



■ WeBER Indicator Summary

AREA: PUBLIC SERVICE AND HUMAN RESOURCE
MANAGEMENT

BOSNIA AND HERZEGOVINA

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PAR Area	Public Service and Human Resource Management	Country	BOSNIA AND HERZEGOVINA
SIGMA Principle	2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service		

WeBER Indicator	3PSHRM_P2_I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime
Indicator approach	
<p><i>This indicator assesses the scope and use of temporary forms of employment in the civil service as a deviation from the standard civil service regime that is legally regulated and subject to specific merit-based criteria. Its measurement combines legislative analysis, collection and analysis of government data with the results of a survey of civil servants, which is conducted in each country and cuts across the HRM principles and indicators. Experts and consultants hired and paid from external (technical assistance) projects or contracted through public procurement procedures (consultancy work) are not covered by this indicator. Also, general service employees, as a category stipulated by the public (civil) service legislation, are not covered by this indicator. It should be noted that for the survey of civil servants it is not possible to create a random or representative sample, as in most countries the researchers do not have access to a database of contacts of all civil servants (moreover, in most countries such databases do not exist). In order to boost the response rate and maximise representativeness, the research team seeks and relies on support of the ministries/offices who act as project associates, to widely distribute the online anonymous survey. Where such support cannot be ensured, the survey is disseminated in a decentralised manner (i.e. by contacting and requesting dissemination from individual ministries and other administration authorities).</i></p>	
Summary of the findings	
<p><i>The laws regulating civil service employment in BiH (Law on Civil Service in the Institutions of Bosnia and Herzegovina and Labour Law in the Institutions of Bosnia and Herzegovina) do not specify limitations in the number of temporary engagements. The Law on Labour however stipulates that fixed term contract for the same position may not exceed the duration of over two years. State legislation in BiH regulating temporary engagements in state administration does not specify the specific criteria for selection of individuals for temporary engagements. Labour Law in the institutions of BiH (Article 10) and Law on Civil Service in the Institutions of BiH (Article 22) only specify general conditions for employment in BiH institutions and civil service. According to the civil servants perception survey, on how the formal rules for appointments on a temporary basis are applied in practice - 38.2% of surveyed civil servants stated that the formal rules for hiring people on a temporary basis are applied in practice either "often" (17.2%) or "always or almost always" (21.0%).</i></p> <p><i>State legislation in BiH regulating temporary engagements in state administration does not specify specific standards for ensuring transparency of the process. Law on Civil Service in the Institutions of Bosnia and Herzegovina - (Article 28a) stipulates that if there is a vacancy of a civil servant position that needs to be urgently filled, and it is not possible to fill it internally, the institution can fill this position through hiring an employee pursuant to the Labour Law in the Institutions of Bosnia and Herzegovina. Labour Law in the Institutions of Bosnia and Herzegovina (Article 16) – For performing out of the ordinary, temporary or part-time jobs the scope of which had been temporarily or unforeseeably increased, but which are not of a permanent character, as well as replacements on job positions due to longer term absence of an employee, a fixed term contract can be concluded for a s long as there is a necessity for performing such jobs or until an absent employee returns from a leave of absence, for a period not exceeding two years. This Law allows for there not to be a public competition for positions that need to be filled urgently for duration of a temporary contract not exceeding three months. According to the civil servant's perception survey, 21.7% of surveyed civil servants</i></p>	

stated that that temporary engagements in the administration are an exception, and 30.8% of surveyed civil servants stated that individuals hired on a temporary basis either "rarely" (21.0%) or "never or almost never" (9.8%) go on to become civil servants after their temporary engagements.

As for the duration of the temporary or fix term contracts and the manner on how temporary positions are filled, the Law on Civil Service in the Institutions of Bosnia and Herzegovina - (Article 28a) stipulates that if there is a vacancy of a civil servant position that needs to be urgently filled, and it is not possible to fill it internally, the institution can fill this position through hiring an employee pursuant to the Labour Law in the Institutions of Bosnia and Herzegovina. Fixed term labour contract may only last for nine months, except in the cases when position is filled due to sick leave or maternity leave of a civil servant, but no longer than two years. The hiring institution must request an approval from the Civil Service Agency pursuant to the article 1 of this Law, and the Agency has the obligation to respond within 8 days to the request. In the civil servants perception survey, 38.2% of surveyed civil servants stated that the formal rules for hiring people on a temporary basis are applied in practice either "often" (17.2%) or "always or almost always" (21.0%).

Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception - 29.1% of surveyed civil servants stated that individuals who are hired on a temporary basis "rarely" (16.4%) or "never or almost never" (12.7%) perform tasks which should normally be performed by civil servants. Still, civil servants perceive that appointments on a temporary basis in the administration are merit-based - 29.8% of surveyed civil servants stated that when people are hired on a temporary basis, they are selected based on qualifications and skills either "often" (16.4%) or "always" (13.4%).

Specific observations

Survey of civil servants was administered through anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). N=137, n=134.

Indicator score	5 (out of 28 points)
Final indicator value	1 (scale 0-5) ¹
Measurement period	Survey of Civil Servants: March 26th – April 30th, 2018. Research: July 2018

¹ Conversion of points: 0-4 points = 0; 5-9 points = 1; 10-14 points = 2; 15-19 points = 3; 20-24 points = 4; 25-28 points = 5