

Access for domestic workers to labour and social protection: the case of Bosnia and Herzegovina*

Abstract

According to the Labour Force Survey, in 2023, there were around 9,000 domestic workers (i.e. less than 1% of all workers) across the country. Administrative data on domestic work arrangements are scarce and, while anecdotal evidence suggests that the domestic work sector must be sizeable, most of it goes unregistered. Access to social protection benefits for care workers is conditional on payment of social insurance contributions. However, these rights are not always ensured for all employees and most domestic workers working unregistered means they are left mostly without access. Furthermore, measures for tackling undeclared work are unsuitable for the domestic work sector. High demand for domestic workers is being driven by an ageing population and emigration, and is being met by a growing private sector. However, the marketisation of service provision will result in unmet care needs among those without the ability to pay. In policy terms, the entities and Brčko District should aim at better regulation of domestic and care work, ensure that workers are covered by social insurance and are able to access labour protection rights.

Keywords: domestic workers, Bosnia and Herzegovina, labour and social protection, atypical work, regularisation, labour law, ILO conventions

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Introduction

More and more attention is being given by policymakers and civil society organisations to the situation of domestic workers. The European Parliament, the social partners and stakeholders have called on the European Commission to improve the working conditions and social protection of domestic workers. Consequently, for domestic workers – who provide services to support households, including care (e.g. childcare or care for older people and for people with disabilities) and non-care activities (e.g. cleaning or cooking) – there are the beginnings of a policy framework, at least as regards the EU. For accession countries this is an issue since it forms part of the *acquis*. However, substantial concerns remain over issues including quantification, statistical definitions, undeclared work and the use of non-standard forms of employment – including platform work and self-employment – despite domestic work frequently involving professions that are often included on shortage lists.

The EU policy framework encompasses a number of instruments: domestic workers fall within the scope of the 2019 Council Recommendation on access to social protection; domestic workers are targeted by the 2022 Council Recommendation on access to high-quality affordable long-term care; and the International Labour Organization Domestic Workers Convention (C189) calls on countries to provide domestic workers with fair recruitment and working conditions. The Commission has encouraged member states to ratify this convention, but only nine have done so thus far.¹ To date, Bosnia and Herzegovina has not ratified it.

This report seeks to map the number and main sociodemographic characteristics of domestic workers in Bosnia and Herzegovina; set out the legal framework and the employment arrangements that apply; describe the access of such workers to social protection and labour protection; discuss the issues of undeclared work, regularisation and labour shortages, and present recent reforms and ongoing debates in the country. A concluding section makes suggestions about the way forward for improving social protection and labour rights within Bosnia and Herzegovina.

Key definitions

Two different definitions of domestic work are in use in this article:²

1. A statistical definition of domestic work, agreed upon for the purposes of the research study and according to which:
 - all workers in Statistical Classification of Economic Activities (NACE) division 97 (activities of households as employers of domestic personnel) are included among domestic workers

1 Italy and Germany (ratification in 2013), Ireland (2014), Belgium, Finland and Portugal (2015), Sweden (2019), Malta (2021) and Spain (2023).

2 This is common to all the individual country reports in this series, and thus to the other two articles within this edition of the *SEER Journal*, as well as the three in our 2024 (Vol. 27) No. 2 edition. It is included here as a convenience to the reader.

- the following ISCO³ categories are added, so long as they are not already included: 5152 (butlers), 5162 (companions and valets), 5322 (home-based personal care workers) and 9111 (domestic cleaners and helpers).⁴
2. A policy-oriented definition, drawing on ILO Convention C189 which sets out that:

the term *domestic work* means work performed in or for a household or households; the term *domestic worker* means any person engaged in domestic work within an employment relationship; a person who performs domestic work only *occasionally or sporadically* and not on an occupational basis is not a domestic worker.

In this article, a domestic worker is someone providing care and/or non-care services in or for a household or households within a paid employment relationship (either directly or through a third party). This includes all home-based and complementary activities. Examples of such services include those provided by nannies, babysitters, au pairs, domestic cleaners and personal assistants. It is possible that, in some cases, such services are provided outside the household (e.g. a nanny may take care of children in her own house, or a personal assistant accompanies a dependant outside of the latter's house to meet appointments, do shopping, etc). Insofar as there is a paid work relationship with the household (as an employee or a self-employed person), this is considered to be domestic work. Importantly, family members performing such activities are excluded from the scope, even if in some cases they may receive remuneration from the dependant.

Mapping of domestic work in Bosnia and Herzegovina

The number of domestic workers in the EU and their main sociodemographic characteristics are estimated on the basis of the 2023 wave of the EU LFS, using the aforementioned harmonised definition. According to these data, there are about 4.1 million domestic workers in the EU; this represents 2.1% of all people at work, whether employed or self-employed, with a share varying between less than 0.5% and up to 4%, depending on the member state. The number of domestic workers in national LFS samples is therefore small; as a result, such figures should be interpreted cautiously.

In Bosnia and Herzegovina, the LFS suggests that there were around 9,000 domestic workers (i.e. less than 1% of all workers) in 2023. In terms of their profile (see also the annex):

- three-quarters of domestic workers are women
- two-thirds have an intermediate educational level

3 International standard classification of occupations.

4 Therefore, unless they are included in NACE 97, workers in: 9121 (launderers and pressers) are not included, as most of them work for industrial or commercial clients (such as hostels or hospitals), and neither are those in 5311 (childcare workers), as most of them work outside the home. Similarly, unless included in the four ISCO categories referred to above, workers in NACE 81.21 (general cleaning of buildings) are also excluded, as most workers in this sector are not domestic workers but instead clean offices or factories.

- (almost) all were born in the country
- (almost) all work at least 30 hours a week
- around 80% are employees and, among those, about three-quarters have a permanent contract
- around 60% work in the non-care sector.

Administrative data on homecare and home assistance services provided through centres for social work is published by Agencija za statistiku Bosne i Hercegovine (BHAS; Agency for Statistics of Bosnia and Herzegovina) (2023). These services may include housekeeping, feeding and assistance with personal hygiene. Such services are usually provided by public or private organisations or non-profit organisations contracted by local centres for social work. However, in 2022 there were only 478 homecare and assistance services, illustrating the unavailability of publicly organised homecare services in most local authorities. This is consistent with the 2023 LFS data which suggests that the number of domestic workers in the country is tiny and that most work in the non-care sector.

Legal framework

Neither the two entities within Bosnia and Herzegovina (Federation of Bosnia and Herzegovina – FBiH; and Republic Srpska – RS) nor Brčko District⁵ has a legal definition of domestic workers.

The only legislation that mentions domestic services is the classification of activities at state and entity levels. This classification, which is based on NACE, includes, under Section P, code 95, household activity as an employer to household maintenance staff (Djelatnost domaćinstva kao poslodavca osoblju za održavanje domaćinstva), clarifying:

This section is strictly limited to the activities of households as employers of household maintenance personnel, i.e. domestic servants, such as cleaners, cooks, waiters, valets, butlers, laundry workers, gardeners, porters, grooms, drivers, security guards, governesses, nannies, teachers, secretaries, etc. This allows domestic servants to list the activities of their employers as their own in censuses or studies, even in cases where the employer is an individual. The output of these personnel, which is consumed within the household itself, is considered in national accounts as non-market output, realised at the cost of hiring such personnel. (BHAS 2006: 188)

5 A self-governing administrative unit within Bosnia and Herzegovina over which both FBiH and RS have formally agreed to share equal dominium and to exercise their rights jointly.

In addition, Section N on health and social work includes healthcare and social care activities that can be performed in households.⁶

The two entities have their own classifications which are harmonised with the state-level document. However, domestic services are not further defined.

The labour legislation in RS and Brčko District⁷ includes provisions for contracting domestic services directly between a household and a domestic worker. This type of contract is registered with the local authority and Poreska uprava (PU; the tax authority). The FBiH labour law does not envisage employment relations in a domestic setting. Nevertheless, its Article 7 stipulates that the employer determines the place of work and how the work will be performed, thereby respecting all the rights and the dignity of the employee. It is noted that work can be performed outside the employer's premises (Article 26), such as at the employee's home or other premises secured by the employee, but without mentioning the employer's household. However, an FBiH bylaw on crafts (Pravilnik o popisu obrta), *Official Gazette* 42/22, includes activity T/97.00 Household services as an employer of domestic servants. Under this provision, a household can register a craft business⁸ through which to employ domestic workers. This option is not available in RS, where the law on Craft entrepreneurship activity,⁹ which regulates the establishment of craft businesses and self-employment, is premised on profit-making activities and does not include the activity of households as employers of domestic services.

The country does not have a long-term care (LTC) system (Obradović and Jusić 2021), only some elements of one which exist primarily within the social assistance and healthcare system. The laws on social assistance in the entities and Brčko District place the responsibility for the care of people in need of LTC (such as children, people with disabilities and older people) on their families.

- 6 85.14 Other health protection for the population – includes the activities of nurses, midwives, caregivers, physiotherapists and other staff in the field of optometry, hydrotherapy, medical massage, professional rehabilitation, speech therapy, limb treatment, homoeopathy, chiropractic and acupuncture; 85.32 Social work without accommodation – the work of social institutions, counselling centres, charitable institutions, institutions for working with refugees and displaced people, and other activities providing services to individuals and families in their homes or elsewhere, conducted by governmental and private organisations, humanitarian organisations, national and local self-help services, as well as experts providing advisory services.
- 7 Labour law in the RS, Article 46; and labour law of Brčko District, Article 36.
- 8 A craft business in Bosnia and Herzegovina (obrt) is a form of small business or self-employment. It is one of the easiest and most affordable ways to register and run a business in the country. Key characteristics are simple registration at local authority level, personal liability for the business's obligations and sole proprietorship or a limited number of employees.
- 9 *Official Gazette* of RS 117/2011, 121/2012, 67/2013, 44/2016 and 84/2019.

The entities and Brčko District laws on social assistance¹⁰ stipulate only the provision of house care and assistance, delivered to people in need and under certain conditions. Under these laws, services can be delivered by institutions in private or public ownership, licensed by the responsible ministries in accordance with bylaws regulating standards. The legislation does not contain any provisions with regard to the status of domestic care workers or LTC workers.

The country has not ratified ILO convention 189 on domestic workers. Probable reasons include a lack of political will and the non-existence of national regulations on domestic workers, which would necessitate extensive changes to the legislation.¹¹

Neither entity has a collective agreement for domestic workers or the associated labour law regulations.

Overview of employment arrangements

In general, households may establish three types of employment relations with domestic workers. First, the domestic worker may work directly for a private household either as an employee or on a self-employed basis. Second, they may provide a service to a household through a public or private service provider as a full-time or part-time employee. Domestic workers can have legal relations with several public or private service providers (if working part-time) and provide services to several households. Similarly, self-employed domestic workers can provide services to one or several households. Third, employment relations may be established between three parties, whereby a private or public service provider employs a domestic worker whose engagement in a household is mediated by a centre for social work.

Direct employment by a household is envisaged by the labour legislation in RS and Brčko District. Under these laws, the employer needs to register the contract with PU, reporting working hours each month and paying monthly social insurance contributions based on the wages paid. The laws also envisage that one part of the wage can be paid in kind (such as accommodation and subsistence), which needs to be expressed in monetary terms in the contract. This cannot exceed 50% of the total monthly wage and neither can it be lower than the minimum wage. Since contracts for employment of domestic workers are retained by local authorities, it is not known how many households in RS and Brčko District employ domestic workers using this modality.

The FBiH bylaw on crafts stipulates that households wishing to employ a domestic worker should register a craft business (on a self-employment basis) and engage a domestic worker as an employee. The employee must be registered with PU and their salary and corresponding contributions are paid monthly. According to the PU

- 10 RS law on social protection 37/12, 90/16, 42/20, 36/22; FBiH law on principles of social protection, protection of civilian victims of war and the protection of families with children 36/99, 54/04, 39/06, 14/09, 45/16, 40/18; law on social protection of Brčko District 04/04, 19/07, 02/08, 21/18 and 32/19.
- 11 The author has requested information from the state-level ministry of human rights and refugees on why the country has not ratified the convention, but a reply has never been received.

in FBiH, only one craft business in 2023 was registered as an employer of domestic services.¹²

In both entities most domestic service providers can register a craft business or self-employment and offer services to one or more households. In FBiH there are no restrictions regarding the domestic activities that can be registered, whereas in RS homecare services are regulated by the law on social protection and cannot be registered as a craft. In both entities the craft business can also have employees (i.e. other domestic workers).

Domestic workers can be employed by private or public service providers and non-profit organisations (whose work is usually financed through foreign donations). Organisations providing homecare and assistance services fall under the competence of the ministries responsible for social protection policy. Before starting work, these organisations must obtain approval to operate from the competent ministry for social protection. Domestic workers employed by these organisations can be offered a standard (fixed-term or open-ended) employment contract or a short-term, occasional contract. Depending on the type of contract, domestic workers will have different access to social protection and social insurance rights.

Regarding the provision of social services, such as house care and house assistance, centres for social work in both entities mediate between the direct service provider and their beneficiary. Centres for social work contract registered service providers (i.e. non-profit organisations or public or private companies specialised in the required type of service) to deliver services to beneficiaries. However, not many centres for social work in the country use this option (Spahić et al. 2021). This is corroborated by the small number of homecare and home assistance services delivered (only 478 in 2022) published by the BHAS (2023).

Employment of migrant domestic workers in Bosnia and Herzegovina is possible through the quota system of work permits, whereby the responsible state ministry determines the number of work permits issued to foreign workers in sectors of work with an insufficient supply of workers. Although the number of permits issued has increased considerably (from 1,600 in 2022 to 2,935 in 2023),¹³ the available evidence suggests that very few domestic workers of foreign origin come to Bosnia and Herzegovina to work. For instance, the current quota plan for 2024 is 6,073 workers, out of which only five are foreign workers engaged in household activities (housekeeper, butler, carer, SOS mother) in FBiH (ARZ 2023). In addition, the report of ARZ (Agency for labour and employment of Bosnia and Herzegovina) for earlier years, when the country approved a lower quota for work permits, show that even fewer foreign workers were given work permits for this work sector.

- 12 Data received from FBiH PU on 25 March 2024 upon request and kept on file with the author.
- 13 See 'Alarmanan nedostatak radne snage u BiH, Uvoz radnika neophodan za razvoj ekonomije' ('Alarming labour shortages in B&H, import of workers necessary for economic development'), *interview.ba* 4 April 2024, accessed 12 April 2024 at: <https://interview.ba/2024/04/04/alarmanan-nedostatak-radne-snage-u-bih-uvoz-radnika-neophodan-za-razvoj-ekonomije/>.

Access to social and labour protection

This section focuses on describing those conditions (and possible gaps) that are specific to domestic workers in terms of access to forms of social and labour protection, particularly the extent to which access for domestic workers differs from that of other workers in the same category of employment. Within each of the seven areas within the 2019 Council Recommendation, four aspects are addressed: (a) do they have formal access; (b) are there specific conditions that apply?; (c) are there gaps in access specific to domestic workers?; and (d) do they face specific challenges linked to their specific employment arrangements?

For each branch of social insurance and some social assistance benefits, access to rights depends on the payment of social insurance contributions. Employees and self-employed (craft businesses) in the domestic work sector working legally (i.e. registered work) gain social insurance rights based on the payment of social insurance contributions, like any other employee and self-employed person in the country. This means that no specific conditions apply to workers in the domestic sector. However, because of the widespread level of undeclared work in the sector, most domestic workers are not covered by social insurance benefits and social protection in general.

The social protection and social insurance systems in Bosnia and Herzegovina are organised at the level of the entities and Brčko District. For domestic workers in formal employment, benefit entitlements in the entities somewhat differ, not only in terms of the benefits provided by the different branches of social insurance but also depending on the type of employment contract (standard fixed-term or open-ended contract; temporary or occasional contract). In general, full access to social insurance benefits is assured only to employees in standard employment (on an open-ended or fixed-term contract), provided they have accumulated a certain number of years in insurance. Details for each branch are provided below.

Unemployment benefits

All workers in full-time standard employment or craft businesses must pay unemployment insurance contributions, making them eligible for unemployment benefits in the case of unemployment (i.e. unemployment assistance, health insurance and pension insurance). However, workers in non-standard forms of employment, such as temporary and occasional work, are not covered against unemployment and do not have the right to benefits.

Active labour market measures, which mainly consist of employment subsidies and sometimes upskilling and reskilling measures, are available to all unemployed people, including domestic workers in undeclared work who have not accumulated any insurance record.

Considering that most domestic workers often work unregistered, thereby not accumulating years of social insurance, it can be assumed that most domestic workers are not effectively covered by benefits in the event of unemployment. In addition, those with few accumulated years may receive benefits only for a very limited duration. In both entities, eligibility depends on the payment of social insurance

contributions for at least eight months before unemployment and registering their unemployment, within 30 days of becoming unemployed, at the local employment office. Furthermore, those with recurring unemployment usually do not have the right to unemployment benefits because, once the benefit has been used up, during the second spell unemployment institutes consider only the insurance period accumulated after the last use of benefit.

Domestic workers who work as employees for a household or legal entity (public or private service provider or non-profit organisation) on a short-term or occasional contract have limited social insurance coverage which excludes unemployment insurance. These workers therefore do not have the right to benefits.

Sickness benefits

The right to sickness benefits is strictly linked to the payment of full payroll health insurance contributions, a requirement for all workers in standard forms of employment and craft businesses. Employees in non-standard forms of employment are generally excluded, except in RS, where workers engaged on occasional short-term contracts are required to pay full health insurance, which covers them in the event of sickness.

Domestic workers with registered craft businesses who are on sick leave for less than 42 days in FBiH, and 30 days in RS, must finance sickness leave independently. In FBiH, the cantonal health insurance funds finance sick leave beyond 42 days; while in RS, Fond zdravstvenog osiguranja (FZO; the RS health insurance fund) finances sick leave beyond 30 days. In RS, sick leave due to work injury or occupational disease is financed entirely (even beyond 30 days) by the employer. As most craft businesses do not have employees, these domestic workers are left without any income during shorter sickness absences.

Domestic workers in non-standard forms of employment (such as temporary and occasional work) in FBiH are not covered against sickness. Here, workers are required to pay social insurance contributions at reduced rates (6% for pension insurance and 4% for health insurance), which does not bring any entitlement to social insurance benefits, including coverage in the case of sickness. In RS, workers engaged in these forms of contract are required to pay full health insurance contributions which cover them in the event of sickness.

Healthcare benefits

Access to healthcare can be realised on different bases. All workers in employment and craft businesses are required to pay payroll health insurance contributions. The exceptions in FBiH are workers employed on a temporary and occasional basis, who pay health insurance at reduced rates but have no rights to healthcare benefits. Some 90% of the population in FBiH have formal access to healthcare (though the coverage between cantons varies considerably) (ILO 2022), whereas in RS 73% of the population has formal access to healthcare.¹⁴

14 Data received from FZO RS on 15 June 2023 and kept on file with the author.

Many domestic workers working unregistered in both entities may be covered by health insurance as dependent family members, as beneficiaries of social assistance or via being registered as unemployed in FBiH. In addition, those who cannot be insured on any basis specified by the health insurance laws can pay voluntary health insurance to the health insurance fund where they have residence.

The healthcare system in the country is fragmented and organised according to the administrative borders of the entities and, in FBiH, the administrative borders of the cantons. As a result, the country has 13 health insurance funds (one in RS, one in each of the 10 FBiH cantons, one at the level of FBiH and one in Brčko District). Formal access to health insurance is granted only in administrative units that are within the competence of the health insurance fund where the contributions are paid. This is a problem for domestic workers who work or travel outside their canton or entity because, in areas that are outside the jurisdiction of their health insurance fund, they are treated as uninsured and are required to pay the full cost of healthcare services.

The level of out-of-pocket healthcare expenditure in the country is considerable. According to the latest available estimate, in 2021, this was 30.71% of total current healthcare expenditure, an increase of 1.85 percentage points on one year earlier (Eurostat 2024). This is more than double the EU27 average (14.52%) for the same year.

High out-of-pocket expenditure is generated by: payments for services and medicines that are not included in the healthcare packages provided by the health insurance funds; participation costs levied on patients; and the non-availability of some services in the public healthcare sector, so that patients have no other option but to seek these from private healthcare providers who usually do not constitute part of the public healthcare system (i.e. they are not contracted by the public health insurance funds). These costs represent a burden, especially for domestic workers and their families who live on low incomes, even when they are formally covered by health insurance.

Maternity leave

The general labour laws in Bosnia and Herzegovina's entities and Brčko District stipulate only maternity leave and maternity benefits, although these can also be used by fathers under some conditions. Although these benefits are financed from social insurance contributions in RS (via Javni fond za dječiju zaštitu – JFDZ; Public fund for child protection) and in FBiH and Brčko District from cantonal budgets and the Brčko District budget, respectively, in both entities and Brčko District only women in employment who are paying full payroll social insurance contributions are eligible for these benefits.

In both entities and Brčko District, leave lasts one calendar year without breaks. In RS and Brčko District, the benefit replacement rate is 100% of gross salary while in FBiH it varies from 40% to 100% of net or gross salary, depending on the canton (see Obradović 2024a). The benefit is paid monthly for the entire duration of the leave. Unemployed mothers have the right to maternity allowance, also paid for 12 months.

The entities and Brčko District do not provide for paternity and parental leave and corresponding benefits. Therefore, the country's leave legislation is not harmonised with EU Directive 2019/1158 on work-life balance for parents and carers.

Women domestic workers who are engaged on temporary and occasional contracts are not eligible for maternity benefits for the time out of employment. However, they should be eligible for maternity allowance, although these benefits are generally smaller than maternity benefits. In FBiH, the maternity allowance corresponds to 55% of the monthly minimum salary in the entity, which currently amounts to 340.45 konvertibilnih marka (KM; EUR 175).¹⁵ In RS the benefit amounts to 406 KM while in Brčko District it is 50% of the average net salary, which currently amounts to 606 KM. However, the eligibility conditions related to length of residence in some administrative areas may be an obstacle for some domestic workers to realise this right: one year of residence is required in RS, Herzegovina-Neretva Canton and Sarajevo Canton; in Brčko District, it is at least two years of residence or being registered as unemployed for at least six months.

Maternity benefits in FBiH are paid by the cantons based on cantonal social assistance legislation. In some, replacement rates are below 75% of previous earnings. In Herzegovina-Neretva, the replacement rate is 40% of the beneficiary's net average earnings in the six months preceding the leave; in Una-Sana Canton and Central Bosnia Canton, replacement rates are 50% of the beneficiary's average net earnings in the six months prior to the start of the leave (see Obradović 2024). This results in very low benefits, especially for domestic workers earning the minimum salary. Therefore, domestic workers in standard employment but on low salaries in these cantons are placed in a less favourable position than unemployed domestic workers who receive the benefit, which corresponds to 55% of the minimum wage under the FBiH law on financial support to families with children.

Craft business domestic workers in most FBiH cantons are still required to make social insurance contributions during maternity leave. Most cantons refund only a part of total net salary, while employers and the self-employed are expected to finance their social insurance contributions. For most self-employed domestic workers who earn low incomes, this can be a significant burden and they might opt to shutter their self-employment during maternity leave in order to claim maternity allowance.

Invalidity benefits

All workers in standard employment and in craft businesses are covered by pensions and disability insurance in cases of disability caused by accidents at work and occupational diseases, and disability caused by out-of-work injury or illness. In RS, workers in non-standard employment are also covered.

In order to be eligible for a disability pension based on an out-of-work injury, insured workers must be found at a medical assessment to have 100% disability. In addition, in FBiH the insured person must be covered by pensions insurance for at

15 At the official exchange rate, there are very approximately two marks to the euro (1 euro = 1.95 KM).

least one third of their working life.¹⁶ In RS, the qualification criterion is at least five years of insurance or 10 years of total pension insurance (which includes wartime insurance). Workers aged under 35 in RS must have at least two years of insurance.¹⁷ If a worker cannot qualify for disability pension, they may be eligible for disability benefits based on social assistance legislation.¹⁸ In both entities, there are three types of benefit granted by social assistance legislation and based on disability assessment, regardless of income and employment status: personal disability benefit; carers' allowance; and assistance for orthopaedic aids.

Disability benefits in RS are generally provided only to people who qualify for carers' assistance. This way, disability benefits are restricted to people with functional impairments. Similarly, in FBiH only people with 90% and 100% disability receive benefits, while people who are assessed as having lower levels of disability receive nothing at all. This is in stark contrast to the status-based benefits paid to war veterans and civilian victims of war who receive benefits starting respectively from the 20% and 40% levels of disability. In addition, disability benefits under social assistance legislation are considerably smaller than benefits paid to civilian victims of war and disabled war veterans (Obradović and Jusić 2022).

Disability benefits paid under social assistance legislation are very low and are insufficient to cover the costs of disabled people. In FBiH, benefit amounts to 80% of the minimum net wage: a total benefit amount that ranges between KM 130.30 and up to KM 637 (with all possible benefits). In RS, the benefit base for disability benefit is the average net wage in the previous year. In 2023 the benefit amount ranged between KM 240.24 and KM 446.16.

Old-age and survivor benefits

Old-age benefits and survivor benefits for people in employment are provided under general pensions and disability legislation.¹⁹ The accrual of pension rights is based on the payment of contributions which, in both the entities and in Brčko District, is mandatory for all workers in standard employment and craft businesses. In RS, workers in non-standard employment are also covered because they are required to pay full payroll pension and disability insurance contributions.

Survivor benefits under the pensions legislation consist of a survivor pension granted to dependent family members (e.g. spouses, children and parents under

16 Article 58, FBiH law on pensions and disability insurance, *Official Gazette* of the FBiH 13/2018, 93/2019, 90/2021, 19/2022.

17 Article 60, RS law on pensions and disability insurance, *Official Gazette* of the RS 134/2011, 82/2013, 96/2013, 103/2015, 111/2021, 15/2022, 132/2022, 43/2023.

18 RS law on social protection 37/12, 90/16, 42/20, 36/22; FBiH law on principles of social protection, protection of civilian victims of war and the protection of families with children 36/99, 54/04, 39/06, 14/09, 45/16, 40/18; law on social protection of Brčko District 04/04, 19/07, 02/08, 21/18 and 32/19.

19 FBiH law on pensions and disability insurance, *Official Gazette* of the FBiH 13/2018, 93/2019, 90/2021, 19/2022; and RS law on pensions and disability insurance, *Official Gazette* of the RS 134/2011, 82/2013, 96/2013, 103/2015, 111/2021, 15/2022, 132/2022, 43/2023.

certain conditions) of a worker who, at the time of death, fulfilled the conditions for an old-age or disability pension. However, there are other eligibility criteria related to (for example) the spouse's age, employment status, work ability and the age of the children. In general, in both entities, women may have the right to a survivor pension at age 50 while men may obtain it at 60. In addition, both men and women have the right to a pension regardless of age if their children have the right to a pension.

Domestic workers without stable employment and in non-standard forms of employment can have difficulty in acquiring the required amount of 15 years of pension contributions. This problem can also be present among workers in standard employment because their employers in the past had not paid their insurance contributions.

Voluntary pension and disability insurance is an option for domestic workers working undeclared or in non-standard employment arrangements in FBiH. Federalni zavod za penzijsko i invalidsko osiguranje (FZ MIOPIO; FBiH pension fund) determines the minimum base for voluntary insurance, which amounts to the average wage. In 2023 the minimum monthly contribution was KM 288.83. In RS, the minimum base for voluntary pension insurance is 60% of the average gross wage for the previous year.²⁰ For 2024, the voluntary pension contribution in the RS amounts to a minimum of KM 215.01.

Both systems guarantee a minimum pension for pensioners with residence in the country, but this is of low adequacy. In FBiH the current level of the minimum monthly pension is KM 517.30, while the pension for those with at least 40 years of insurance cannot be lower than KM 618.30. Fond za penzijsko i invalidsko osiguranje Republike Srpske (Fond PIORS; the RS pension fund) has five levels of minimum pension, depending on the number of years in insurance, ranging from KM 275.29 to KM 550.69 per month. In both entities, the highest number of pensioners receive minimum pensions, which are insufficient to cover basic living expenses.

Workplace accidents and occupational diseases

These benefits are granted on the basis of general pensions and disability legislation.²¹ In both entities and Brčko District, all workers in standard employment and craft businesses, and all workers in non-standard employment in the RS, are required to make payroll pensions and disability insurance contributions which cover them in the case of accidents at work and occupational illness (as well as out-of-work injuries).

20 As stipulated by the RS law on contributions, *Official Gazette* of the RS 134/2011, 82/2013, 96/2013, 103/2015, 111/2021 and 15/2022.

21 FBiH law on pensions and disability insurance, *Official Gazette* of the FBiH 13/2018, 93/2019, 90/2021, 19/2022; and RS law on pensions and disability insurance, *Official Gazette* of the RS 134/2011, 82/2013, 96/2013, 103/2015, 111/2021, 15/2022, 132/2022, 43/2023.

In cases of disability caused by work injury or occupational illness, insured workers have the right to the following:

- a. in FBiH, compensation for bodily damage: a monthly financial benefit dependent on the percentage of disability. Fond PIORS no longer provides this benefit for new cases (it is paid out only to a few aged beneficiaries)
- b. in cases of disability below 100%, a domestic worker has the right to be transferred to a workplace suitable for their remaining level of work ability. This is implemented by the employer
- c. domestic workers have the right to salary compensation if their new work position pays less than their previous one
- d. reskilling and upskilling for those under 55 in FBiH, and under 58 in RS, sees the worker have the right to compensation of salary during that period.

A disability pension is only granted to workers with 100% disability, but is granted irrespective of the number of years of insurance if the disability was caused by a work injury or occupational illness.

Unlike in RS, where domestic workers in non-standard employment are required to pay full pensions and disability contributions, domestic workers in non-standard employment in FBiH are not covered. In FBiH, these contracts require the payment of a reduced contribution of 6% to FZ MIOPIO, but this does not give the right to any benefits.

Domestic workers not in standard employment or who work undeclared may decide to be insured voluntarily, in which case they pay full payroll pensions and disability insurance contributions. However, voluntary insurance does not cover them in case of work injury or occupational diseases.

Some of the general challenges in accessing benefits in respect of accidents at work and occupational diseases also apply to domestic workers. Access to a disability pension depends on a decision of the commission that conducts medical assessments. Although there have not been any changes in the legislation on disability rights, the funds have tightened their disability assessment procedures (Obradović 2021). This has been possible because the bylaws and procedures give assessors broad discretionary powers when assessing disability. As a result, the share of disability pensions in the total number of pensions has fallen continuously. For instance, in RS the share of disability pensions fell from 18.1% in 2010 to 12.40% at the end of 2023 (Fondpiors.org 2024).

It is challenging in practice to move a worker to another suitable work position that corresponds to their remaining work ability, to pay salary compensation if the new work position pays less and to provide reskilling. These benefits are supposed to be implemented and financed by employers. However, not many employers have the capacity to implement this, starting from providing a new workplace suitable for the remaining level of work ability and extending to providing suitable reskilling opportunities. As a result, in most cases workers cannot realise these rights and their employment contracts are terminated after a certain period of time.

Access to labour protection

As stipulated by the general labour laws, labour protection applies to all employees, including those working for craft businesses. This implies that labour protection also applies to domestic workers, providing that their work is registered. Although the entity legislation is harmonised with international labour standards in this area (such as on working hours, rest periods, paid leave, protection against discrimination and abuse, maternity protection, collective bargaining and unionisation), the country has not ratified ILO convention 189 on domestic workers. Therefore, the general labour laws in the country have no specific legal provisions that apply only to domestic workers.

Most domestic workers in the country work undeclared, so their employment is out of the scope of labour law protection and subject to (for example) long and irregular working hours, irregular pay cycles, ease of dismissal and a lack of protection in cases of sickness or maternity. Undeclared work in the domestic work sector generally goes undetected because labour inspections generally do not cover households.

Implementing the general labour laws in the country presents many questions, especially in private sector jobs. Most workers in private sector jobs have no or very limited paid leave (according to anecdotal evidence, it is approximately five working days a year), which is below the minimum of 20 working days per year stipulated by the labour laws. Their overtime is often not paid while their salaries and social insurance contributions are delayed. These general conditions in private sector jobs are likely to influence the implementation of labour protection rights for domestic workers.

Labour inspectors can only check organisations providing domestic services to see if they are complying with employees' rights. However, the main focus of labour and tax inspectors is to check whether workers have contracts registered with the tax authority and whether the employer is paying taxes (i.e. social insurance contributions and income tax) on time. Breaches in other areas of labour rights, such as paid holiday leave, compensation for overtime work and rest periods, mostly go undetected. Although no legal and technical barriers prevent an employee from complaining against an employer, this is rarely done because of the fear of losing one's job, a fear that is coupled with high unemployment, an inefficient court system and a lack of legal protection.

In addition there are often challenges associated with craft businesses, especially where the owner is the sole employee. By law, craft businesses have the same obligations as employers. Some labour protection rights can, however, be difficult to meet for craft businesses struggling with a lack of work, low profits and similar problems. Craft businesses have no income during sickness leave below 42 days in FBiH and 30 days in RS; in FBiH, women who are the sole employee of a craft business may face difficulties in financing their social insurance contributions during maternity leave.

Undeclared work, regularisation and labour shortages

A key challenge concerning the situation of domestic workers is the very high proportion of undeclared work in the sector and what this implies in terms of social protection and labour protection. Different policy instruments may be used to address and combat undeclared work, broadly classified into direct measures (e.g. vouchers and tax credits) and indirect ones (e.g. formalisation and the professionalisation of domestic work).

There are no data on undeclared work for domestic workers in Bosnia and Herzegovina although, as Table 1 shows, undeclared work is particularly prevalent. According to ILO estimates based on Household Budget Survey microdata, undeclared work still accounts for one-fifth of all employment in the country, even though this is a reduction from the years in which undeclared work made up almost one-third of all employment.

Table 1 – Informal employment rates by sex

Year	2016	2017	2018	2019	2020*	2021	2022	2023
Total	30.5%	24.8%	22.1%	23.1%	14.3%	20.7%	19.9%	19.7%
Male	32.1%	24.0%	22.0%	22.4%	12.7%	17.4%	16.6%	16.3%
Female	27.6%	26.2%	22.3%	24.3%	16.8%	25.7%	24.8%	24.6%

* Estimate for 2020 excludes own-use production workers.

Source: ILOSTAT (2024a).

The ILO estimates the highest concentration of undeclared employment to be in agriculture (80.5%), a traditional activity for the rural population, in contrast to which the level in construction is 17.7% while in industry it is 9% and in services it is 5.3% (ILOSTAT 2024b). Anecdotal evidence suggests that household care work has, however, probably become the largest undeclared sector in the economy ahead of construction and agriculture which are traditionally recognised as centres of undeclared work.

Several factors are driving undeclared forms of employment in the domestic sector.

First, there is a generally high prevalence of undeclared work which normalises such behaviour: people perceive undeclared domestic work as a standard practice rather than an illegal activity.

Second, a high tax wedge increases labour costs and reduces net pay for workers. A high tax wedge is especially pronounced in FBiH, where cumulative contribution rates of 41.5% are higher than in RS, where total contributions are 31%. Čavalić (2020) claims that working on a registered basis in FBiH is unreasonable because some 72% of the gross wage goes towards taxes and contributions. Therefore, undeclared work is more affordable for users while domestic workers receive higher net compensation.

Third, there are administrative hurdles associated with formal employment. Employing a domestic worker in Bosnia and Herzegovina is not straightforward. The legislation is not clear and information on how to employ domestic workers is not easily accessible. For instance, most government offices are not able to provide information on the modalities of employing domestic workers simply because these questions are very rarely asked. The employment procedure requires time and a certain level of tax literacy. In addition, dealing with administrative hurdles can be particularly troublesome when a household is faced with a sudden need for help and, in such cases, they have little capacity to deal with the administrative arrangements.

Combating undeclared work has been one of the priorities for governments in Bosnia and Herzegovina. This was included in the Reform Agenda for the period 2015-2018, Common Socioeconomic Reforms for the period 2019-2022, and the Sustainable Development Goals (SDGs) Framework for the realisation of SDGs in Bosnia and Herzegovina (2020). However, Bosnia and Herzegovina's entities have no specific direct measures for tackling undeclared work in the domestic work sector; only the general measures applied across all economic sectors.

These general measures are mostly based on deterrence (Williams and Efendić 2021), regulated by several entity and cantonal laws which include penalties and administrative sanctions for companies and employees. In addition to financial penalties, tax inspectors have the power to close the business premises of employers where they find undeclared workers. In FBiH, business premises may be reopened once the employer has registered all undeclared employees. In RS, tax inspectors can impose a measure of prohibition of business activities by oral decision until the irregularities are rectified, for a minimum of 15 days. There are also measures to improve detection such as data matching and sharing, workplace inspections, registration of workers before starting work, business certification, certifying payments of social contributions and taxes, telephone hotlines and the use of mandatory ID in the workplace.

In recent years, the entities have sought to enhance the work of their inspectorates. Most recently, the new RS law on inspections²² stipulated better co-ordination, planning and reporting between the entity and local inspectors and their co-ordination with other relevant institutions. In FBiH, co-ordination is more complex as it involves more institutions with devolved competencies and the unharmonised legislation that regulates this area (Ombudsmen 2020: 53). For instance, the penalties for the same offence of unregistered employment are neither harmonised nor consistent due to different legal solutions.

The inspectorates have reported finding fewer undeclared workers in recent years, although the domestic work sector has been completely out of the inspectorates' purview. The measures that have been implemented by the entities are primarily applied to tackling undeclared work in registered businesses. Companies and individuals that work on a completely undeclared basis and who conduct payments only in cash are difficult to detect with them and, therefore, such workers remain mostly outside the scope of the inspectorates.

22 *Official Gazette* of the RS, 18/20.

Nevertheless, the voluntary report of Bosnia and Herzegovina on the implementation of Agenda 2030 (DEP 2023) in connection with SDG goals noted that the country had achieved significant improvements with regard to reducing undeclared employment: total undeclared employment in non-agriculture sectors in 2021 was 8.4% of total employment (6.9% for women and 9.6% for men), implying that the country had already fulfilled its target under adjusted SDG indicator 8.3.1: share of informal employment in the non-agriculture sector for 2030 (total 12%; women 9% and men 14%).

Turning to labour shortages, the media often report that employers are experiencing problems. Representatives of employer associations and employers themselves express concerns about a lack of qualified and skilled workers and the difficulties of employing foreign workers.²³ However, there has not been any reporting on labour shortages for domestic workers or unmet household needs for domestic services. In addition, this area has been completely outside the purview of researchers and policymakers.

Nevertheless, current demographic and labour market trends are likely to be negatively affecting supply and demand for domestic workers in the country.

First, Bosnia and Herzegovina is facing depopulation and rapid population ageing caused by the emigration of the working age population and falling birth rates. These two trends are resulting in an increasing old age dependency ratio, especially in rural areas, in which migration within the country to larger urban centres is also a factor. BHAS (2020) population projections estimate an increase in the number of people aged 65 or over between 2023 and 2050 of 37%. Such an increase will lead to a rise in the numbers of people with functional limitations, requiring care services and domestic assistance. This will lead to increased demand for domestic and care services.

Second, as more women enter the labour market, they become unavailable for unpaid domestic work and family care responsibilities. This will increase demand for domestic services, especially care services for older people living alone or within a family where other members need to reconcile family care and work activities. This also includes homecare for children because early childhood education and care services in the country are insufficient (Obradović 2023). Furthermore, this problem will be further aggravated by the continued emigration of women to EU countries, affecting both supply and demand for domestic services. Anecdotal evidence suggests that many women of prime working age are emigrating to work in domestic sectors in higher-income countries, such as Austria and Germany. As a result, most domestic workers in Bosnia and Herzegovina are themselves older, retired women.

- 23 See, for example, 'U Republici Srpskoj evidentan nedostatak radne snage' ('Labour shortages evident in Republic Srpska'), *Lat.rtrs.tv* 25 March 2024, accessed 12 April 2024 at: <https://lat.rtrs.tv/vijesti/vijest.php?id=549370>; 'Alarmanan nedostatak radne snage u BiH, Uvoz radnika neophodan za razvoj ekonomije' ('Alarming labour shortages in B&H, import of workers necessary for economic development'), *interview.ba* 4 April 2024, accessed 12 April 2024 at: <https://interview.ba/2024/04/04/alarmanan-nedostatak-radne-sn-age-u-bih-uvoz-radnika-neophodan-za-razvoj-ekonomije/>.

A third problem is the price inelasticity of domestic care services. Demand for homecare services is usually based on need. However, when the supply of skilled and experienced workers becomes scarce, these services are affordable only by higher-income households. In Bosnia and Herzegovina, where social services are undeveloped and often lacking, these trends will exacerbate the care crisis and result in care needs going unmet.

Recent and ongoing reforms and debates

There have been no recent reforms with a view to enhancing the social protection of domestic workers. Although FBiH is in the process of improving the legislative framework for the provision of social services by developing a law on social services (FMRSP 2024), the law does not address the issues raised by the employment of domestic workers. As is already the case, the law entrusts the provision of services to institutional service providers, which can be in public or private ownership, and does not envisage the delivery of services by individuals. Therefore, the law leaves out of scope many individual homecarers and home service providers whose work remains unregulated.

There are, therefore, no reforms underway within Bosnia and Herzegovina with a view to enhancing the social and labour protection of domestic workers, or to addressing undeclared work in the sector; and neither has there been any EU support provided in this context. Furthermore, public debate about any of these issues continues to be sadly lacking.

Conclusions: improving social protection and labour rights for domestic workers

Considering Bosnia and Herzegovina's rapidly ageing population and changing family structure, the demand for homecare services and domestic services, in general, is expected to increase steadily. A growing older population will require more support to stay in their homes, while the shrinking working age population will produce labour shortages, including in the care sector and domestic work, which are likely to result in unmet care needs. Women represent the large majority of domestic workers and caregivers in declared and undeclared economies and as informal family carers. Therefore, every item of government support in this realm would be beneficial from a gender perspective.

Insufficient provision of public care services and complex legislation for direct employment in the domestic work sector are contributing to the growing level of undeclared work in this sector. If the legislation remains unchanged, rising demand for domestic work will lead to undeclared work continuing to grow unchecked. The various levels of government in Bosnia and Herzegovina should therefore develop policies to regulate domestic work, including domestic care work, along the following lines:

- a. the entity governments should aim to regulate undeclared domestic work and stimulate domestic workers and their employers to legitimise employment. The entities should define domestic services, introduce households as workplaces and clearly define in the labour legislation the varying types of contracts for

- domestic services. The FBiH labour legislation should recognise the status of households as employers and domestic workers as direct employees
- b. individual care workers should be recognised and included in social assistance legislation as caregivers who can be directly employed by a household as well as by legal entities specialised in the provision of these services. Therefore, both entities and Brčko District should change the laws on social assistance and social services to legalise the position of undeclared personal carers
 - c. legislation should be introduced for the organisation of training programmes for domestic work that fall within the realm of social protection, such as home personal assistance and homecare, and define the benchmarks of quality services in the sector
 - d. the entity governments should explore the possibility of extending social insurance coverage to domestic workers by introducing a reduced base for the payment of social insurance contributions and a special income tax for domestic workers. This modality already exists for some low-profit professions (such as domestic craft businesses, taxi drivers and agricultural households)
 - e. in order to stimulate households to hire domestic workers legally, the government could introduce tax deductions based on the amount of money spent annually on domestic work. Furthermore, governments could explore the introduction of a mini-job scheme for domestic workers which would define maximum working time and minimum social protection standards.
 - f. governments should commence statistical monitoring of the domestic work sector, including the profile of workers and their employment conditions as well as the profile of users and their needs. This is necessary to understand how the domestic sector functions in different contexts and to develop evidence-based policies to foster the development of this sector and the social protection of domestic workers.

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Statistical annex

Table A1: Number of domestic workers (in thousands); share of all people at work (%) and distribution by care/non-care sectors (%) (2023, selected EU27 member states, Bosnia and Herzegovina, and Serbia)

	Number of domestic workers (000)	Share of all people at work	Sector	
			Care	Non-care
EU-27	4,080.8	2.1%	46%	54%
Austria	40.5	0.90%	51%	49%
Bulgaria	36	1.30%	70%	30%
Croatia	9.5	<i>0.60%</i>	<i>87%</i>	<i>13%</i>
Hungary	20.3	0.40%	62%	38%
Romania	67.2	0.90%	59%	41%
Slovenia	8	0.80%	73%	27%
Bosnia and Herzegovina	8.78	0.8%	39%	61%
Serbia	17.362	0.7%	37%	63%

Note: The numbers in italics have low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS) 2023; Eurostat data; DG EMPL calculation.

Table A2: Distribution of domestic workers by main job characteristics (number of hours per week usually worked, employment status and degree of permanency), % (2023, selected EU27 member states, Bosnia and Herzegovina, and Serbia)

	Weekly hours			Employment status		Permanency	
	< 30	30 to 40	> 40	Employees	Self-employed	Temp contract	Perm contract
EU-27	47%	45%	8%	94%	6%	18%	82%
Austria	59%	35%	:	80%	20%	:	93%
Bulgaria	:	90%	:	98%	:	30%	70%
Croatia	<i>19%</i>	<i>81%</i>	:	<i>95%</i>	:	<i>64%</i>	<i>36%</i>
Hungary	:	100%	:	86%	<i>14%</i>	<i>15%</i>	85%
Romania	:	86%	:	72%	28%	<i>15%</i>	85%
Slovenia	:	100%	:	96%	:	<i>16%</i>	84%

Bosnia and Herzegovina	:	71%	29%	79%	21%	27%	73%
Serbia	<i>34%</i>	66%	:	74%	26%	63%	37%

Note: The numbers in italics have low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS) 2023; Eurostat data; DG EMPL calculation.

Table A3: Distribution of domestic workers by sociodemographic characteristics (gender, age, educational level and country of birth), % (2023, selected EU27 member states, Bosnia and Herzegovina, and Serbia)

	Gender		Age			Educational level			Country of birth		
	Women	Men	15-34	35-49	50+	Low	Inter	High	Native	Other EU	Non-EU
EU-27	88%	12%	19%	35%	46%	39%	50%	11%	59%	10%	31%
Austria	89%	11%	20%	32%	48%	27%	58%	16%	60%	21%	19%
Bulgaria	82%	18%	11%	37%	52%	25%	67%	:	100%	:	:
Croatia	96%	:	:	39%	54%	19%	79%	:	79%	:	:
Hungary	87%	:	17%	44%	39%	26%	71%	:	99%	:	:
Romania	83%	17%	17%	43%	39%	30%	66%	:	100%	:	:
Slovenia	82%	18%	25%	37%	38%	17%	63%	20%	87%	:	:
Bosnia and Herzegovina	75%	25%	26%	39%	35%	33%	66%	:	96%	:	:
Serbia	84%	16%	6%	30%	64%	31%	62%	8%	89%	:	:

Note: The numbers in italics have low statistical reliability and should therefore be interpreted cautiously.

Source: Labour Force Survey (LFS) 2023; Eurostat data; DG EMPL calculation



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