

**Draft Amendments to the Labour Law**

Dear Prime Minister,

Once again, we are deeply concerned over the information received from our affiliate in Bosnia and Herzegovina indicating that the government has been working on amendments to the Labour Law in a non-transparent manner and outside the existing social dialogue channels. Amendments to this important legislation would have a serious impact on the labour and social rights, employment policy and labour relations. An open and genuine social dialogue is therefore indispensable to avoid unnecessary tensions and conflicts in society.

The International Trade Union Confederation supports the efforts of the representative trade unions in Bosnia and Herzegovina to contribute to the process and reiterates its call upon the Government expressed in the enclosed communication to you back in July 2015. We strongly urge you to engage in a responsible and efficient social dialogue with respect to the policy and legislative processes, on the basis of full respect for all social partners. According to ILO norms it is essential that the introduction of draft legislation affecting collective bargaining or conditions of employment should be preceded by full and detailed consultations with the appropriate organizations of workers and employers.

In fact, several provisions of the draft amendment seem to be in clear violation of the international obligations of Bosnia and Herzegovina. Certain provisions would seriously undermine rights guaranteed under ILO Convention No.98 on Collective Bargaining, which has been ratified by Bosnia and Herzegovina, if adopted. For example, the draft amendments refer to the abolition of the favourability principle from Article 19 of the Labour Law. The ILO Committee of Experts has repeatedly pointed out that this has a severely detrimental impact upon the foundation of collective bargaining. In addition, the draft amendment concerning Article 137 (1) seems to suggest that the conclusion of collective agreements would become conditional on whether they are deemed justified in light of the government's socio-economic policies. The ILO Committee on Freedom of Association has highlighted that the requirement of previous approval by public authorities for reasons of economic policy is not in compliance with Convention No. 98.

The draft amendment concerning Article 94 further stipulates that participation in an illegal strike would become a valid ground for dismissal in the future. This is particularly worrisome given that Bosnia and Herzegovina has previously been criticised by the ILO Committee of Experts for not having brought its legislation with respect to the right to strike in line with Convention No. 87. Thus, we are deeply concerned that the amendment would put workers participating in legitimate strikes under risk.

We will inform the relevant international institutions about continuous non-respect of the social dialogue principles and trade union rights in Bosnia and Herzegovina.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B...', written in a cursive style.

General Secretary