

## **Decision imposing the Law on the Job Placement and Social Security of the Unemployed**

**In the exercise** of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

**Recalling** paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) "measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

**Considering** Article III. 2 (e) of the Constitution of the Federation of Bosnia and Herzegovina, which ensures the responsibility of both the Government of the Federation of Bosnia and Herzegovina and the Cantons to regulate social policy;

**Bearing in mind** that the Peace Implementation Council urged in Brussels on 23-24 May 2000 the authorities to proceed with broad-based reform of the labour legislation and the social security system. The Peace Implementation Council urged also the High Representative to use his authority in accordance with his mandate to remove obstacles that stand in the way of economic reform and to create the conditions for self-sustaining market-driven economic growth to avoid an economic crisis as Bosnia and Herzegovina makes the transition from a donor dependent economy;

**Noting** that the Government of the Federation of Bosnia and Herzegovina retrieved during the extraordinary session of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina on 17 October 2000 the proposed Law on Job-Placement and Social Security of the Unemployed from the procedure. The proposed Law has since then not been brought back to the House of Representatives;

**Bearing finally in mind** that it has become critical to ensure the adaptation of job placement services to market economy and to create an unemployment benefit system which is more financially sustainable;

All this considered, borne in mind and noted, I hereby issue the following Decision on the Law on Job-Placement and Social Security of the Unemployed. The Law which is hereinafter set out shall enter into force on an interim basis, until such time as the Parliament of the Federation of Bosnia and Herzegovina adopt this Law in due form, without amendments and with no conditions attached;

Pursuant to, and as an integral part of this my Decision herein, I require the appropriate authorities of the Federation of Bosnia and Herzegovina and of the Cantons to take all necessary steps to ensure that the laws and regulations of the Federation of Bosnia and Herzegovina and of the Cantons respectively are and remain fully harmonized with the Law on Job-Placement and Social Security of the Unemployed and hereinafter set out. In the event that changes are required to be made to the laws and/or regulations of the Federation of Bosnia and Herzegovina and the Cantons in consequence thereof, such changes are to be effected no later than six months after the entry into force of the said Law on Job-Placement and Social Security of the Unemployed;

This Decision, which has immediate effect, shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina;

# DECISION

## ON THE JOB-PLACEMENT AND SOCIAL SECURITY OF THE UNEMPLOYED

### I. GENERAL PROVISIONS

#### Article 1

1. This law shall regulate the rights and the obligations of the Federation of Bosnia and Herzegovina (hereinafter referred to as: the Federation) in establishing and implementing comprehensive measures for development and promotion of the employment conditions, the basic principles in job-placement, the material and social security of the unemployed during the temporary unemployment, the establishment, the organization and the work of the Federal Employment Bureau (hereinafter: Federal Bureau), public Employment Services of the Cantons (hereinafter: Employment Service), funding of the comprehensive employment activity and other issues, with due respect for cantonal prerogatives and the diverse situations of the Cantons.
2. The Government of the Federation of Bosnia and Herzegovina (hereinafter: the FBiH Government) shall be competent to further regulate the matters referred to under paragraph 1 hereof, in accordance with this Law.

#### Article 2

1. No person shall pursuant to this Law be discriminated against based on race, color, sex, language, religion, political or other opinion, ethnic or social background, financial situation, birth or any other circumstance, membership or non-membership in a political party, membership or non-membership in a trade union, and physical or mental impairment.

#### Article 3

1. The unemployed person in terms of this law shall be a person, who:
  - a) Is unemployed;
  - b) Is capable of working;
  - c) Is available to work according to the Labor regulations;
  - d) Is actively seeking employment;
  - e) Is registered with the Employment Service as a person seeking employment;
  - f) Does not perform any independent professional and economic activity;
  - g) Is not a full-time pupil, a full-time student or a pensioner.

### II. ORGANIZATION AND WORK OF THE FEDERAL BUREAU AND EMPLOYMENT SERVICE

#### Article 4

1. In accordance with this Law and other regulations, the Federal Bureau shall be established for the purpose of meeting the requirements in the employment domain, and monitoring labor market trends and developments.
2. The Federal Bureau shall be a public institution.
3. The regulations on institutions shall apply to its founding, registration, activity and dissolution, as well as to all other issues related to the operation of the Federal Bureau, unless otherwise prescribed under this Law.
4. The operation of the Federal Bureau shall be public.

5. The Federal Bureau is a legal entity and its domicile is in Sarajevo.

## **Article 5**

1. The Federal Bureau shall:

- a) Follow up and propose the measures as to the promotion of employment and social security of the unemployed;
- b) Follow up and provide for the implementation of the prescribed policy and measures in the field of labor and employment throughout the territory of the Federation, and inform the competent authorities of the Federation thereof;
- c) Manage the unemployment insurance funds in accordance with this Law;
- d) Follow up, harmonize and coordinate the work of Employment Service on the implementation of the prescribed policy and measures in the field of employment and social security of the unemployed that fall under the competence of the Federation;
- e) Follow up and propose measures for improvement of the employment of the disabled and their professional rehabilitation and make sure that the requirements are met with regard to their employment while at the same time working together with the Employment Service;
- f) Provide assistance in the implementation of programs for vocational guidance, training or retraining of the unemployed and their redeployment to other appropriate posts;
- g) Centralize and keep collective records in the field of labor and employment which are of interest to the Federation, and propose the measures and resources needed for the development and functioning of a single information system in this field;
- h) Follow up the implementation of the international treaties and agreements in the field of labor and employment as pertaining to the Federation;
- i) Represent the Employment Service in their relations with the authorities and services of Bosnia and Herzegovina, the Federation and the Republika Srpska;
- j) Approve the employment of foreign citizens and people without citizenship on the recommendation of the Employment Service, as required by the Law on employment of foreigners (O.G. FBiH 8/99);
- k) Follow up and undertake the measures as to the creation of conditions required for the return of the Federation citizens that are guest-workers abroad with a view to facilitating their employment;
- l) Perform other jobs prescribed by the law, statute and enactments of the Federal Bureau, and the Conventions and Recommendations of the International Labor Organization as pertaining to the field of labor, employment and social policy;
- m) Submit to the Parliament of the Federation of Bosnia and Herzegovina the annual work report;
- n) Submit the consolidated annual Financial Plans of the Federal Bureau and the Employment Service to the Federal Ministry competent for labor (hereinafter; the Federal Ministry) in accordance with the Law on Budgets of the Federation of Bosnia and Herzegovina (O.G. FBiH 20/98).

## **Article 6**

1. The organization and the method of work of the Federal Bureau shall be established by the statute and other enactments of the Federal Bureau in accordance with this law.
2. The Federal Bureau shall be subject to such periodic external and internal audits as required by law.
3. The FBiH Government provides approval with regard to the statute and work program of the Federal Bureau.

## **Article 7**

1. The Federal Bureau shall work together with the Employment Service and cantonal authorities being in charge of labor and employment on the development and implementation of framework labor and employment programs that are of interest to the Federation.

## **Article 8**

1. Unless it is otherwise provided in this Law, the Cantons shall be competent for the establishment, work, cessation of activities and other issues related to Employment Service operations.

2. Organisation of Employment Service under paragraph 1 hereof shall be established under the statute and other pieces of Employment Service legislation, in accordance with this Law and cantonal regulations.

3. The cantonal government shall approve the Statute and other pieces of Employment Service legislation which regulate matters as referred to under Paragraph 2 hereof.

4. Employment Service under paragraph 1 hereof shall be competent for:

- a) Determination of unemployment rights in accordance with this Law;
- b) Implementation of programs for vocational guidance, training or retraining of the unemployed and their appropriate redeployment;
- c) Collection of data related to the unemployed and its communication to the Federal Bureau;
- d) Issue of labor licenses to aliens and persons without citizenship as requested by the Federal Bureau;
- e) Other activities determined under this Law.

## **Article 9**

1. The regulations on institutions shall apply to the establishment, registration, activity and dissolution of the Employment Service in the Canton, unless otherwise prescribed by the cantonal regulations.

2. The Employment Service shall be subject to such periodic external and internal audits as required by law.

## **Article 10**

1. Employers with job vacancies and persons seeking employment may request the assistance of the Employment Service in filling the vacancies and finding jobs.

## **Article 11**

1. The Employment Service shall be obliged to co-operate, co-ordinate their work and exchange data pertaining to their official records.

## **Article 12**

1. The Employment Service shall be obliged to provide the Federal Bureau with the reports in the manner and within the terms as prescribed in the act of the Federal Bureau.

## **Article 13**

1. The Employment Service shall organize the collection, exchange and publishing of data about the unemployed and persons seeking a change of employment, as well as of any other information that may be of relevance to the performance of the core activity of the Employment Service.

2. The Employment Service shall conduct periodic assessments of the labor market under the instruction of the Federal Employment Bureau in order to obtain data and provide information on labor market developments.

#### **Article 14**

1. The Employment Service shall keep necessary records:
  - a) On unemployed persons;
  - b) Individual files as to each unemployed person;
  - c) Such records as are essential for the work of the Employment Service.
2. The Employment Service may also keep individual files related to persons that are under the job-counseling.

#### **Article 15**

1. The Employment Service and the Federal Bureau shall treat as confidential any information regarding individuals that they obtained in the course of its activities.
2. No confidential information referred to in Paragraph 1 hereof may be communicated to legal or natural persons unless otherwise provided under the law.
3. The Employment Service and the Federal Bureau shall take all necessary measures to ensure the safekeeping and protection of files and documents.

#### **Article 16**

1. The Employment Service shall provide such data contained in its records as may be required by the competent authorities of the Federation and/or of the Cantons.

#### **Article 17**

1. The Employment Service shall publish an annual report on its activities.

#### **Article 18**

1. The employed or those who are equalized with them may report to the Employment Service for the purpose of change of employment, or job-placement, job-counseling and informing, without being obligated to reporting on a regular basis.

#### **Article 19**

1. The contents, instruments, method, terms and other issues related to the keeping of basic records in the field of employment, shall under this Law be prescribed by the Federal Ministry or in enactment prescribed by the Employment Service in instances in which records were established by the cantonal regulations.

#### **Article 20**

1. In the event of employment contract cancellation in terms of Articles 98 and 99 of the Labour Law ( FBH Official Gazette No 43/99, 32/00 ) the employer shall be liable to submit written notification to the Employment Service on the employees that have become redundant;
2. The written notification under paragraph 1 hereof shall be submitted 15 days following the day of the employment contract cancellation.

### **III. PERFORMANCE OF LABOR AND EMPLOYMENT**

#### **Article 21**

1. Measures shall be set forth by the competent Federal and/or cantonal authority with a view to promotion of the attainment and maintenance of a higher rate of employment, and improvement of the employees' structure.

## **Article 22**

1. In order to accomplish maximum efficiency and ensure the measures referred to in Article 21 hereof, the law or the cantonal regulations may envisage benefits and privileges for those employers that generate new jobs and employ a growing number of the unemployed.

## **Article 23**

1. The measures referred to in Article 21 shall seek to provide for, in particular:
  - a) Reorientation and new employment due to technical-technological improvements or economic-structural changes on the labor market;
  - b) Shorter duration of unemployment;
  - c) Qualified personnel according to the employers' needs;
  - d) Local and professional mobility of both the employed and the unemployed;
  - e) Priority in employment of disabled people.

## **Article 24**

1. The professional orientation of the unemployed and other people to choose an occupation, the vocational training of the unemployed and retraining of the employees who become surplus, the stimulation for generating new jobs and undertaking of other stimulating measures shall be the activities of the Employment Service, and shall be regulated by regulations enacted by the Cantons.

## **IV. JOB PLACEMENT AND COUNSELING**

### **Article 25**

1. Job-placement and job-counseling, for the purpose of this Law, shall comprise all activities and measures that have been taken under the law in order to connect the unemployed seeking employment as well as the employed seeking for a change of employment with the employer who needs an employee for the establishment of employment, that is, for the conclusion of an employment contract or labor engagement.

### **Article 26**

1. Job-placement and job counseling referred to in Article 25 hereof shall be performed throughout the territory of the Federation by the Employment Service in accordance with this law and cantonal regulations.
2. Job placement and job counseling referred to in Paragraph 1 hereof may also be performed by other legal persons (hereinafter: the private agencies) in accordance with this Law.
3. The FBiH Government shall by its own regulations regulate the conditions and method as to the establishment of private agencies.

### **Article 27**

1. Job-placement and job-counseling services provided by the Employment Service shall be free of charge.
2. The services referred to in Paragraph 1 hereof that are provided by the private agencies shall be free of charge for the persons seeking employment.

## **V. INSURANCE IN THE CASE OF UNEMPLOYMENT AND SOCIAL SECURITY OF THE UNEMPLOYED**

### **Article 28**

1. Employees shall provide for their material and social security in the unemployment period, primarily through unemployment insurance in accordance with this and other laws.
2. Material and social security under paragraph 1 refers to:
  - a) Cash benefits, in accordance with this Law;
  - b) Health contributions and pensions contributions in accordance with this and other laws.

#### **Article 29**

1. An unemployed person shall be entitled to cash benefits if:
  - a) He or she fulfills the conditions of Article 3 of this Law;
  - b) He or she has paid unemployment contributions for an uninterrupted period of at least 8 months within the past 12 months, or for an accumulated total period of at least 8 months within the past 18 months that preceded the submission of an application for cash benefits;
  - c) Reports as required.
2. An unemployed person having worked part time and fulfilling conditions under paragraph 1 hereof shall claim the right to cash benefits in proportion to the time spent at work.

#### **Article 30**

1. The cash benefit referred to in under Article 28 Paragraph 2 a) hereof shall be determined depending on the number of unemployment insurance years and in relation to the rate of average salary in the Canton earned in the past quarter and published by the Federation Statistics Bureau.
2. The cash benefit referred to in Paragraph 1 hereof shall be disbursed for:
  - a) Six months in the amount of 30% for the unemployment insurance period of 8 months to 10 years;
  - b) Nine months in the amount of 35% for the unemployment insurance period of 10 to 25 years;
  - c) Twelve months in the amount of 40% for the unemployment insurance period of over 25 years.
3. In the event an unemployed person gets employed during the period within which such person can claim the right to cash benefits, and in the event gets re-registered by the employment office as an unemployed person before the expiry of 8 month period, such person shall claim the right to the remaining portion of the cash benefits.

#### **Article 31**

1. Health insurance of the unemployed person shall be provided under the regulations of the Health Insurance Law.
2. Pension and disability insurance shall be provided to the unemployed person lacking three years to acquire the right to retirement pension in accordance with the Law on Pension and Disability Insurance (FBH Official Gazette No29/98, 14/00).
3. For the insurance of rights under paragraph 2 hereof, a maximum of 0,5% of the funds under Article 45 Paragraph 1 of this Law may be used.

## **VI. PROCEDURE OF EXERCISING UNEMPLOYMENT RIGHTS**

### **Article 32**

1. The unemployment rights of an unemployed person shall be exercised with the Employment Service that corresponds to the place of his/her permanent residence.
2. The unemployment rights of an unemployed person that due to the conflict left the place of permanent residence shall be exercised with the Employment Service that corresponds to the place of his/her temporary residence.

### **Article 33**

1. Claim to implement the right to cash benefits shall be submitted by the unemployed person within 60 days from the day of employment relationship cessation.
2. In the event of premature inability to work by the unemployed under the regulations on health insurance, the terms under Paragraph 1 hereof shall be counted as of the day such an inability has ceased.

### **Article 34**

1. Any unemployed person filing a claim to obtain cash benefit shall under this Law have the duty to provide the Employment Service with all necessary data that are required for the identification of rights.
2. Upon registering the unemployed person and receiving a claim for cash benefits, the Employment Service shall be competent to decide whether or not the claimant shall be entitled to receive the cash benefit, in accordance with this Law.
3. The form and manner of registering to the Employment Service and claiming of cash benefits shall be regulated in the cantonal regulations.

### **Article 35**

1. The Employment Service shall decide the claims referred to in Article 33 Paragraph 1 hereof.
2. An appeal may be filed to the Federal Bureau against the Decision referred to in Paragraph 1 hereof of the Employment Service.
3. An administrative dispute may be instituted before a competent court against the Decision of the Federal Bureau.

### **Article 36**

1. An unemployed person may not be entitled to receive cash benefits:
  - a) When the person concerned had deliberately contributed to his/her dismissal;
  - b) When the person concerned has left employment voluntarily without just cause.

### **Article 37**

1. For the purpose of Article 36, a "just cause" for leaving employment exists where, having regard to all the circumstances, the unemployed person had no reasonable alternative to leaving the employment. This in particular refers, but not exclusively, to:
  - a) Sexual or other harassment;
  - b) Discrimination in the meaning of Article 5 of the Law on Labor;
  - c) Working conditions that constitute a danger to health or safety;
  - d) Practices of an employer that are contrary to the law;



e) Undue pressure by an employer on employees because of membership in Trade Union of workers or other organization of workers.

### **Article 38**

1. The payment of cash benefits shall be deferred for as long as:
  - a) The severance pay or similar bonus paid by the employer compensates for the amount of cash benefit that he/she is entitled to;
  - b) The unemployed person is an inmate of any prison or similar institution based on a final court ruling;
  - c) The unemployed person concerned is serving in the army;
  - d) A cash benefit is being paid to a parturient woman.

### **Article 39**

1. The unemployed person who exercises rights during unemployment shall be obliged to report to the competent Employment Service from article 32 of this law, any circumstance which affects to the change or the termination of the rights within fifteen days of the day when the circumstances have occurred.

### **Article 40**

1. The unemployed person that has received any benefit which he has not been entitled to, shall be obliged to refund the received amounts, or reimburse the expenses made, if he/she has exercised that right:
  - a) On the basis of false or misleading data or statement for which he knew or had to know that were false;
  - b) In any other unlawful way or to an extent greater than he/she was entitled to;
  - c) Because he has not reported changes that occurred, that is circumstances which affect the termination of the right or the extent of their use.

### **Article 41**

1. If on the basis of a valid court's decision or employer's decision, the unemployed person has returned to work, and if the employer has paid the salary and the contributions for the period she/he has not worked, such person shall be obliged as provided for in Article 40 of this Law, to reimburse the Employment Service for the amounts paid on the basis of her/his rights established during the unemployment.
2. In terms of Paragraph 1 hereof, the relevant Employment Service shall claim the right to reimbursement of pension and disability insurance payments from the relevant pension and disability service.

### **Article 42**

1. Reimbursement of the received amounts shall be claimed within 36 months from the day on which:
  - a) The false statement has been given or incorrect data submitted;
  - b) Circumstances have changed.

### **Article 43**

1. The Employment Service may:
  - a) Demand installment repayments of the received amount;

- b) Demand the refund of a lesser amount;
- c) Absolve the person from repayment of the whole amount.

#### **Article 44**

1. An unemployed person may be disqualified from receiving any benefits under this Law if:
  - a) He has failed, without just cause, to avail himself of an opportunity for suitable employment;
  - b) He has failed, without good cause to attend a course of instruction or training to which he was referred by the Employment Service in order to become qualified or maintain his/her skills required for the entry into or return to the employment;
  - c) He has made a false statement in an application for cash benefits during the unemployment period;
  - d) He has submitted a fraudulent application for cash benefits during the unemployment period;
  - e) He has failed to inform the Employment Service of the resumption of work during the period in respect of which cash benefits were paid.

### **VII. FUNDING**

#### **Article 45**

1. Funds required for fulfilling the needs in the field of employment and for the work of the Federal Bureau and Employment Service shall be, pursuant to this Law, provided from the following sources:
  - a) Contributions from employers and employees as established by law;
  - b) Any interest or return on deposits made by the Federal Bureau and the Employment Service;
  - c) Income from any movable or immovable property in possession or acquired by the Federal Bureau and the Employment Service under the law.

#### **Article 46**

1. The funds referred to in Article 45 Paragraph 1 a) hereof shall be allocated to the Federal Bureau in the share of 30% and to the Employment Service in the share of 70%.

#### **Article 47**

1. The funds referred to under Article 45 shall be used to finance the administrative costs of the Federal Bureau and the Employment Service.
2. The annual Financial Plans of the Employment Service and the Federal Bureau referred to under Article 51 shall determine the funds used for their administrative costs.

#### **Article 48**

1. The funds allocated to the Employment Service shall be used to finance the material and social security of the unemployed as referred to under Article 28, after deduction of the administrative costs.

#### **Article 49**

1. In the event that the funds available to the Employment Service are estimated to be sufficient to meet the needs for the material and social security of the unemployed for the forthcoming month and the administrative costs, the Employment Service shall use the exceeding funds for the fulfillment of the measures provided under Articles 21 and 25.
2. In the event that the funds available to the Employment Service are estimated to be insufficient to meet

the needs for the material and social security of the unemployed for the forthcoming month and the administrative costs, the Employment Service shall submit, with the monthly report referred to under Article 52, a request for the allocation of missing funds from the Federal Bureau.

#### **Article 50**

1. The funds allocated to the Federal Bureau shall be used, after deduction of administrative costs, for more balanced material and social security of the unemployed on the territory of the Federation in accordance with this Law.
2. The Federal Bureau shall consolidate all requests for funds in accordance with Paragraph 2 of Article 49.
3. With the approval of the Federal Ministry, the Federal Bureau shall disburse to the Employment Service the funds requested for more balanced material and social security of the unemployed:
  - a) In the event that the funds available to the Federal Bureau are estimated to be sufficient to disburse the funds requested, the Federal Bureau shall use the remaining funds to finance labor markets programs in accordance with this Law;
  - b) In the event that the funds available to the Federal Bureau are estimated to be insufficient to disburse the funds requested, the funds shall be disbursed in proportion to each request submitted by the Employment Service.
4. In the case where the combined funds from the Employment Service's own revenues and the allocation from the Federal Bureau are insufficient to pay all due cash benefits for that month, the Employment Service shall reduce the level of the cash benefits to be paid for that month to all unemployed persons registered in the Employment Service in such proportion as to enable the Employment Service to meet the cash benefits.
5. The Federal Bureau shall monitor the use of funds to ensure their use in accordance with this Law.

#### **Article 51**

1. The Federal Bureau and the Employment Service shall draft and submit the annual Financial Plan in the manner and according to the procedure specified in the Law on the Budgets (O.G. F BiH 20/98).
2. Annual Financial Plan of the Employment Service shall be submitted to the Federal Bureau.
3. The Federal Bureau shall submit to the Federal Ministry consolidated annual Financial Plans referred to in Paragraph 1 hereof.

#### **Article 52**

1. Monthly reports of activities of the Employment Service shall be submitted to the Federal Bureau.
2. The Federal Bureau shall submit to the Ministry the monthly report of activities, with the monthly reports of activities of the Employment Service.

#### **Article 53**

1. The Federal Bureau shall be entitled to conduct operational evaluation of the activities of the Employment Service.

### **VIII. SUPERVISION**

#### **Article 54**

1. The administrative and other types of supervision over the legality of the Employment Service and private agency operations in the Canton shall be performed according to this Law and cantonal regulations.

2. The supervision over the legality of work of the Employment Service and private agency operations referred to in Paragraph 1 hereof concerning the application of this Law and international agreements as well as the supervision over the legality of the work of the Federal Bureau, shall be performed by the Federal Ministry.

## **Article 55**

1. The inspection supervision over the implementation of this law, other Federal regulations and acts, international agreements in the field of labor and employment shall be performed by the Federal Labor Inspection.

## **X. PENALTY PROVISIONS**

### **Article 56**

1. A legal person acting in breach of Article 2 of this law, shall be liable to be fined for the violation in an amount between 1.000,00KM and 10.000,00KM;

2. For the violation referred to in Paragraph 1 hereof, a responsible person in the legal entity shall be liable to be fined in an amount between 500,00KM and 2000,00KM;

3. Any person who believes that he or she has been discriminated against in violation of Article 2 of this Law may claim compensation before a relevant court.

### **Article 57**

1. Private agency acting in violation of Article 26 hereof shall be liable to be fined in an amount between 1.000,00KM and 4.000,00KM;

2. For the violation referred to in Paragraph 1 hereof, a responsible person in the private agency shall be liable to be fined in an amount between 250,00KM and 1.000,00KM.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 58**

1. The Federal Bureau shall be established and shall commence its work within 30 days as of the day of entry into force of this law.

### **Article 59**

1. The Federal Bureau shall take over from the Employment Bureau of Bosnia and Herzegovina (hereinafter: BiH Bureau), its employees, equipment, inventory and other objects, archives, files, cases, other documentation, instruments of labor (capital investments), business premises and other property, which are necessary for the exercise of its competence as defined under this Law.

### **Article 60**

1. The Employment Service shall take over from the BiH Bureau and the existing Employment Service in the Cantons the employees, equipment, inventory and other objects, archives, files, cases and other documentation, instruments of labor (capital investments), business premises and other property which are necessary for the exercise of its competence as defined under this Law.

### **Article 61**

1. In order to implement the provisions under Articles 59 and 60, the FBiH Government shall designate two representatives to the Commission for the transfer of assets of the BiH Bureau (hereinafter: Commission) established under Article 3 of the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina (hereinafter: Law on Assets).

2. The Commission or the Arbitrator nominated in accordance with Article 3 of the Law on Assets (hereinafter: the Arbitrator) shall be competent to decide on taking over of employees, allocation of resources, other objects and cases as referred to under Articles 59 and 60 of this Law.

3. The decisions of the Commission or the Arbitrator shall be binding on the Federal Bureau, Employment Service and the Institutions of the Federation.

## **Article 62**

The persons receiving cash benefits under Employment Law (SRBH Official Gazette No 20/90) shall continue to enjoy the benefits in accordance with this Law, if so entitled.

## **Article 63**

1. Upon entering into force, this Law shall supersede all other regulations and decisions applicable throughout the Federation in the field of employment that were in effect until the entry into the force of this Law.

## **Article 64**

1. This Law shall be published without delay in the "Official Gazette of the Federation of BiH" and enter into force on the day following such publication.

Sarajevo, 20 December 2000

Wolfgang Petritsch  
High Representative

## **Office of the High Representative**