

Proposals for Amendments to Labor Laws in Bosnia and Herzegovina for the improvement of gender equality and the protection of rights related to motherhood, fatherhood and parenthood

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Abstract

This policy document offers proposals for amendments to labor laws in Bosnia and Herzegovina - the Labor Law in B&H Institutions, FB&H Labor Law, RS Labor Law and District Brčko of B&H Labor Law. The policy paper follows the logic of presenting the currently valid provisions of the labor laws, then lists proposed amendments to each of the relevant provisions/chapters for the area of maternity, paternity, or parental leave, and elaborates the proposed legal solutions.

The basic concept of this policy document is to identify problems in the domain of recognition, enjoyment and realization of the parents' right to maternity leave (as defined by positive labor law legislation in Bosnia and Herzegovina), fathers in particular, based on the research previously conducted by Sarajevo Open Centre¹ on legislative, administrative, economic and broader social barriers for fathers to fully exercise this right. The research provided data on the basis of:

- analysis of answers to questionnaires on a sample of 500 fathers who had a child in the period from 2016 to 2021, and interviews with five fathers who used maternity leave (first-hand information about their experiences in exercising this right),
- analysis of the existing legislation in the field of labor and social/child protection, as well as
- administrative practices of competent institutions for deciding on the exercise of this right,

from which the problems that need to be solved in the ways defined by this policy document are extracted – proposals for amendments to B&H labor laws.

The existing laws do not provide the same type of protection to fathers taking maternity leave as to mothers, and it is necessary to amend labor laws and other regulations that govern this area so that fathers also receive compensation instead of salary when using maternity leave, have the right to leave in case of stillbirth, and have a guaranteed period of use of parental/paternal leave that could not be waived or transferred to the mother, in accordance with the European Union Directive on Work-Life Balance for Parents and Carers.

The key amendments proposed can be summarized into the following:

- Defining maternity, paternity and parental leave: maternity leave - woman's right to leave for a certain number of days after giving birth; paternity leave - father's right to a mandatory leave in the duration of 10 days; parental leave - the right of both parents for the duration of one year
- Flexibilization of parental leave as an independent right of both parents in terms of alternate or simultaneous use
- Harmonization of terminology in the chapters related to protection against dismissal due to pregnancy and parenthood, in order to provide same for both parents

¹ Delila Hasanbegović, Amina Dizdar (2022), Father on Maternity Leave: Research on Legislative and Administrative Barriers to the Use of Maternity Leave in Bosnia and Herzegovina. Sarajevo: Sarajevo Open Centre. Available at: <https://soc.ba/otac-na-porodiljskom-odsustvu-istrazivanje-o-legislativnim-i-administrativnim-preprekama-za-koristenje-porodiljskog-odsustva-oceva-u-bih/>

- Allowing fathers to use paternity or parental leave, regardless of whether the child's mother is employed
- Guaranteeing equal treatment – prohibition of discrimination on the basis of marital or extramarital status, family planning, exercise of the right to maternity/paternity/parental leave
- Prohibition of overtime and night work for fathers of children who use paternity or parental leave
- Allowing fathers to use paternity or parental leave in case of stillbirth (as regulated for mothers)
- Enabling mothers and fathers to keep their jobs and working conditions, i.e. the status they previously had, during and after the maternity/paternity/parental leave
- Envisage of appropriate criminal/misdemeanor directives in case of non-compliance with the law provisions related to the protection of parenthood.

Introduction

The aim of this policy document - proposed amendments to labor laws in Bosnia and Herzegovina, following the problems that were identified through the previous research of Sarajevo Open Centre², is to put forward specific amendments to the Labor Law in B&H Institutions, FB&H Labor Law, RS Labor Law and District Brčko of B&H Labor Law.

The proposed amendments aim to **improve gender equality and the protection of rights related to motherhood, fatherhood and parenthood**, so that, among others, the legal regulation would motivate fathers to exercise this right more. Labor laws at the state, entity and District Brčko levels guarantee the right to use maternity leave by fathers after the period of 42 or 60 days from the birth of the child, because it is a mandatory period in which the mother must take maternity leave.

However, as the Sarajevo Open Centre research from 2022 showed, 57.8% of fathers stated they were not familiar with this legal possibility, of which 73.4% said they would have used maternity leave if they had known they were entitled to it. Those who used maternity leave encountered certain ambiguities that slowed down the process of exercising this right. This may further discourage fathers from taking maternity leave, which can ultimately lead to not making progress in terms of **equal care distribution for family members**, that is, all the burden of care will fall on mothers, who must therefore make additional efforts to **balance private and professional life**.

Furthermore, the proposed amendments aim to regulate the comprehensive protection of parents against discrimination, dismissal, or putting them in a disadvantageous position during employment and work due to the use of maternity/paternity/parental leave.

The ultimate goal of this policy document is to contribute to improvement of the gender equality principle and the removal of existing stereotypes that child care is “women’s work”, in such a way as to create an adequate legal protection and conditions for fathers and mothers to evenly distribute family obligations and accompanying parental roles.

In order to protect and improve the segments highlighted in the abstract of this publication, the proposed amendments are in accordance with the set standards of the Council of Europe, recommendations of UN mechanisms for the elimination of discrimination against women, of the European Union, towards whose membership Bosnia and Herzegovina is moving, comparative legal solutions of neighboring countries such as Croatia and Montenegro, as well as the domestic anti-discrimination legal framework and gender equality framework.

² Delila Hasanbegović, Amina Dizdar (2022), *ibid.*

1. Proposals for amendments at the level of Bosnia and Herzegovina

Labor Law in B&H Institutions		
Existing legal solutions	Proposed amendments	Elaboration
<p>I - BASIC PROVISIONS</p> <p>Article 6. An employee as well as an individual seeking employment, shall not be discriminated against because of race, skin color, sex, language, religion, political or other opinion or conviction, national or social origin, sexual orientation, property status, birth or any other circumstance, membership or non-membership in a political party, physical difficulties or on the grounds of any other reason contrary to the basic human rights and freedoms established by the B&H Constitution and the law.</p>	<p>I – BASIC PROVISIONS</p> <p>Article 6. An employee as well as an individual seeking employment, shall not be discriminated against because of race, skin color, sex, language, religion, political or other opinion or conviction, national or social origin, sexual orientation, property status, birth, marital or extramarital status, use of maternity, paternity or parental leave or any other circumstance, membership or non-membership in a political party, physical difficulties or on the grounds of any other reason contrary to the basic human rights and freedoms established by the B&H Constitution and the law.</p>	<p>This proposal aims to provide clearer and stronger protection against discrimination, by expanding the grounds on which discrimination is prohibited to include a person's marital or extramarital status and the enjoyment/exercise of the right to maternity, paternity or parental leave.</p>
<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>1. Conclusion of the employment contract</p> <p>c) Employment contract for an indefinite and fixed period</p> <p>Article 17. Discontinuances of work are not considered to be interruptions of the employment contract in the</p>	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>1. Conclusion of the employment contract</p> <p>c) Employment contract for an indefinite and fixed period</p> <p>Article 17. Discontinuances of work are not considered to be interruptions of the employment contract in the</p>	<p>The proposed amendments to the provisions of this article, which regulates the situations that will not be considered as interruptions of the employment contract, broaden the stated reasons/situations to the exercise of the right to paternity leave introduced by these proposed amendments, i.e. maternity and parental leave which are being extended.</p>

<p>following cases:</p> <ul style="list-style-type: none"> a) vacation; b) sick leave; c) maternity and parental leave; d) leave from work in accordance with the law or the employment contract; e) a period of time between the termination of the employment contract and the day of return to work pursuant to the decision of the Court of Bosnia and Herzegovina or another authority, in accordance with the employment contract and the law; f) paid leave from work with the consent of the employer; g) a time period of up to five days between employment contracts with the same or different employer 	<p>following cases:</p> <ul style="list-style-type: none"> a) vacation; b) sick leave; c) maternity, paternity and parental leave; d) leave from work in accordance with the law or the employment contract; e) a period of time between the termination of the employment contract and the day of return to work pursuant to the decision of the Court of Bosnia and Herzegovina or another authority, in accordance with the employment contract and the law; f) paid leave from work with the consent of the employer; g) a time period of up to five days between employment contracts with the same or different employer 	
<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>2. Working hours</p> <p>Article 21.</p> <p>4. A pregnant woman cannot work overtime, and a mother with a child up to three years old and a single parent up to six years of age of the child can work overtime, providing they give a written statement of voluntary consent to such work.</p>	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>2. Working hours</p> <p>Article 21.</p> <p>4. A pregnant woman cannot work overtime, and a mother or a father with a child up to three years old and a single parent up to six years of age of the child can work overtime, providing they give a written statement of voluntary consent to such work.</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of right, who cannot work overtime while exercising the right to paternity or parental leave.</p>

<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>4a) Protection of women and motherhood</p> <p>Article 36.</p> <ol style="list-style-type: none"> 1. During pregnancy, childbirth and child care, a woman has the right to maternity leave of twelve months continuously. 2. Based on the findings of the authorized doctor, a woman can start maternity leave 28 days before the expected delivery date. 3. A woman can use shorter maternity leave, but not shorter than 42 days following the childbirth. <p>Article 37.</p> <ol style="list-style-type: none"> 1. The child's parents can agree that the leave or part of the leave referred to in Article 36, paragraph 1 of this law, will continue to be used by the child's father instead of the mother upon the expiration of 60 days from the childbirth. 2. The child's father can use the woman's unused right from Article 36, paragraph 1 of this law in the event of: the death of the child's mother, if the mother abandons the child or if she is prevented from 	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES</p> <p>4a) Protection of parents and parenthood - Maternity and paternity leave</p> <p>Article 36.</p> <ol style="list-style-type: none"> 1. During pregnancy, childbirth and child care, a woman has the right to maternity leave for 42 days following the childbirth. 2. Based on the findings of the authorized doctor, a woman can start maternity leave 28 days before the expected delivery date. <p>Article 36.a</p> <ol style="list-style-type: none"> 1. Following the childbirth, a father has the right to paternity leave for a continuous duration of 10 working days for one child, i.e. 15 working days in case of birth of twins, triplets or simultaneous birth of several children. 2. The father can exercise the right from paragraph 1 of this Article regardless of the mother's labor status. 3. The right to paternity leave is non-transferable. <p>4b) Parental leave</p> <p>Article 37.</p> <ol style="list-style-type: none"> 1. Parents (mother and father) have the right to parental leave in accordance with their agreement, upon the expiration of time referred to in Articles 36, paragraph 1, and 36.a, paragraph 1. 	<p>A key article of the Law that introduces the right to paternity leave according to European Union standards on the balance between private and professional life. The goal of introducing this right, through determining the mandatory period of father's absence from work, is encouraging fathers to see the importance of caring for the child in the earliest stages after the birth and exercise this right to a greater extent.</p> <p>In accordance with the proposed definition of the right to paternity leave - the exclusive right of the child's father, maternity leave remains exclusively reserved for the mother of the child in a certain period of time after childbirth (42 days). It is important to note that the number of days of mandatory maternity leave for women (42 or 60 days) varies in different administrative-territorial units in Bosnia and Herzegovina, so the proposed amendments are based on the existing non-uniform legal solutions that will need to be harmonized at a certain moment.</p> <p>Parental leave, as a more adequate term for the right of both parents, is expanded and made more flexible in such a way that it is set as an individual right of every parent. The amendment temporally determines the right to parental leave for a duration of 12 months, with the provision that each parent has the right to use two months of parental leave that cannot be transferred to the other parent.</p>
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<p>exercising that right due to justified reasons.</p>	<ol style="list-style-type: none"> 2. The right to parental leave is an individual right of every working parent. 3. Parents have the right to parental leave for 12 months, with the provision that each parent retains two months of parental leave that cannot be transferred to the other parent, and they can use it individually, simultaneously or alternately, in accordance with their own agreement. 4. Worker-father of the child can exercise the right from Article 36.a. and Article 37, paragraphs 1-3. in the event of the death of the mother, if the mother abandons the child or cannot use maternity/parental leave due to other justified reasons. 	<p>This time determinant achieves the goal of motivating parents to use this right.</p>
<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of women and motherhood</p> <p>Article 38. 1. Upon the expiration of maternity leave, a woman with a child up to one year of age has the right to half the working hours if, according to the findings of an authorized healthcare facility, the child requires intensive care. 2. The right from paragraph 1 of this Article can also be used by the worker-father of the child, if the woman works full-time during that period, or the person who takes care of the child in</p>	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of parents and parenthood</p> <p>Article 38. 1. Upon the expiration of maternity or parental leave, a woman with a child up to one year of age has the right to half the working hours if, according to the findings of an authorized healthcare facility, the child requires intensive care. 2. The right from paragraph 1 of this Article can also be used by an employee - the father of the child, regardless of whether the woman is employed, or the person who takes care of the child in the</p>	<p>In terms of the right to work half-time, which, in the existing regulation for the father as the holder of right, is defined only in the situation when the woman works full-time during that period, the proposed amendment aims to guarantee the father to be the holder of this right regardless of the mother's labor status, which also protects unemployed women, i.e. removes the condition of the enjoyment/exercise of father's rights by the mother's employment status.</p>

<p>the event of the death of both parents, if the parents leave the child or if they are unable to take care of the child.</p>	<p>event of the death of both parents, if the parents leave the child or if they are unable to take care of the child.</p>	
<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of women and motherhood</p> <p>Article 40. If a woman gives birth to a stillborn child or the child dies before the end of maternity leave, she has the right to extend her maternity leave for as much time as the authorized doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child, during which time she has all the rights arising from maternity leave.</p>	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of parents and parenthood</p> <p>Article 40.</p> <ol style="list-style-type: none"> 1. If a woman gives birth to a stillborn child or the child dies before the end of maternity or parental leave, she has the right to extend her maternity/parental leave for as much time as the authorized doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child, during which time she has all the rights arising from maternity/parental leave. 2. For the remaining duration of time, the father of the child is also entitled to the right from the paragraph 1 of this Article, providing that he has not started using paternity/parental leave or if the child dies before paternity/parental leave has ended. 	<p>Guaranteeing the father the extension of parental rights duration in the event of a stillborn child or if the child dies before paternity/maternity or parental leave ends, as is guaranteed to the mother.</p>

<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of women and motherhood</p> <p>Article 42. 1. During the use of maternity and parental leave, the employee has the right to compensation for maternity and parental leave, in accordance with the applicable law. 2. During the half-time work referred to in Article 38 of this law, the employee has the right to receive salary compensation for the half of full-time work for which they do not work, in accordance with the law.</p>	<p>III - RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE EMPLOYEES 4a) Protection of parents and parenthood</p> <p>Article 42. 1. During the use of maternity, paternity or parental leave, the employee has the right to compensation for maternity, paternity or parental leave, in accordance with the applicable law. 2. During the half-time work referred to in Article 38 of this law, the employee has the right to receive salary compensation for the half of full-time work for which they do not work, in accordance with the law.</p>	<p>Guaranteeing the father the right to salary compensation during paternity or parental leave, as is guaranteed to the mother.</p>
<p>6. Salaries and compensations b) Compensations</p> <p>Article 50. 4. The employee is entitled to compensation for: a) transportation costs to and from work; b) food expenses during work; c) vacation bonuses; d) cases of the employee's serious injury at work, serious illness and disability of the employee or a member of their immediate family, and death of the employee's immediate family member; e) the costs of additional professional education and training for performing work tasks at the appropriate standard; f) jubilee awards;</p>	<p>6. Salaries and compensations b) Compensations</p> <p>Article 50.</p> <p>k) maternity, paternity and parental leave</p>	<p>In addition to maternity leave defined by current regulations, extending the right to salary compensation to situations where the right to paternity or parental leave is exercised.</p>

<p>g) severance pay upon retirement; h) being put at disposal; i) vacation and paid leave; j) temporary incapacity for work due to illness for up to 42 days; k) maternity and parental leave; l) overtime work, work during non-working days, night work and work on public holidays; m) accommodation costs, separate life allowance and compensation for temporary assignments; n) performing the duties of another workplace. 6. The amount of compensation from paragraphs 3, 4 and 5 of this Article is determined by the Council of Ministers' decision, employer's decision or the employment contract.</p>		
<p>V - PENAL PROVISIONS</p> <p>Article 102. 1. If the law does not prescribe otherwise, the employer will be issued a fine for a misdemeanor, ranging from 800 to 3,000 BAM, if they: a) put a person seeking employment in a less favorable position than the other employees (article 6.); b) hire a person, contrary to the established procedure or general and special conditions and restrictions (articles 8., 10. and 11.); c) conclude an employment contract, which does not contain the information prescribed in Article 12 of</p>	<p>V – PENAL PROVISIONS</p> <p>Article 102.</p>	

<p>this law;</p> <p>d) refer an employee to work abroad without the prescribed conditions (article 13.);</p> <p>e) ask the employee for information that is not directly related to the employment (article 14.);</p> <p>f) act contrary to Article 15 of this law;</p> <p>g) conclude an employment contract with an employee in which the full-time work is stipulated for more than 40 hours per week (article 19.);</p> <p>h) introduce overtime work when it is not allowed, or fail to notify the competent authority about the introduction of overtime work (article 21.);</p> <p>i) do not allow the employee the right to use vacation, or compensate them on the grounds of unused vacation (article 29);</p> <p>j) do not respect the established rights of women during pregnancy and maternity leave and the rights of parents during parental leave (articles 34 to 43);</p> <p>k) terminate the employee's contract contrary to article 44 of this law;</p> <p>l) do not return the employee to the jobs they were working on before the occurrence of incapacity to work, or to other appropriate jobs (article 45, paragraph 2);</p> <p>m) do not offer other jobs to the employee (article 46, paragraph 1);</p> <p>n) terminate the employee's</p>	<p>j) do not respect the established rights of women during pregnancy and maternity leave and the rights of the father and both parents during paternity and parental leave (articles 34 to 43)</p>	
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<p>contract contrary to article 47 of this law;</p> <p>o) act contrary to article 52 of this law;</p> <p>p) conclude an employment contract with an intern for a period longer than the one established in article 54, paragraph 3 of this law;</p> <p>r) do not conclude a volunteer employment contract in writing (article 55);</p> <p>s) decide to terminate the employee's contract contrary to articles 71 and 88 of this law;</p> <p>š) terminate the employee's contract without the prescribed notice period (article 79);</p> <p>t) do not fulfill the obligations towards the employee contained in article 80, paragraph 1 of this law;</p> <p>u) disable the employee's right to strike (article 95);</p> <p>v) put the employee in a disadvantageous position due to organizing or participating in a strike (article 97, paragraph 2).</p>	<p>z) put the employee in a disadvantageous position due to the exercise of rights related to motherhood, fatherhood and parenthood.</p>	
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2. Proposals for amendments at the level of Federation of Bosnia and Herzegovina

FB&H Labor Law		
Existing legal solutions	Proposed amendments	Elaboration
<p>II - CONCLUSION OF THE EMPLOYMENT CONTRACT</p> <p>Information that cannot be requested</p> <p>Article 29.</p> <p>During the selection process (interview, testing, survey, etc.) and the conclusion of the employment contract, the employer cannot request the employee to provide information that is not directly related to the employment, particularly in terms of the provisions of article 8 of this law.</p>	<p>II - CONCLUSION OF THE EMPLOYMENT CONTRACT</p> <p>Information that cannot be requested</p> <p>Article 29.</p> <p>(1) During the selection process (interview, testing, survey, etc.) and the conclusion of the employment contract, the employer cannot request the candidate/employee to provide information about family, marital and extramarital status, or family planning, that is, to provide documents and other evidence that are not of immediate importance for the performance of work on the grounds of which the employment is initiated, particularly in terms of the provisions of article 8 of this law.</p> <p>(2) The employer cannot condition the employment with a pregnancy test, unless it is about jobs where there is a significant risk to the health of the woman and the child determined by the competent health authority, i.e. by the risk assessment act.</p>	<p>The aim of this amendment is the protection of persons seeking employment during the selection process, i.e. the legal guarantee of equal treatment of both male and female candidates regardless of the following characteristics:</p> <ul style="list-style-type: none"> - family/marital status, - family planning, - other facts that are not of immediate importance for the performance of work on the grounds of which the employment is initiated. <p>Additional protection of a woman seeking employment is proposed by prohibiting the employer from making the initiation of employment conditional on a pregnancy test.</p>

<p>IV – WORKING HOURS</p> <p>Overtime work</p> <p>Article 38.</p> <p>(3) Overtime work is prohibited for a minor worker, pregnant women, mothers or adoptive parents of children up to three years of age, as well as single parents and single adoptive parents and the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's six years of age.</p> <p>(4) Pregnant women, mothers or adoptive parents of children up to three years of age, as well as single parents and single adoptive parents and the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's six years of age, can work overtime providing they give a written statement of voluntary consent to such work.</p>	<p>IV – WORKING HOURS</p> <p>Overtime work</p> <p>Article 38.</p> <p>(3) Overtime work is prohibited for a minor worker, pregnant women, mothers, fathers or adoptive parents of children up to three years of age, as well as single parents and single adoptive parents and the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's six years of age.</p> <p>(4) Pregnant women, mothers, fathers or adoptive parents of children up to three years of age, as well as single parents and single adoptive parents and the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's six years of age, can work overtime providing they give a written statement of voluntary consent to such work.</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of rights, who cannot work overtime while exercising the right to paternity or parental leave.</p>
<p>IV – WORKING HOURS</p> <p>Special protection of the employees working at night</p> <p>Article 41.</p> <p>(5) Night work is prohibited for pregnant women from the sixth month of pregnancy, mothers and adoptive</p>	<p>IV – WORKING HOURS</p> <p>Special protection of the employees working at night</p> <p>Article 41.</p> <p>(5) Night work is prohibited for pregnant women from the sixth month of pregnancy, mothers, fathers and adoptive parents, and</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of rights, who cannot work at night while exercising the right to paternity or parental leave.</p>

<p>parents, and the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's two years of age.</p>	<p>the person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing, up to child's two years of age.</p>	
<p>V - VACATIONS AND LEAVES</p> <p>Paid leave</p> <p>Article 53.</p> <p>(1) An employee shall be entitled to leave with salary compensation for up to seven working days in one calendar year - paid leave in the event of: marriage, wife's childbirth, serious illness and death of the immediate family or household member, in accordance with the collective agreement, labor regulations and the employment contract.</p>	<p>V - VACATIONS AND LEAVES</p> <p>Paid leave</p> <p>Article 53.</p> <p>(1) An employee shall be entitled to leave with salary compensation for up to seven working days in one calendar year - paid leave in the event of: marriage, serious illness and death of the immediate family or household member, in accordance with the collective agreement, labor regulations and the employment contract.</p>	<p>The basis for father's absence from work for up to seven working days in one year - "wife's childbirth" - is deleted, as the proposed amendments introduce a new right – „paternity leave“, which is identical to the one valid in this provision - for the duration of 10 working days.</p>
<p>VI – PROTECTION OF EMPLOYEES</p> <p>Prohibition of unequal treatment</p> <p>Article 60.</p> <p>(1) An employer cannot refuse to hire a woman because of her pregnancy, nor can they terminate her employment contract during pregnancy or use of maternity leave, or terminate the employment contract to any employee while exercising any of the rights referred to in articles 63, 64 and 65 of</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>Prohibition of unequal treatment</p> <p>Article 60.</p> <p>(1) An employer cannot refuse to hire a woman because of her pregnancy, nor can they terminate the employment contract during pregnancy or use of maternity, paternity and parental leave, or terminate the employment contract to any employee while exercising any of the rights referred to in articles 63, 64</p>	<p>In the context of the employment process and termination of employment contracts, the number of protected persons (in addition to the mother, the father is also being added) is expanded, alongside with situations in which their rights are protected, i.e. unequal treatment is prohibited - use of paternity, maternity or parental leave.</p>

<p>this law.</p> <p>(2) Termination of a fixed-term employment contract shall not be considered a termination of the employment contract in the sense of paragraph 1 of this article.</p> <p>(3) The employer cannot ask for any information related to pregnancy, unless a female employee requests a certain right provided for by law or other regulation for the protection of pregnant women.</p>	<p>and 65 of this law.</p>	
<p>VI – PROTECTION OF EMPLOYEES</p> <p>Maternity leave</p> <p>Article 62.</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave of one year continuously.</p> <p>(2) Based on the findings of an authorized doctor, a woman can start maternity leave 28 days before the expected delivery date.</p> <p>(3) A woman can use shorter maternity leave, but not shorter than 42 days following the childbirth.</p> <p>(4) Upon 42 days after childbirth, the right to maternity leave can also be used by the worker-father of the child, if the parents so agree.</p> <p>(5) Worker-father of the</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>Maternity, paternity and parental leave</p> <p>Article 62.a. Maternity leave</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave for 42 days following the childbirth.</p> <p>(2) Based on the findings of an authorized doctor, a woman can start maternity leave 28 days before the expected delivery date.</p> <p>Article 62.b. Paternity leave</p> <p>(1) Following the childbirth, a father has the right to paternity leave for a continuous duration of 10 working days for one child, i.e. 15 working</p>	<p>A key article of the Law that introduces the right to paternity leave according to European Union standards on the balance between private and professional life. The goal of introducing this right, through determining the mandatory period of father's absence from work, is encouraging fathers to see the importance of caring for the child in the earliest stages after the birth and exercise this right to a greater extent.</p> <p>In accordance with the proposed definition of the right to paternity leave - the exclusive right of the child's father, maternity leave remains exclusively reserved for the mother of the child in a certain period of time after childbirth (42 days). It is important to note that the number of days of mandatory maternity leave for women (42 or 60 days) varies in different administrative-territorial units in Bosnia and Herzegovina, so the proposed amendments are based on the existing non-uniform legal solutions that will need to be</p>

<p>child can exercise the right from paragraph 1 of this article in the event of the death of the mother, if the mother abandons the child or cannot use maternity leave due to other justified reasons.</p>	<p>days in case of birth of twins, triplets or simultaneous birth of several children.</p> <p>(2) The father can exercise the right from paragraph 1 of this Article regardless of the mother's labor status.</p> <p>(3) The right to paternity leave is non-transferable.</p> <p>Article 62.c. Parental leave</p> <p>(1) Parents (mother and father) have the right to parental leave in accordance with their agreement, upon the expiration of time referred to in Article 62.a paragraph 1, and Article 62.b paragraph.</p> <p>(2) The right to parental leave is an individual right of every working parent.</p> <p>(3) Parents have the right to parental leave for 12 months, with the provision that each parent retains two months of parental leave that cannot be transferred to the other parent, and they can use it individually, simultaneously or alternately, in accordance with their own agreement.</p> <p>(4) Worker-father of the child can exercise the right from Articles 62.b and 62.c in the event of the death of the mother, if the mother abandons the child or cannot use</p>	<p>harmonized at a certain moment.</p> <p>Parental leave, as a more adequate term for the right of both parents, is expanded and made more flexible in such a way that it is set as an individual right of every parent. The amendment temporally determines the right to parental leave for a duration of 12 months, with the provision that each parent has the right to use two months of parental leave that cannot be transferred to the other parent. This time determinant achieves the goal of motivating parents to use this right.</p>
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	maternity/ parental leave due to other justified reasons.	
<p>VI – PROTECTION OF EMPLOYEES</p> <p>Half-time work upon the expiration of maternity leave</p> <p>Article 63.</p> <p>(1) Upon the expiration of maternity leave, a woman with a child up to one year of age has the right to half the working hours, and for twins, third and every subsequent child has the right to work half-time up to child's two years of age, if the regulation of the canton does not provide for a longer duration of this right.</p> <p>(2) The right from paragraph 1 of this Article can also be used by the worker-father of the child, if the woman works full-time during that period.</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>Half-time work upon the expiration of parental leave</p> <p>Article 63.</p> <p>(1) Upon the expiration of parental leave, a woman with a child up to one year of age has the right to half the working hours, and for twins, third and every subsequent child has the right to work half-time up to child's two years of age, if the regulation of the canton does not provide for a longer duration of this right.</p> <p>(2) The right from paragraph 1 of this Article can also be used by the worker-father of the child, regardless of whether the woman is employed.</p>	<p>In terms of the right to work half-time, which, in the existing regulation for the father as the holder of right, is defined only in the situation when the woman works full-time during that period, the proposed amendment aims to guarantee the father to be the holder of this right regardless of the mother's labor status, which also protects unemployed women, i.e. removes the condition of the enjoyment/exercise of father's rights by the mother's employment status.</p>
<p>VI – PROTECTION OF EMPLOYEES</p> <p>The right to maternity leave in case of child loss</p> <p>Article 66.</p> <p>If a woman gives birth to a stillborn child or the child dies before the end of maternity leave, she has the right to extend her maternity leave for as much time as the</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>The right to maternity/parental leave in case of child loss</p> <p>Article 66.</p> <p>(1) If a woman gives birth to a stillborn child or the child dies before the end of maternity or parental leave, she has the right to extend her</p>	<p>Guaranteeing the father the extension of parental rights duration in the event of a stillborn child or if the child dies before paternity/maternity or parental leave ends, as is guaranteed to the mother.</p>

<p>authorized doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child, during which time she has all the rights arising from maternity leave.</p>	<p>maternity/parental leave for as much time as the authorized doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child, during which time she has all the rights arising from maternity/parental leave.</p> <p>(2) For the remaining duration of time, the father of the child is also entitled to the right from the paragraph 1 of this Article, providing that he has not started using paternity/parental leave or if the child dies before paternity/parental leave has ended.</p>	
<p>VI – PROTECTION OF EMPLOYEES</p> <p>The right to leave upon the expiration of maternity leave</p> <p>Article 67.</p> <p>(1) One of the parents can be absent from work until the child's three years of age, if this is provided for in the collective agreement or work regulations.</p> <p>(2) During absence from work in the sense of paragraph 1 of this Article, the rights and obligations from the employment are stand still.</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>The right to leave upon the expiration of maternity/parental leave</p> <p>Article 67.</p> <p>(1) One of the parents can be absent from work until the child's three years of age, if this is provided for in the collective agreement or work regulations.</p> <p>(2) During absence from work in the sense of paragraph 1 of this Article, the rights and obligations from the employment are stand still.</p>	<p>The amendment extends the right to leave upon the expiration of maternity leave to parental leave as well, as defined by the proposed amendments to the Law - the right of both parents.</p>

<p>VI – PROTECTION OF EMPLOYEES</p> <p>Salary compensation during maternity leave and half-time work</p> <p>Article 68.</p> <p>(1) During the use of maternity leave, the employee has the right to salary compensation, in accordance with the special law.</p> <p>(2) In addition to the right referred to in paragraph 1 of this Article, the employee may also be paid the difference up to the full salary at the expense of the employer.</p> <p>(3) During the half-time work referred to in Articles 63 and 64 of this law, the employee has the right to receive salary compensation for the half of the full-time work for which they do not work, in accordance with the law.</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>Salary compensation during maternity/parental leave and half-time work</p> <p>Article 68.</p> <p>(1) During the use of maternity or parental leave, the employee has the right to salary compensation, in accordance with the special law.</p> <p>(2) In addition to the right referred to in paragraph 1 of this Article, the employee may also be paid the difference up to the full salary at the expense of the employer.</p> <p>(3) During the half-time work referred to in Articles 63 and 64 of this law, the employee has the right to receive salary compensation for the half of the full-time work for which they do not work, in accordance with the law.</p>	<p>Guaranteeing the father the right to salary compensation during paternity or parental leave, as is guaranteed to the mother.</p>
<p>VI – PROTECTION OF EMPLOYEES</p> <p>Salary compensation</p> <p>Article 81.</p> <p>(1) The employee shall be entitled to salary compensation for the period of their absence from work due to justified reasons as provided for in the law, Canton regulation, collective agreement and work regulations (vacation,</p>	<p>VI – PROTECTION OF EMPLOYEES</p> <p>Salary compensation</p> <p>Article 81.</p> <p>(1) The employee shall be entitled to salary compensation for the period of their absence from work due to justified reasons as provided for in the law, Canton regulation, collective agreement and work regulations (vacation, temporary incapacity for</p>	<p>In addition to maternity leave as defined by current regulations, extending the right to salary compensation to situations of exercising the right to paternity or parental leave.</p>

<p>temporary incapacity for work, maternity leave, paid leave, etc.).</p>	<p>work, maternity, paternity or parental leave, paid leave, etc.).</p>	
<p>XXII – PENAL PROVISIONS</p> <p>Article 171.</p> <p>(1) A fine ranging from 1,000.00 BAM to 3,000.00 BAM, and in the case of a repeated misdemeanor a fine ranging from 5,000.00 BAM to 10,000.00 BAM shall be imposed on the employer - legal entity, if they:</p> <p>39. refuse to employ a woman because of pregnancy or during pregnancy, or because of using maternity leave, or if they terminate an employment contract to a woman or employee while exercising the rights from Articles 63, 64 and 65 (Article 60, paragraph 1);</p> <p>42. do not allow the exercise of right to maternity leave to a woman, a worker-father of the child or an adoptive parent, i.e. a person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing (Article 62)</p>	<p>XXII – PENAL PROVISIONS</p> <p>Article 171.</p> <p>39. refuse to employ a woman because of pregnancy or during pregnancy, or because of using maternity or parental leave, or if they terminate an employment contract to a woman or employee while exercising the rights from Articles 63, 64 and 65 (Article 60, paragraph 1);</p> <p>42. do not allow the exercise of right to maternity, paternity or parental leave to a woman, a worker-father of the child or an adoptive parent, i.e. a person to whom, based on the decision of the competent authority, the child is entrusted with care and upbringing (Article 62)</p>	

3. Proposals for amendments at the level of Republika Srpska

RS Labor Law		
Existing legal solutions	Proposed amendments	Elaboration
<p>I – BASIC PROVISIONS</p> <p>5. Prohibition of discrimination</p> <p>Article 19.</p> <p>When exercising his/her rights deriving from employment, an employee as well as an individual seeking employment shall not be discriminated against on the basis of race, ethnicity, color, sex, language, religion, political or other opinion or conviction, social origin, property status, membership or non-membership in a trade union or political party, physical and mental condition or any other characteristics which are not directly related to the nature of employment.</p>	<p>I – BASIC PROVISIONS</p> <p>5. Prohibition of discrimination</p> <p>Article 19.</p> <p>When exercising his/her rights deriving from employment, an employee as well as an individual seeking employment shall not be discriminated against on the basis of race, ethnicity, color, sex, language, religion, political or other opinion or conviction, social origin, property status, marital or extramarital status, family planning, use of maternity, paternity or parental leave, membership or non-membership in a trade union or political party, physical and mental condition or any other characteristics which are not directly related to the nature of employment.</p>	<p>The aim of this amendment is the protection of persons seeking employment during the selection process, i.e. the legal guarantee of equal treatment of both male and female candidates regardless of the following characteristics:</p> <ul style="list-style-type: none"> - family/marital/extramarital status, - family planning, - use of maternity, paternity or parental leave, - other facts that are not of immediate importance for the performance of work on the grounds of which the employment is initiated.
<p>V – WORKING HOURS</p> <p>5. Overtime work</p> <p>Article 64.</p> <p>(1) Overtime work is</p>	<p>V – WORKING HOURS</p> <p>5. Overtime work</p> <p>Article 64.</p> <p>(1) Overtime work is</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of right, who cannot work overtime while exercising the right to paternity or parental leave.</p>

<p>prohibited to:</p> <p>1) employees under 18 years of age,</p> <p>2) pregnant women and mothers with a child up to three years of age and</p> <p>3) single parent or adoptive parent of a child under six years of age. (2) Exceptionally, the employer can authorize overtime work to employees from the paragraph 1, p. 2) and 3), upon their written request.</p>	<p>prohibited to:</p> <p>1) employees under 18 years of age,</p> <p>2) pregnant women, mothers and fathers with a child up to three years of age and</p> <p>3) single parent or adoptive parent of a child under six years of age. (2) Exceptionally, the employer can authorize overtime work to employees from the paragraph 1, p. 2) and 3), upon their written request.</p>	
<p>V – WORKING HOURS</p> <p>8. Night work and work in shifts</p> <p>Article 73.</p> <p>Night work is prohibited for pregnant women from the sixth month of pregnancy and mothers with a child up to two years of age.</p>	<p>V – WORKING HOURS</p> <p>8. Night work and work in shifts</p> <p>Article 73.</p> <p>Night work is prohibited for pregnant women from the sixth month of pregnancy, mothers and fathers with a child up to two years of age.</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of rights, who cannot work at night while exercising the right to paternity or parental leave.</p>
<p>VII – PROTECTION OF EMPLOYEES</p> <p>5. Special protection of women and motherhood</p> <p>Article 105.</p> <p>An employer cannot refuse to hire a woman because of her pregnancy, nor can they terminate her employment contract during pregnancy or use of maternity leave.</p>	<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of motherhood, fatherhood and parenthood</p> <p>Article 105.</p> <p>An employer cannot refuse to hire a woman because of her pregnancy, nor can they terminate her employment contract during pregnancy, or terminate the employment contract of</p>	<p>The extension of motherhood protection to fatherhood and parenthood, in the context of the prohibition of refusing employment of the mother/father, or termination of the employment contract due to the exercise of rights related to motherhood, fatherhood and parenthood.</p> <p>This amendment recognizes the need to protect fathers who use the aforementioned rights.</p>

	<p>a mother or a father while exercising their right to maternity, paternity or parental leave.</p>	
<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of women and motherhood</p> <p>Article 107.</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave of one year continuously, and for twins, third and every subsequent child, for 18 months continuously.</p> <p>(2) Upon the woman's request and the recommendation of an authorized medical doctor, a woman can start using maternity leave 28 days before the delivery date.</p> <p>(3) The child's parents can agree that the leave referred to in paragraph 1 of this Article will continue to be used by the child's employed father instead of the mother upon the expiration of 60 days from the childbirth.</p> <p>(4) A woman - mother reduces her retirement age by one year for each child born, in accordance with the conditions for acquiring the right to a pension</p>	<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of motherhood, fatherhood and parenthood</p> <p>Article 107.a. Maternity leave</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave for 60 days following the childbirth.</p> <p>(2) Upon the woman's request and the recommendation of an authorized medical doctor, a woman can start using maternity leave 28 days before the delivery date.</p> <p>Article 107.b. Paternity leave</p> <p>(1) Following the childbirth, a father has the right to paternity leave for a continuous duration of 10 working days for one child, i.e. 15 working days in case of birth of twins, triplets or simultaneous birth of several children.</p> <p>(2) The father can exercise the right from</p>	<p>A key article of the Law that introduces the right to paternity leave according to European Union standards on the balance between private and professional life. The goal of introducing this right, through determining the mandatory period of father's absence from work, is encouraging fathers to see the importance of caring for the child in the earliest stages after the birth and exercise this right to a greater extent.</p> <p>In accordance with the proposed definition of the right to paternity leave - the exclusive right of the child's father, maternity leave remains exclusively reserved for the mother of the child in a certain period of time after childbirth (60 days). It is important to note that the number of days of mandatory maternity leave for women (42 or 60 days) varies in different administrative-territorial units in Bosnia and Herzegovina, so the proposed amendments are based on the existing non-uniform legal solutions that will need to be harmonized at a certain moment.</p> <p>Parental leave, as a more adequate term for the right of both parents, is expanded and made more flexible in such a way that it is set as an individual right of every parent. The amendment temporally determines the right to parental leave for a duration of 12 months, with the provision that each parent has the right to use two months of parental leave that cannot be transferred to the other parent. This time determinant achieves the goal of motivating parents to use this right.</p>

<p>regulated by the Pension Disability Insurance Law.</p>	<p>paragraph 1 of this Article regardless of the mother's labor status.</p> <p>(3) The right to paternity leave is non-transferable.</p> <p>Article 107.c. Parental leave</p> <p>(1) Parents (mother and father) have the right to parental leave in accordance with their agreement, upon the expiration of time referred to in Articles 107.1, paragraph 1, and 107.b, paragraph 1.</p> <p>(2) The right to parental leave is an individual right of every working parent.</p> <p>(3) Parents have the right to parental leave for 12 months, with the provision that each parent retains two months of parental leave that cannot be transferred to the other parent, and they can use it individually, simultaneously or alternately, in accordance with their own agreement.</p> <p>(4) A woman - mother reduces her retirement age by one year for each child born, in accordance with the conditions for acquiring the right to a pension regulated by the Pension Disability Insurance Law.</p>	
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<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of women and motherhood</p> <p>Article 108.</p> <p>(1) At her own request and with the employer's consent, a woman can start working before the expiration of the maternity leave referred to in Article 107, paragraph 1 of this law, but not before the expiration of 60 days following the childbirth.</p> <p>(2) If a woman starts working before the expiration of maternity leave period referred to in Article 107, paragraph 1 of this law, she is, in addition to her regular daily rest, entitled to another 60-minutes break during the work day, for the purposes of breastfeeding.</p> <p>(3) If a woman gives birth to a stillborn child or the child dies before the end of maternity leave, she has the right to extend her maternity leave for as much time as the authorized medical doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child.</p>	<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of motherhood, fatherhood and parenthood</p> <p>Article 108.</p> <p>(1) At her own request and with the employer's consent, a woman can start working before the expiration of parental leave referred to in Article 107.c of this law, but not before the expiration of 60 days following the childbirth.</p> <p>(2) If a woman starts working before the expiration of parental leave referred to in Article 107.c of this law, she is, in addition to her regular daily rest, entitled to another 60-minutes break during the work day, for the purposes of breastfeeding.</p> <p>(3) If a woman gives birth to a stillborn child or the child dies before the end of maternity or parental leave, she has the right to extend her maternity/parental leave for as much time as the authorized medical doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than 45 days following the childbirth i.e. the death of the child.</p> <p>(4) For the remaining duration of time, the father of the child is also</p>	<p>Guaranteeing the father the extension of parental rights duration in the event of a stillborn child or if the child dies before paternity/maternity or parental leave ends, as is guaranteed to the mother.</p>
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	<p>entitled to the right from paragraph 3 of this Article, providing that he has not started using paternity/parental leave or if the child dies before paternity/parental leave has ended.</p>	
<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of women and motherhood</p> <p>Article 110.</p> <p>(1) Upon the expiration of maternity leave, one of the working parents has the right to work half-time until the child's three years of age, if an authorized medical doctor opines that the child needs enhanced care.</p> <p>(2) If the child's parents have died, or have abandoned the child, or are unknown, or cannot take care of the child due to other justified reasons, the right to half-time work referred to in paragraph 1 of this Article belongs to an employed adopter of the child or a person to whom the competent guardianship authority has entrusted the child for care and upbringing.</p>	<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of motherhood, fatherhood and parenthood</p> <p>Article 110.</p> <p>(1) Upon the expiration of maternity or parental leave, parents have the right to work half-time until the child's three years of age, if an authorized medical doctor opines that the child needs enhanced care.</p> <p>(2) If the child's parents have died, or have abandoned the child, or are unknown, or cannot take care of the child due to other justified reasons, the right to half-time work referred to in paragraph 1 of this Article belongs to an employed adopter of the child or a person to whom the competent guardianship authority has entrusted the child for care and upbringing.</p>	<p>In terms of the half-time work, the goal is to extend it to situations of paternity and parental leave.</p>

<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of women and motherhood</p> <p>Article 112.</p> <p>(1) During the use of maternity leave, a woman has the right to salary compensation in the amount of the average salary she earned during the last 12 months prior to beginning of maternity leave.</p> <p>(2) The compensation is monthly adjusted with the growth of average salaries in Republika Srpska.</p> <p>(3) If a woman has not earned a salary for all of the last 12 months, the salary compensation is equal to the salary she would have earned if she had been at work.</p> <p>(4) The provisions contained in paragraphs 1 and 2 of this Article shall accordingly apply to other persons who, in accordance with this law, have the right to salary compensation for the time of absence from work for the purposes of care and upbringing of the child.</p> <p>(5) Salary compensation from the paragraph 1 of</p>	<p>VII – PROTECTION OF EMPLOYEES</p> <p>4. Special protection of motherhood, fatherhood and parenthood</p> <p>Article 112.</p> <p>(1) During the use of maternity or parental leave, a parent using maternity, paternity or parental leave has the right to salary compensation in the amount of the average salary they earned during the last 12 months prior to beginning of maternity, paternity or parental leave.</p> <p>(2) The compensation is monthly adjusted with the growth of average salaries in Republika Srpska.</p> <p>(3) If a parent has not earned a salary for all of the last 12 months, the salary compensation is equal to the salary they would have earned if they had been at work.</p> <p>(4) The provisions contained in paragraphs 1 and 2 of this Article shall accordingly apply to other persons who, in accordance with this law, have the right to salary compensation for the time of absence from work for the purposes of care and upbringing of the child.</p> <p>(5) Salary compensation from the paragraph 1 of</p>	<p>Guaranteeing the father the right to salary compensation during paternity or parental leave, as is guaranteed to the mother.</p>
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<p>this Article is realized at the expense of the RS Child Protection Fund.</p>	<p>this Article is realized at the expense of the RS Child Protection Fund.</p>	
<p>XIV - TERMINATION OF EMPLOYMENT</p> <p>a. Procedure in case of the employment contract termination by the employer</p> <p>Article 183.</p> <p>(1) In terms of the Article 179 of this law, the following cannot be considered as a justified reason for the termination of the employment contract: 1) temporary inability to work due to illness, accident at work or occupational disease, 2) use of maternity leave, or leave from work for the purposes of child care or special child care, 3) membership or non-membership in a political organization or a trade union, sex, language, national or ethnic affiliation, social origin, religion, political or other belief, or some other personal characteristics of the employee, 4) acting as the workers' representative, in accordance with this law and 5) the employee's addressing to the trade union or the authorities responsible for the protection of employment rights, in accordance with the</p>	<p>XIV – TERMINATION OF EMPLOYMENT</p> <p>b. Procedure in case of the employment contract termination by the employer</p> <p>Article 183.</p> <p>2) use of maternity, paternity or parental leave, or leave from work for the purposes of child care or special child care</p>	

<p>law, general act and the employment contract.</p> <p>(2) The employer cannot terminate the employment contract in the sense of Article 179, paragraph 1, point 1), 3) and 4) during pregnancy, maternity leave, parental leave and part-time work due to child care.</p>	<p>(2) The employer cannot terminate the employment contract in the sense of Article 179, paragraph 1, point 1), 3) and 4) during pregnancy, maternity, paternity or parental leave and part-time work due to child care.</p>	
<p>XXI – PENAL PROVISIONS</p> <p>Article 264.</p> <p>(1) The employer shall be issued a fine ranging from 2,000 BAM to 12,000 BAM for the following violations:</p> <p>1) if they do not ensure the equality of employees at work, as well as the equality of unemployed persons applying for employment (Article 19 of this law),</p> <p>24) if they treat a pregnant working woman or a postpartum woman contrary to Article 105 of this law,</p> <p>25) if they do not provide the working woman with a schedule or salary compensation in accordance with Articles 106 and 112 of this law,</p> <p>26) if they do not enable other authorized persons to exercise their rights related to child</p>	<p>XXI – PENAL PROVISIONS</p> <p>Article 264.</p> <p>25) if they do not provide the working parent with a schedule or salary compensation in accordance with Articles 106 and 112 of this law.</p>	

<p>protection (Articles 109 and 110 of this law),</p> <p>27) if they do not allow the employee to use reduced working hours in accordance with Article 110, paragraph 1 and Article 111, paragraph 1 of this law.</p>		
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4. Proposal amendments at the level of District Brčko of Bosnia and Herzegovina

District Brčko of B&H Labor Law		
Existing legal solutions	Proposed amendments	Elaboration
<p>VII – WORKING HOURS</p> <p>Overtime work</p> <p>Article 50.</p> <p>(1) Overtime work is prohibited to:</p> <p>a) employees under eighteen (18) years of age;</p> <p>b) pregnant women and mothers with a child up to three years of age and</p> <p>c) single parent or adoptive parent of a child under seven years of age.</p> <p>(2) A single parent is a person who is defined as such by the District Brčko of Bosnia and Herzegovina Law on Social Protection.</p> <p>(3) Exceptionally, the employer can authorize overtime work to employees from the paragraph 1, point b) and c) of this Article, upon their written request or written statement of voluntary consent to such work.</p>	<p>VII – WORKING HOURS</p> <p>Overtime work</p> <p>Article 50.</p> <p>(1) Overtime work is prohibited to:</p> <p>a) employees under eighteen (18) years of age;</p> <p>b) pregnant women, mothers and fathers with a child up to three years of age and</p> <p>c) single parent or adoptive parent of a child under seven years of age.</p> <p>(2) A single parent is a person who is defined as such by the District Brčko of Bosnia and Herzegovina Law on Social Protection.</p> <p>(3) Exceptionally, the employer can authorize overtime work to employees from the paragraph 1, point b) and c) of this Article, upon their written request or written statement of voluntary consent to such work.</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of right, who cannot work overtime while exercising the right to paternity or parental leave.</p>

<p>VII – WORKING HOURS</p> <p>Prohibition of night work</p> <p>Article 57.</p> <p>(1) Night work is prohibited for minor employees, pregnant women from the sixth month of pregnancy and mothers with a child up to three years of age.</p> <p>(2) Exceptionally, minor workers may be temporarily exempted from the prohibition of night work in the event of elimination of the consequences of force majeure and disasters, and protection of general interests, on the grounds of consent given by the labor inspector.</p>	<p>VII – WORKING HOURS</p> <p>Prohibition of night work</p> <p>Article 57.</p> <p>(1) Night work is prohibited for minor employees, pregnant women from the sixth month of pregnancy and mothers or fathers with a child up to three years of age.</p> <p>(2) Exceptionally, minor workers may be temporarily exempted from the prohibition of night work in the event of elimination of the consequences of force majeure and disasters, and protection of general interests, on the grounds of consent given by the labor inspector.</p>	<p>This amendment recognizes the need to, in addition to the mother, define the child's father as the holder of rights, who cannot work at night while exercising the right to paternity or parental leave.</p>
<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to maternity leave</p> <p>Article 79.</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave of one year continuously, and for twins, third and every subsequent child, for eighteen (18) months continuously.</p> <p>(2) Based on the findings of an authorized doctor, a woman can start maternity leave twenty-eight (28) days prior to the expected delivery date, and no later</p>	<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to maternity, paternity and parental leave</p> <p>Article 79.a. Maternity leave</p> <p>(1) During pregnancy, childbirth and child care, a woman has the right to maternity leave for 42 days following the childbirth.</p> <p>(2) Based on the findings of an authorized doctor, a woman can start maternity leave twenty-eight (28) days prior to the expected delivery date, and no later than seven days prior to the expected delivery date.</p>	<p>A key article of the Law that introduces the right to paternity leave according to European Union standards on the balance between private and professional life. The goal of introducing this right, through determining the mandatory period of father's absence from work, is encouraging fathers to see the importance of caring for the child in the earliest stages after the birth and exercise this right to a greater extent.</p> <p>In accordance with the proposed definition of the right to paternity leave - the exclusive right of the child's father, maternity leave remains exclusively reserved for the mother of the child in a certain period of time after childbirth (42 days). It is important to note that the number of days of mandatory maternity</p>

<p>than seven days prior to the expected delivery date.</p> <p>(3) Upon the written consent of a doctor, woman can use shorter maternity leave, but not shorter than forty-two (42) days following the childbirth.</p> <p>(4) If both parents are employed, they can agree that, instead of the mother, the worker-father or adoptive father of the child will continue to use the leave referred to in paragraph 1 of this Article upon the expiration of forty-two (42) days following the childbirth, as well as another person to whom the competent guardianship authority has entrusted the child with care and upbringing, from the day of adoption or the day the guardianship began, regardless of the child's age.</p> <p>(5) Worker-father, adoptive parent or a guardian can exercise the right from paragraph 1 of this Article in the event of: a) the death of the mother, b) if the mother abandons the child or c) if she cannot use maternity leave due to other justified reasons.</p> <p>(6) During pregnancy, childbirth and child care, a woman with a permanent physical, intellectual, mental or sensory disability has the right to maternity leave for the period of eighteen (18)</p>	<p>(3) Upon the written consent of a doctor, woman can use shorter maternity leave, but not shorter than forty-two (42) days following the childbirth.</p> <p>Article 79.b. Paternity leave</p> <p>(1) Following the childbirth, a father has the right to paternity leave for a continuous duration of 10 working days for one child, i.e. 15 working days in case of birth of twins, triplets or simultaneous birth of several children.</p> <p>(2) The father can exercise the right from paragraph 1 of this Article regardless of the mother's labor status.</p> <p>(3) The right to paternity leave is non-transferable.</p> <p>Article 79.c. Parental leave</p> <p>(1) Parents (mother and father) have the right to parental leave in accordance with their agreement, upon the expiration of time referred to in Articles 79.a, paragraph 1, and 79.b, paragraph 1.</p> <p>(2) The right to parental leave is an individual right of every working parent.</p> <p>(3) Parents have the right to parental leave of one year continuously, and for twins, third and every subsequent child, for eighteen (18) months continuously, with the provision that each</p>	<p>leave for women (42 or 60 days) varies in different administrative-territorial units in Bosnia and Herzegovina, so the proposed amendments are based on the existing non-uniform legal solutions that will need to be harmonized at a certain moment.</p> <p>Parental leave, as a more adequate term for the right of both parents, is expanded and made more flexible in such a way that it is set as an individual right of every parent. The amendment temporally determines the right to parental leave for a duration of 12 months, with the provision that each parent has the right to use two months of parental leave that cannot be transferred to the other parent. This time determinant achieves the goal of motivating parents to use this right.</p>
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<p>months continuously, for the first and every subsequent child, as well as for twins.</p> <p>(7) If the conditions referred to in paragraph 4 of this Article are met, the right contained in paragraph 6 of this Article can also be used by the child's father, if he is a person with a permanent physical, intellectual, mental or sensory disability.</p>	<p>parent retains two months of parental leave that cannot be transferred to the other parent, and they can use it individually, simultaneously or alternately, in accordance with their own agreement.</p> <p>(4) During pregnancy, childbirth and child care, a woman with a permanent physical, intellectual, mental or sensory disability has the right to maternity leave for the period of eighteen (18) months continuously, for the first and every subsequent child, as well as for twins.</p> <p>(5) If the conditions referred to in paragraphs 1 and 3 of this Article are met, the right contained in paragraph 4 of this Article can also be used by the child's father, if he is a person with a permanent physical, intellectual, mental or sensory disability.</p> <p>(6) Worker-father, adoptive parent or a guardian can exercise the right from Article 79.b. and 79.c., paragraphs 1-5 in the event of: a) the death of the mother, b) if the mother abandons the child or c) if she cannot use maternity leave due to other justified reasons.</p>	
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<p>X – PROTECTION OF EMPLOYEES</p> <p>The right of postpartum woman to additional daily break</p> <p>Article 80.</p> <p>(1) If a woman starts working before the expiration of maternity leave period referred to in Article 79, paragraph 1 of this law, she is, in addition to her regular daily rest, entitled to two more sixty (60) minutes breaks during the work day for the purposes of breastfeeding, up to child's one year of age.</p> <p>(2) The time of absence referred to in paragraph 1 of this Article is counted as full-time work.</p> <p>(3) If a woman gives birth to a stillborn child or the child dies before the end of maternity leave, she has the right to extend her maternity leave for as much time as the authorized medical doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than forty-five (45) days following the childbirth i.e. the death of the child.</p>	<p>X – PROTECTION OF EMPLOYEES</p> <p>The right of postpartum woman to additional daily break</p> <p>Article 80.</p> <p>(3) If a woman gives birth to a stillborn child or the child dies before the end of maternity or parental leave, she has the right to extend her maternity/parental leave for as much time as the authorized medical doctor opines is necessary for her to recover from childbirth and the psychological state caused by the loss of a child, which cannot be shorter than forty-five (45) days following the childbirth i.e. the death of the child.</p> <p>(4) For the remaining duration of time, the father of the child is also entitled to the right</p>	<p>Guaranteeing the father the extension of parental rights duration in the event of a stillborn child or if the child dies before paternity/maternity or parental leave ends, as is guaranteed to the mother.</p>
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	<p>from paragraph 3 of this Article, providing that he has not started using paternity/parental leave or if the child dies before paternity/parental leave has ended.</p>	
<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to half-time work</p> <p>Article 81.</p> <p>(1) Upon the expiration of maternity leave, one of the working parents has the right to work half-time until the child's three years of age, if an authorized medical doctor opines that the child needs enhanced care.</p> <p>(2) If the child's parents have died, or have abandoned the child, or are unknown, or cannot take care of the child due to other justified reasons, the right to half-time work referred to in paragraph 1 of this Article belongs to an employed adopter of the child or a person to whom the competent guardianship authority has entrusted the child for care and upbringing.</p> <p>(3) Persons from paragraphs 1 and 2 of this Article have the right to salary compensation for the other half of the working time, paid from the District's budget.</p> <p>(4) The criteria and</p>	<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to half-time work</p> <p>Article 81.</p> <p>(1) Upon the expiration of parental leave, parents have the right to work half-time until the child's three years of age, if an authorized medical doctor opines that the child needs enhanced care.</p>	<p>In terms of the right to half-time work, by stating the wording "parents", the amendment proposal aims to guarantee that the father will be the holder of this right as well, regardless of the mother's labor status. Through abandoning the condition of the enjoyment/exercise of the rights of one parent by the employment status of the other, the goal is to protect both parents (especially the one who is potentially unemployed).</p>

<p>method of exercising the rights referred to in paragraph 3 of this Article are determined by Government's bylaw, based on the Department of Healthcare and Other Services proposal.</p>		
<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to salary during maternity leave</p> <p>Article 82.</p> <p>(1) During the use of maternity leave, a woman has the right to salary compensation at the expense of the District's budget, in the amount of the average salary she earned during the last twelve (12) months prior to beginning of maternity leave.</p> <p>(2) If a woman has not earned a salary for all of the last twelve (12) months, the salary compensation is equal to the salary she would have earned if she had been at work with the same employer.</p> <p>(3) The provisions of paragraphs 1 and 2 of this Article shall be applied accordingly:</p> <p>a) to other persons who, in accordance with this law, have the right to salary compensation for the time of absence from work for the purposes of care and</p>	<p>X – PROTECTION OF EMPLOYEES</p> <p>The right to salary during maternity, paternity and parental leave</p> <p>Article 82.</p> <p>(1) During the use of maternity, paternity or parental leave, an employee has the right to salary compensation at the expense of the District's budget, in the amount of the average salary they earned during the last twelve (12) months prior to beginning of maternity, paternity or parental leave.</p> <p>(2) If a parent using maternity, paternity or parental leave has not earned a salary for all of the last twelve (12) months, the salary compensation is equal to the salary they would have earned if they had been at work with the same employer.</p> <p>(3) The provisions of paragraphs 1 and 2 of this Article shall be applied accordingly:</p> <p>a) to other persons who, in accordance with this law, have the right to</p>	<p>Guaranteeing the father the right to salary compensation during paternity or parental leave, as is guaranteed to the mother.</p>

<p>upbringing of the child;</p> <p>b) while determining the amount and method of obtaining salary compensation for the half-time work referred to in Article 81 of this law.</p>	<p>salary compensation for the time of absence from work for the purposes of care and upbringing of the child;</p> <p>b) while determining the amount and method of obtaining salary compensation for the half-time work referred to in Article 81 of this law.</p>	
<p>XXIII – PENAL PROVISIONS</p> <p>Article 173.</p> <p>(1) A fine ranging from 1,000.00 BAM to 3,000.00 BAM shall be imposed on the employer-legal entity for the violation, if they:</p> <p>iii) request a woman for information about her pregnancy or deny her other rights referred to in Article 76, paragraph 1 of this law,</p> <p>kkk) do not ensure a woman's rights during pregnancy and breastfeeding, in accordance with Article 78 of this law,</p> <p>lll) do not ensure the female employee her rights during pregnancy and maternity leave, in accordance with Article 79, paragraphs 1, 2 and 3 of this law,</p> <p>mmm) do not ensure the rights of parents, in accordance with Article 79, paragraphs 4 and 5 of this law,</p>	<p>XXIII – PENAL PROVISIONS</p> <p>Article 173.</p> <p>iii) request information on marital and extramarital status, and family planning of persons seeking employment, i.e. employed parents,</p> <p>lll) do not ensure the employee their rights during pregnancy, maternity or parental leave, in accordance with Articles 79.a and 79.c of this law,</p> <p>mmm) do not ensure the rights of parents, in accordance with Articles 79.a, 79.b and 79.c,</p>	

<p>nnn) do not ensure the rights of postpartum woman, in accordance with Article 80 of this law,</p> <p>ooo) do not ensure the employee's right to half-time work, in accordance with Article 81 of this law,</p> <p>ppp) do not ensure the employee's right to salary, in accordance with Article 82 of this law.</p>	<p>ooo) do not ensure the right of parents to half-time work, in accordance with Article 81 of this law.</p>	
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Broader reasoning of the proposed legal solutions

By grouping them into the effects they should produce, as well as by the chapters of law that were processed, the following contains explanation of amendments to labor laws in Bosnia and Herzegovina.

Terminological determinants

In the context of terminology, the replacement of term “maternity leave”, used in the current legal regulation for the leave of fathers as well, with the more adequate, gender-neutral term “parental leave”, is proposed, in accordance with the recommendation of the Institution of Human Rights Ombudsman in Bosnia and Herzegovina³, as well as Directive (EU) 2019/1158 of the European Parliament and of the Council on Work-Life Balance for Parents and Carers⁴. This intervention in labor laws would allow the following options:

The entire maternity/parental leave period of one year would start with the first 42/60 days that the mother must use – and would be defined as “**maternity leave**”.

The remaining part of the leave would be called “**parental leave**” and would represent the independent right of both parents to use the leave, upon the expiration of the first 42/60 days.

Introduction of an additional right to **paternity leave** of a mandatory 10 days.

Additional incentives for the use of parental leave by fathers - introduction of paternity leave

In this way, fathers would be able to take leave immediately after the woman gives birth (in parallel with her use of 42/60 days of leave reserved only for mothers), in the period in which fathers are most needed as partners to mothers - when essential foundations are being laid for the reorganization of responsibilities around the household and children. Active participation of fathers in this period carries the potential of introducing an **equal division of chores around the household and children in the coming months and years as well**.⁵

The institute of paternity leave is very important for gender equality and is already a practice in certain countries of the region and the European Union. Directive 2019/1158 prescribes it as leave from work taken by the father or, in those countries where it is recognized by national law, another equivalent parent, in order to take care of the newborn child⁶. The Directive established the right to use at least ten

³ The Institution of Human Rights Ombudsman in Bosnia and Herzegovina (2015), Special Report on the Situation of the Protection of Mothers and Motherhood in the Federation of Bosnia and Herzegovina, p. 43. Available at:

https://www.ombudsmen.gov.ba/documents/obnudsmen_doc2015102111102085bos.pdf

⁴ Directive available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L1158>

⁵ Adrijana Hanušić (2016), Amendment proposals to the FB&H Labor Law - To Improve the Protection of Gender Equality, Protection of Rights Related to Motherhood, Fatherhood and Children's Rights. Sarajevo: Sarajevo Open Centre, p. 12. Available at: <https://soc.ba/prijedlog-izmjena-i-dopuna-zakona-o-radu-u-fbih/>

⁶ Natalija Petrić (2020), Presentation of the Directive on Work-Life Balance - Directive (EU) 2019/1158, Banja Luka: Helsinki Citizens' Assembly Banja Luka, p. 14. Available at: <https://hcabl.org/ravnoteza-izmedju-poslovnog-i-privatnog-zivota-roditelja-i-njegovatelja/>

paid working days of paternity leave at the time of the childbirth (the salary compensation during the use of this leave must not be less than the compensation the worker would receive on the basis of compensation for sick leave).

Croatia also regulated paternity leave with the Act on Maternity and Parental Benefits as „leave of an employed or self-employed father or a person equivalent to him who takes care of a child, on the occasion of childbirth, for the purpose of care and upbringing of that child“⁷, during which the father is also entitled to salary compensation in the amount of 100% of the salary compensation base determined in accordance to the regulations on mandatory health insurance.

Flexibility in using parental leave for both parents

Terminological definition and legal elaboration of “parental leave” is in accordance with the concept of parental rights, which takes into account the principle of gender equality established by the European Union standards, whereby parental right is considered as the **right of both parents**.

According to the current legal solutions in FB&H, RS, DB and B&H, both in terms of terminology and content, it is a priority right whose holders are women - mothers (perceived as a rule) which, if both parents so agree, can also be transferred to the child’s father (considered as an exception).⁸ As such, this concept is contrary to the definition of the right to parental leave within the European Union law, which perceives it as an individual right of all citizens. In order to avoid this terminological and conceptual trap, it is necessary to define parental leave as **the right of both parents to leave during child care in accordance with their agreement**, from which period the first 42 or 60 days following the childbirth, alongside with any possible period during pregnancy, are reserved for the woman.⁹

These amendments would allow for **various combinations of parents’ agreements** regarding the use of parental leave, **in accordance with professional, child’s and personal needs and wishes of both parents**. This kind of flexibility would be one of the steps towards enabling a successful balancing between professional and private life.¹⁰

Prohibition of discrimination - unequal treatment

In the provisions on the prohibition of discrimination and unequal treatment, solutions have been proposed that would additionally protect parents due to the use of maternity/paternal/parental leave in several segments of employment: during the selection process, duration of the employment and termination of the employment contract.

The existing provisions of the labor laws in B&H are good and go in the direction of **protection against, among others, gender-based discrimination**¹¹ which is a frequent occurrence in the employment process, by stipulating that the employer is not allowed to ask for any information about pregnancy or instruct another person

⁷ Croatia's Act on Maternity and Parental Benefits, Official Gazette no. 85/08, 110/08, 34/11, 54/13, 152/14, 59/17, 37/20, 85/22.

⁸ Adrijana Hanušić (2016), *ibid*, p. 8. and 9.

⁹ *Ibid.*, p. 9.

¹⁰ *Ibid.*, p. 9.

¹¹ Research that analyzes the situation through concrete data: Svjetlana Ramić Marković (2022), *Gender-based Discrimination in the Field of Work in Bosnia and Herzegovina*, Helsinki Citizens' Assembly, Banja Luka. Available at: https://hcabl.org/wp-content/uploads/2022/03/RodnoZasnovanaDiskriminacijaBiH_web.pdf

to ask for it, unless the female employee personally demands a certain right provided for by law or another regulation for the protection of pregnant women. Positive regulations stipulate that during the candidates selection process for a position (interview, testing, survey, etc.) as well as conclusion of employment contracts, employer cannot ask either male or female employee for information that is not directly related to the employment.

Prohibition of requesting information on family/marital status and family planning

The RS Labor Law made another step forward by providing for a very important, broader provision, which prohibits the employer from demanding information about the family or marital status and family planning from either male or female candidates, that is, requiring the submission of documents and other evidence that are not of immediate importance for the performance of work on the grounds of which the employment is initiated, as well as conditioning the employment with a pregnancy test.

The proposed amendments to the FB&H Labor Law in this document indicate that it is necessary to adopt the aforementioned legal solution in the FB&H context as well, which would create a more comprehensive response to the social reality of endangering the principle of gender equality by restricting a woman's access to enjoy all the opportunities society offers simply because of her biological predestination to give birth to children.¹²

Alternate use of parental leave by parents

Another flexible solution adapted to the needs of parents and their obligations at the workplace is allowing parents to use parental leave in several parts, i.e. in more than one period. This would **allow parents to alternately use part of the parental leave** and then return to work, and then return to parental leave again at the moment when the other parent returns to work, which would make adjustments to parents' wishes and workplace needs, that would ultimately have the potential of enabling **easier integration of women in the workplace upon the expiration of parental leave** for those who are ready to organize parental leave in such a way.¹³ This kind of solution is also known in Croatia.

¹² Ibid, p. 18.

¹³ Ibid, p. 9.

About the Author

Delila Hasanbegović (Sarajevo, 1991) advocates for adequate access of transgender and intersex persons to health care, medical and gender reassignment in Bosnia and Herzegovina. She coordinates the project of regionalizing inclusive psycho-social support and mental health services for LGBTI persons in Bosnia and Herzegovina. She is also involved in advocating for gender equality in the field of labor relations and the labor market, harmonizing private and professional life, as well as advocating sexual and reproductive rights of women. She is the author of several published papers on human rights of women and LGBTI persons, gender equality, feminism, reproductive justice, political participation and representation of women. She graduated from the University of Sarajevo Law Faculty.

About Sarajevo Open Centre

Sarajevo Open Centre (SOC) is working on human rights promotion, especially the position and human rights of LGBTI persons and women in Bosnia and Herzegovina, by interpreting, presenting and promoting the authentic experiences of persons suffering human rights violations and unequal position, and advocating for legal, political, economic, social and cultural changes in all spheres of life. We will set forth here only some of the achievements related to the equality of LGBTI persons and women.

In addition to psycho-social and legal counseling, we continued to run the only LGBTI media in the country - the www.lgbti.ba portal. We organized trainings for the police, prosecutor's offices and courts, focusing on the topics of hate crimes, hate speech and the application of anti-discrimination law; for medical experts and health care workers, focusing on trans-specific and trans-inclusive gender reassignment; and for the LGBTIQ community. We worked intensively on creating a local institutional network to support LGBTI persons in Sarajevo Canton, improving the regulation of bio-medically assisted fertilization in the Federation of Bosnia and Herzegovina, female workers' rights in relation to discrimination based on gender and maternity leave, introducing gender-sensitive language in parliaments and universities, adoption and implementation of cantonal gender action plans, but also raising awareness on gender-based violence in Bosnia and Herzegovina.

Over the past years, several of our legislative and policy initiatives have entered government or parliamentary procedure. Our advocacy focus has been placed on policy issues for women's and LGBTI persons' equality in Bosnia and Herzegovina, issues of women's and men's reproductive rights, parenthood in the context of harmonization of private and professional segments of life, freedom of assembly for LGBTI persons and improvement of the institutional framework for protection against violence and discrimination, and we intend to continue working on issues concerning transgender persons, intersex persons, same-sex partnerships, their social inclusion, but also the position of LGBTI persons in education, health, work and employment.

Over the past few years, we have conducted media campaigns, which have reached over one million B&H citizens, and we also organized the LGBTI film festival Merlinka, which is known as local film festival Kvirhana since 2021, organized in cooperation with Tuzla Open Centre. You can find more about our work at www.soc.ba.

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