

Deadline for Claims under the Federation Amended Labour Law's Article 143 is December 6th, 2000

The OHR, OSCE, UNHCR and UNHCHR wish to inform individuals who applied to their former employer to be put on waiting list, but were denied this right or have simply have not had a final response, that they should apply to the Commission for Implementation of Article 143 of the Labour Law in the Canton in which they were employed to have their case reviewed. If this Commission is yet to be set up in their Canton, these individuals can now send their case to their Canton Ministry for Social Affairs before the same deadline

Article 143 of the Federation Labour Law envisioned that the waiting lists, a system under which the employer remains responsible for social security benefits and reduced salary although the individual is not working, are to be dissolved. Those still on waiting lists are to be rehired or finally and fairly compensated.

Many people who lost their jobs during and immediately after the war in BiH may not have been placed on the waiting lists by their former employer, although they have the right to be treated equally. These individuals could apply to their former employer to be placed on the waiting list and then reinstated or compensated once the waiting lists are dissolved. In some cases the former employer may not have implemented the law in a non-discriminatory fashion, and for this reason the amendment to the Labour Law establishes commissions to ensure the former employer meets its obligations.

Individuals who feel that their former employers have treated them unfairly in excluding them from the waiting list, or whose case has not yet been resolved, for whatever reason, should apply to the Canton Commission for Implementation of Annex 143 of the Amendments to the Labour Law. The Commission can listen to evidence from the employee and the employer, call witnesses and experts, and has access to all relevant information and documentation held by the competent authorities and the companies concerned. The former employee also has the right to appeal to the Federation Commission if they feel the Canton Commission's decision is wrong.

The law specifies that to be valid these applications must be made within 90 days of the law entering into force, that is by December 6th, 2000. As many of the Canton Commissions have not yet been established, the former employee's application should be sent by registered mail to the Canton Ministry for Social Affairs – again in the Canton where they were employed. The application should be marked for the attention of the Canton Commission for the Implementation of Article 143. All applications need only contain the complaint in writing. Where individuals have started civil proceedings before a court, the court will transfer all cases to the Cantonal Commissions.

The OHR, OSCE, UNHCRC and UNHCR warns all those individuals concerned to file their claim as soon as possible, and in any case by December 6th 2000, to ensure that their case is heard and their right to compensation secured.