

# Bosnia and Herzegovina<sup>1</sup>

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**Note on territorial organisation and constitutional responsibilities:** Bosnia and Herzegovina is a decentralised state made of two asymmetrically organised entities and the Brčko District. The Federation of Bosnia and Herzegovina (FBiH) entity is decentralised and made of ten cantons, encompassing the local authorities. Republic Srpska (RS) entity is centralised with only two levels of government – the entity and local authorities. Brčko District (BD) is a local authority independent from entities, where the state legislation applies directly.

The state-level government does not have any direct competencies with regard to social protection and social inclusion policies. These are within the competence of the RS entity, Brčko District and in the FBiH entity under the shared competence of the entity and cantonal governments. Hence, each entity and BD have an independent system of social protection. Leave policies in the country are regulated by entities and BD general labour legislation. Child and family benefits in the FBiH are regulated by the general law on social assistance at the entity level, while its precise regulation (e.g., the maternity benefits amount) and implementation is devolved to cantons. In the FBiH, these benefits are financed from cantonal budgets. In RS, child and family benefits are financed through the RS Fund for Child Protection, which is part of the social insurance system. In BD, child and family benefits are financed from the budget.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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## 1. Current leave and other employment-related policies to support parents

### a. Maternity leave (*porodiljsko odsustvo*) (responsibility of the FBiH Ministry of Labour and Social Policy, RS Ministry of Labour and War Veteran Protection and BD Department for Health and Other Services)

#### *Length of leave (before and after birth)*

- One calendar year without interruptions in both entities and BD: leave starts 28 days before the expected delivery date in FBiH and RS, or at the latest ten days before the expected delivery date in BD.
- It is obligatory for mothers to take 42 days of Maternity leave in the FBiH and BD and 60 days of Maternity leave in RS, without interruption and counting from the delivery date.

#### *Payment and funding*

- Maternity benefits are regulated at the level of entities, including the cantonal level in FBiH, and the level of BD. The following table gives an overview of Maternity benefits in the RS, BD and FBiH cantons.

<b>Entity / Canton</b>	<b>Replacement rate</b>	<b>Ceiling</b>
Republic Srpska entity	100% of the beneficiary's average registered gross wage in the last 12 months	No ceiling
Brčko District	100% of the beneficiary's average registered net wage in the last 12 months	No ceiling
<b><i>Federation of Bosnia and Herzegovina (FBiH) cantons</i></b>		
Una-Sana Canton	50% of the beneficiary's average net earnings (or average net earnings in the canton) in the six months before the leave starts. It cannot be lower than 50% of the net average wage in the canton for the previous year	No ceiling
Posavina Canton	80% of the beneficiary's average net earnings in the six months before the leave starts. It cannot be lower than the minimum net wage. All social insurance contributions must be paid at least for the last six months before using the benefit	80% of the net average salary in the FBiH in the previous year
Tuzla Canton	90% of the beneficiary's average earnings in the six months before	Average net salary in the canton

	the leave starts, or 55% of the average net salary in the canton	
Zenica-Doboj Canton	80% of the beneficiary's average net earnings in the six months before the leave starts	Average net salary in the canton
Bosnia-Podrinje Canton	80% of the beneficiary's average net earnings in the six months before the leave starts, or 60% of the average net salary in the canton	No ceiling
Central Bosnia Canton	50% of the beneficiary's net average earnings in the six months before the leave starts	No ceiling
Herzegovina – Neretva Canton	40% of the beneficiary's net average earnings in the six months before the leave starts	Average net salary in the FBiH
Western Herzegovina Canton	The first half of Maternity leave is paid at the level of 70% of the beneficiary's net average earnings in the nine months before the leave starts	No ceiling
Sarajevo Canton	Flat-rate payment of 100% of the average net salary in the FBiH in the previous year	Not applicable
Canton 10	100% of the beneficiary's net salary in the month before the leave starts (it cannot be lower than the minimum salary), under the condition that the mother has at least one month of insurance before commencing the Maternity leave	Average net salary in the FBiH

- Unemployed mothers have the right to a Maternity allowance. The following table summarises the benefit amounts and main eligibility criteria in the FBiH cantons, RS and BD.

<b>Entity / Canton</b>	<b>Eligibility criteria</b>	<b>Duration and amount of Maternity allowance</b>
Republic Srpska entity	The mother or the father must have residence status in the RS of at least one year. The mother has to be registered as unemployed at the time of childbirth	KM405 [€207.07] <sup>2</sup> per month for 12 months. For twins (including multiple births), third and any subsequent child, the benefit is paid for 18 months

<sup>2</sup> Conversion of currency undertaken for 21 June 2022, using: <https://www.xe.com/>

Brčko District	Mother has to be registered as unemployed at least six months before childbirth. The beneficiary must have at least two years of registered residence in the Brčko District	50% of the average net salary in BD for 12 months. For twins, the benefit is paid for 18 months
<b>Federation of Bosnia and Herzegovina (FBiH) cantons</b>		
Una-Sana Canton	Mother has to be registered as unemployed and as resident in the canton	One-off benefit of KM100 [€51.13]
Posavina Canton	The beneficiary must be registered as unemployed and as resident in the canton	KM300 [€153.39] per month for six months. In case of multiple births, the Maternity allowance is received for each child. Mothers that receive unemployment assistance benefits receive only the difference between the amount of Maternity allowance and the unemployment assistance
Tuzla Canton	The beneficiary must be registered as unemployed and as resident in the canton	15% of the average net salary in the canton for 12 months
Zenica-Doboj Canton	Registered residence in the canton. The family income in the last six months before childbirth must not exceed 50% of the average net salary in the canton	KM150 [€76.69] per month for six months
Bosnia-Podrinje Canton	The beneficiary must be registered as unemployed and as resident in the canton	25% of the average net salary in the canton for 12 months
Central Bosnia Canton	The beneficiary must be registered as unemployed and as resident in the canton	One-off benefit of 35% of the average net salary paid in the canton in the previous year. However, it currently amounts to KM200 [€102.26], which is less than the stipulated amount.
Herzegovina – Neretva Canton	The beneficiary must be registered as unemployed and as resident in the canton. The family income per family member cannot exceed 15% of the FBiH's average nett salary	40% of the FBiH's average net salary for six months
Western Herzegovina Canton	It is paid out to mothers that are not in employment and registered resident in the canton	KM350 [€178.95] per month for 12 months

Sarajevo Canton	All non-working mothers registered resident in the canton	KM1,000 [€511.29] per month for 12 months
Canton 10	The beneficiary must be registered as unemployed and as resident in the canton	KM100 [€51.13] per month for 12 months

- During Maternity leave, women in registered employment maintain their pension insurance. Employers are expected to continue paying payroll contributions, including the payments for pensions and disability insurance for women on Maternity leave. In the RS, employers are refunded full gross salary (including expenses for social insurance contributions) by the RS Fund for Child Protection. In the FBiH, the employers finance the payment of social insurance contributions. The self-employed are expected to pay social contributions and taxes (in the RS, they are refunded); otherwise, they will not maintain their pension insurance. In the RS, women may retire one year earlier for each child born (Article 107 (4) of the RS Labour Law). General conditions for old age pension are 15 years of insurance and 65 years of age. This means that women that gave birth to one child may retire aged 64 and with 14 years of insurance.
- In the FBiH, Maternity benefits are paid by cantons from general taxes. In RS, the benefits are paid by the RS Fund for Child Protection, financed from payroll contributions. In BD, the benefits are paid from general taxes.

#### *Flexibility in use*

- Maternity leave can be used only in one block, that is, if the mother interrupts the leave use, she cannot resume the remaining months of leave.
- If both parents work and if the mother approves (i.e. transfer her right), the father can use Maternity leave upon expiry of the first 42 days of leave after childbirth in the FBiH and BD, and of the first 60 days of leave in RS.
- In both entities and BD, the father of the child (or adoptive parent or foster parent) may exercise the right to Maternity leave if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g. serving a prison sentence, serious illness).
- In BD, if both parents work, an extended Maternity leave of 18 months stipulated for women with disabilities can be used by fathers with disabilities.

#### *Eligibility (e.g. related to employment or family circumstances)*

- Maternity benefits are provided for all categories of socially insured employees and self-employed, for whom the employment contract and employment status envisages the payment of the full social contributions. However, Maternity benefits are provided only to those who can prove the payment of contributions for a period of at least one year before commencing the Maternity leave (Canton 10 is an exception, where the requirement is only one month of employment). In addition, in the RS, an employer must not have any outstanding obligations towards the Tax Authority.

- For Maternity allowances aimed at unemployed women, eligibility criteria are listed in the table above.
- The right to Maternity leave of same-sex couples is not regulated. The right can be used by one female partner if she is in employment and paying full payroll social insurance contributions (she would be treated as a single mother).

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to a person other than the mother*

- In the FBiH, RS, and BD, if a mother gives birth to a stillborn child or if a child dies before the end of Maternity leave, the mother has the right to prolonged leave; the length is prescribed by a medical doctor and cannot be less than 45 days, counting from the day of birth or death. During this period, the mother receives financial compensation as for Maternity leave.
- If the parent taking leave dies or cannot exercise the right for any other justified reason, leave can be transferred to the other parent.
- In RS and BD, Maternity leave is extended to 18 months in the case of the birth of twins, third or any subsequent child. In addition, in BD, extended Maternity leave of 18 months is also stipulated for women with disabilities.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave**

No statutory entitlement.

## **d. Childcare leave or career breaks**

- One of the parents (including adoptive or foster parents and legal guardians) has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding their employment are suspended, and the right to compulsory health insurance is maintained. This leave period is unpaid, so contributions for pension insurance are not paid during that period, but the employer should pay healthcare contributions for the employee.

## **e. Other employment-related measures**

*Adoption leave and pay*

- In the FBiH entity, employed/self-employed foster and adoptive parents have the same Maternity leave rights as biological parents, except for the right to a paid break for breastfeeding during working hours. The law in the FBiH

does not give the right to fathers to use Maternity leave in case of adoption or foster care.

### *Time off for the care of dependants*

- The FBiH Labour Law stipulates up to seven paid days of leave in one calendar year in case of marriage, spouse giving birth, sickness or death of the immediate family or household member, and voluntary blood donations. In the RS and BD, this type of leave cannot be longer than five working days, except in the RS where it can be longer in the event of the death of a close family member (it is not stipulated how long).
- In BD, the parent (including adoptive parent or foster care parent) of a child with malignant disease or severe other disease has the right to be absent from work during the health care treatments. The right is granted based on medical documentation. During this period, the parent receives a full salary (Article 83a).
- Laws on health insurance stipulate the right to sickness benefits for the care of the family member.
  - In the RS, 15 days of leave per year can be approved for the care of a close family member aged below 15 years. If the family member is older than 15 years, the leave can be a maximum of seven days in one calendar year. If a family member below age 18 years has a difficult health condition (such as cerebral difficulties, malignant disease or similar), the leave can be longer but cannot exceed four months in one calendar year. Leave of 15 or 7 working days is financed by the employer, while for leave of four months the employer is refunded three months of salaries by the RS Health Insurance Fund.
  - In BD, insured persons have the right to leave and corresponding salary compensation (paid in the amount of 80 per cent of previous earnings) for the care of a family member:
    - 15 days in one calendar year for the care of family members aged below 15, and four months maximum for all diseases;
    - seven days in one calendar year for the care of a family member aged 15 and above, and two months maximum for all diseases.
  - In the FBiH, the employer pays the salary compensation, which is fully refunded by the cantonal health insurance fund (procedure and rules regarding this benefit in the FBiH are defined by bylaw legislation adopted by cantonal health insurance funds and vary across cantons).

### *Flexible working*

- In the FBiH, after ending Maternity leave and until the child turns one year, the mother has the right to work part-time. In the case of twins, third, and any subsequent child, the mother has the right to work part-time until the child reaches two years of age (if the cantonal legislation does not stipulate longer leave). The father can also use this right if the mother works full-time.
- At the end of Maternity leave, one of the parents (in BD and RS, this could also be an adoptive parent) of a child in need of special care due to a severe degree of developmental difficulties has the right to work part-time (half of the full working hours) until the child reaches age three years. In the FBiH

and BD, this right can be used only by a single parent or when both parents are employed and under the condition that the child is not placed in institutional care. In addition, the FBiH Law stipulates that parents have the right to financial compensation for the hours they are not working, in accordance with special legislation (however, this provision is ineffective because the right remains unregulated and parents working part-time are paid only by their employer for the actual hours working). In RS and BD, the parent receives compensation that covers the difference between the earned part-time salary (paid by the employer) and the parent's full salary (i.e., the salary they would have if working full-time). In BD, this compensation is financed from the BD budget, while in RS by the RS Fund for Child Protection.

- In BD, the parent (including adoptive parent and foster care parent) of a child with mental developmental difficulties and in the RS with general psychophysical difficulties, who are not placed in institutional care, has the right to work part-time. This provision can be used based on a recommendation given by the medical doctor. In addition, the parent has the right to salary compensation (up to the amount they would have if working full time), paid from the BD budget (Article 83). In the RS, the compensation is paid by the RS Fond for Child Protection.

#### *Specific provision for (breast) feeding*

- An employed mother who returns to work before the child turns one year has the right to two daily breaks for breastfeeding. The FBiH law does not specify the amount of time for breastfeeding; but in RS, the specified time for breastfeeding is 60 minutes in addition to the standard break time, while the BD law stipulates two periods of 60 minutes per day. The time used for daily breaks for breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

#### *Pre-natal examinations*

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

## **2. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Bosnia and Herzegovina is just under 12 months, paid at a high rate in some areas. According to the Framework Law on Early Childhood Education and Care BiH<sup>3</sup>, it is obligatory for children to attend a preparatory preschool programme (PPP) from 5 years old; however, the implementation of the law is devolved to lower levels of the

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<sup>3</sup> Official Gazette of BiH, no. 88/07.

government, i.e. cantons in the FBiH, RS and BD, resulting in an unequal provision of these services and different degrees of coverage.

Bosnia and Herzegovina is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database.

ECEC facilities in the country are organised in accordance with children's age: nurseries for children aged under three years and kindergartens for children aged three to six years. However, access to and affordability of ECEC in the country is a serious challenge due to the lack of available facilities and the cost of services<sup>4</sup>. Although the number of children in ECEC facilities had grown before the pandemic, a significant number of children cannot enter ECEC due to a lack of places, primarily in public institutions in larger urban centres. For instance, the latest statistics for the year 2021/2022 indicate that 8,724 children, or 31 per cent more than in the previous year, could not enrol because of a lack of sufficient space<sup>5</sup>.

The latest national statistics for the year 2020/2021 report altogether 27,698 children attending some form of ECEC institution, which is a decrease of 9.4 per cent compared to the previous pedagogical year<sup>6</sup>. The table below gives estimates of ECEC coverage in the country for the last five pedagogical years.

Age group	Pedagogical year 2017 / 2018	Pedagogical year 2018 / 2019	Pedagogical year 2019 / 2020	Pedagogical year 2020/ 2021	Pedagogical year 2021/2022
Children aged 0-6	11.8%	13.3%	14.60%	13.25%	15.50%
Children aged 0-2	5.2%	5.8%	7.11%	6.84%	8.36%
Children aged 3-6	16.4%	18.7%	20.17%	18.04%	20.93%

Source: Estimates based on Agency for Statistics of Bosnia and Herzegovina preschool education statistics and population estimates<sup>7</sup>.

<sup>4</sup> For more details, see Nikolina Obradović (2021). Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations in *Croatian Journal of Social Policy*, (3) 2021.

<sup>5</sup> [https://bhas.gov.ba/data/Publikacije/Saopštenja/2022/EDU\\_07\\_2021\\_Y2\\_1\\_BS.pdf](https://bhas.gov.ba/data/Publikacije/Saopštenja/2022/EDU_07_2021_Y2_1_BS.pdf)

<sup>6</sup> Ibid.

<sup>7</sup> Table adapted from Nikolina Obradović, Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations in *Croatian Journal of Social Policy*, (3) 2021. ([www.rsp.hr](http://www.rsp.hr))

### **3.Changes in policy since April 2021 (including proposals currently under discussion)**

At the time of writing, the FBiH entity adopted the Law on Material Support to Families with Children, thereby introducing single amounts of Child benefit and Maternity allowance in the FBiH entity. The law is still not published in the Official Gazette of the FbiH entity because the final version of the law needs to be adjusted<sup>8</sup>. The law has been in procedure since 2020<sup>9</sup>, and in the meantime, the FBiH government proposed amendments to the first draft, with higher than initially envisaged benefits and somewhat relaxed eligibility criteria. According to the latest adopted version of the legislative proposal, the main conditionality is that the family income does not exceed 20 per cent of the average monthly net salary in the FBiH per family member.

The FBiH entity will finance the Child benefit, which will amount to 19 per cent of the minimum wage in the FbiH; that will, according to the current level of the minimum salary, amount to KM103,17 [€52]. It is estimated that some 80,000 children in the FBiH would be eligible for the benefit, which would require some KM100 million [€51 million] annually. Half of the estimated amount (i.e. KM50 million [€25 million]) has been already secured for this purpose in the 2022 FBiH's budget, planning the implementation of the law from July 2022.

Cantons would continue to finance the Maternity allowance for unemployed mothers. The benefit would amount to 55 per cent of the minimum wage in the FBiH, currently around KM300 [€153]. All unemployed mothers or those in education who are not registered in employment would be eligible. It is expected that cantons will harmonise their legislation with the provisions of the FBiH law and start paying the Maternity allowance three months after its adoption.

## **4. Uptake of leave**

### **a. Maternity leave**

In 2021, the RS Fund for Child Protection<sup>10</sup> recorded a total of 4,228 beneficiaries of financial compensations during Maternity leave, out of which 29 were fathers. The highest number of fathers benefitting from Maternity leave was 63 in 2020. In 2021, there were 5,329 beneficiaries of the Maternity allowance for unemployed mothers in the RS.

According to information for the year 2020 provided by the FBiH Ministry of Labour and Social Policy<sup>11</sup>, which collects information from responsible cantonal

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<sup>8</sup> This is necessary because different versions of the law were adopted by the FBiH House of Representatives and FBiH House of Peoples.

<sup>9</sup> See ESPN Flash Report 2021/12: Federation of Bosnia and Herzegovina: move towards changes in child and family benefits.

<sup>10</sup> Information is on file with the author. It was received on 28 March 2022.

<sup>11</sup> Information is on file with the author. It was received on 21 March 2022.

ministries, financial compensation during Maternity leave was used by 8,091 beneficiaries, while 4,708 beneficiaries used the Maternity allowance. There is no information about the number of fathers using maternity benefits.

**b. Paternity leave**

No statutory entitlement.

**c. Parental leave**

No statutory entitlement.