

Diversity and equality in Bosnia and Herzegovina

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equality in BiH

Limits to legislation, public debate and workplace practices

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Abstract

Purpose – The purpose of this paper is to contribute to knowledge about workplace diversity and equality in an under-researched country. Focusing on the south-eastern European transition economy of Bosnia and Herzegovina (BiH), it elaborates on the country's legislation, public debate and previous research in the field.

Design/methodology/approach – The paper draws on a synopsis of the legislative framework, existing literature, public media and personal communications with human resource (HR) practitioners.

Findings – There is only limited research on diversity and equality in BiH. Ethnicity and gender are the most common grounds for discrimination. Although a solid body of legislation addressing anti-discrimination and equality issues exists, implementation is insufficient. The public debate tends to reinforce inter-ethnic conflicts and a negative atmosphere regarding sexual minority rights.

Research limitations/implications – Due to the general lack of research on diversity and equality in BiH, the findings presented in this paper only can serve as a first approximation of the topic. Further academic research on concrete business practices and perspectives of HR managers is needed.

Practical implications – Firms not only need to increase compliance with anti-discrimination law, but they should also focus more on the benefits a multi-ethnic society can offer.

Originality/value – This is the first paper in the management literature that provides comprehensive insight into workplace diversity and equality in BiH.

Keywords Diversity management, Equality, Women in management, Bosnia and Herzegovina, Diversity, Ethnic diversity, Anti-discrimination law, South-eastern Europe, Multi-ethnic countries

Paper type Research paper

1. Introduction

Management scholarship into diversity and equality in Bosnia and Herzegovina (thereinafter: BiH) can, without a doubt, be described as under-researched (Velikonja, 2017; Vinković and Bešliagić, 2011). To the best of our knowledge, to date there is only one

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scientific publication on diversity management in practice which examined its adoption in a Bosnian subsidiary of a multinational financial company (Bešić and Hirt, 2016). Apart from this, we identified a small number of research reports addressing equality and (anti-) discrimination and a few studies on women in management (see Section 5 of this paper).

The limited attention to research on diversity and equality partly reflects the low priority they are given by business practitioners in BiH[1]. Paradoxically BiH is a highly diverse country, politically, economically and socially shaped by the contested nature of diversity. However, we repeatedly heard from personal communications with human resource (HR) practitioners over the past few years that these topics are neither on their agenda nor discussed in the largest HR association in BiH, the “HRM udruženje”. In the case study by Bešić and Hirt (2016), an HR manager interviewed in the Austrian headquarters stated that managers in Bosnian subsidiaries, when asked about adopting the headquarters’ diversity management concept, said emphatically: “No thanks, we don’t need that” (p. 131). Consulting firms specialising in diversity management or initiatives such as a national diversity charter are unknown. A trawl through the webpages of the largest multinational companies identified a small number of companies stating that they foster equality and value diversity highly (e.g. Deloitte, Raiffeisen Bank International, Porr, Erste Group, Vienna Insurance Group, Uniqa, Grawe and Deutsche Post DHL). However, as we still lack proof of how companies translate such commitment into consistent action this could be just “window dressing” (Marques, 2010; Vassilopoulou, 2017).

Why then should diversity and equality in BiH be researched? We maintain that for several reasons this south-eastern European country presents an interesting case. First, BiH is a multi-ethnic country with areas of strong segregation and inter-ethnic tension. Despite this, it also has a long-standing tradition of peaceful coexistence among members of different ethnicities (Kunovich and Hodson, 2002; Morselli and Passini, 2014). Second, BiH has extensive anti-discrimination legislation comparable to EU standards, but its effectiveness is limited (Kadribašić, 2013; Vinković and Bešlić, 2011). Third, although the country’s socialist heritage would imply a relatively high degree of gender equality and little emphasis on social class, the contrary has been identified (Björkdahl, 2012; The World Bank *et al.*, 2015). Fourth, although one could expect multinational companies to transfer diversity management to their Bosnian subsidiaries (Alheji *et al.*, 2016; Bešić and Hirt, 2016; Hennekam *et al.*, 2017), only a few appear to do so. So exploring the case of BiH not only informs scholars and business practitioners interested in this particular country, but it also offers insight beyond the specific geographic area into more general debates about ethnic diversity, legislation, transition economies and multinational companies.

In alignment with the call for papers for this special issue of *Equality, Diversity and Inclusion*, this paper is of descriptive nature. Drawing on the most recent available data, it addresses the following research question:

RQ1. What are the characteristics of legislation, public debate and existing research on workplace diversity and equality in BiH?

The contribution of this paper is twofold. First, we elaborate on the idiosyncratic country context of BiH, responding to calls for detailed studies of debates on diversity and equality (Klarsfeld *et al.*, 2014, 2016; Nishii and Özbilgin, 2007; Syed and Özbilgin, 2009). Second, the paper advances scientific knowledge on more general topics in the international diversity and equality literature, such as the increasing importance of ethnic diversity (Jonsen *et al.*, 2011; Ortlieb and Sieben, 2013); the role of legislation in organisational diversity and equality practices (Edelman *et al.*, 2001); the specific features of diversity and equality in transition economies (Gradstein and Milanovic, 2004) and the challenges in global diversity management (Nishii and Özbilgin, 2007).

The paper is structured as follows. The next section provides an overview of the historical-political, economic and socio-demographic context in BiH. This background information is helpful in understanding the extensive legislation which is summarised in

Section 3. Thereafter, key features of the public debate around diversity and equality are presented in Section 4, and empirical evidence is provided in Section 5. The paper concludes with a brief summary of what can be learned from the case of BiH and sketches avenues for future research along with recommendations for business practice.

2. The historical-political, economic and socio-demographic context in BiH

BiH is located in the Western Balkans, one of the Yugoslav successor states bordering on Croatia, Serbia and Montenegro with a population of around 3.5m people (Agency for Statistics of BiH, 2016). The recent history of BiH is shaped by the war between 1992 and 1995. Until 1992, BiH was a republic within the Socialist Federal Republic of Yugoslavia, a multi-ethnic, secular and socialist authoritarian state. Diversity in BiH was marked by a high level of integration, intermarriage and low ethnic distinction, at least in urban centres. Following multiple, interlocking crises in socialist Yugoslavia – economic, social, political and ideological – the country moved towards disintegration when the northern republics Slovenia and Croatia sought greater autonomy and Serbia and its allies favoured centralisation. Following the independence of Slovenia and Croatia in the late 1991 which was internationally recognised in early 1992, war began in BiH as an armed insurrection of Bosnian Serbs forces against Bosnian independence. This was marked by wide scale ethnic discrimination, ethnic cleansing, expulsion and mass murder.

After years of war and unsuccessful international mediation, it took the heavy-handed intervention of the USA to end the fighting with the Dayton Peace Agreement, signed in Paris in December 1995. In the aftermath “BiH emerged [...] less as an independent state and more visibly an international protectorate” (Blitz, 2015, p. 50). In its first post-war decade, BiH was de facto this international protectorate and although today international monitors are present they are less influential. The Dayton Agreement, which includes BiH’s Constitution as one of the agreement’s annexes, remains in force. However, the post-socialist and post-war transformation remains incomplete, because no sustainable and effective political structures have emerged in the country. The political institutions remain crisis-ridden and the self-management structures of the Yugoslav economy, in turmoil since the 1980s and largely destroyed during the war, have not been replaced by sustainable economic structures (Donais, 2005). The country remains deeply contested and integration into Euro-Atlantic structures is in its infancy. BiH applied for EU membership in February 2016, but has not yet achieved candidate status.

Politically, BiH is a complex and divided society: in addition to the weak central state most powers are exercised by two entities. The Republika Srpska (RS), populated by a large Serb majority, covers 49 per cent of the territory and the Federation of Bosnia and Herzegovina (FBiH) covers roughly 51 per cent of the Bosnian territory with a Bosniak majority and a significant Croat population. In addition, the small Brčko District is formally held jointly by the two entities. Bosniaks, Serbs and Croats are given equal status in the BiH constitution as constituent peoples, but other minorities and Bosnian citizens not identifying themselves with these three groups are often disadvantaged (Demir, 2015).

The majority of BiH’s population are Bosniaks, accounting for around 51 per cent of the population; Serbs account for around 30 per cent, Croats for 15 per cent and other national minorities for around 3 per cent (Agency for Statistics of BiH, 2016). Ethnic groups are closely affiliated with religion with most Bosniaks being Muslim, Serbs predominantly being Orthodox Christians and Croats being Catholic Christians. Dominating political divisions between the ethnic groups are visible in the divide between the two entities, FBiH and RS, the extensive ethnic quotas and veto mechanisms and in a political party structure primarily catering to mono-ethnic electorates. Few urban spaces remain multi-ethnic and cross-ethnic interaction has become considerably less common, compared with before the war.

Nationalism and ethnic polarisation permeates political life in BiH, so diversity is not widely promoted as a shared value, but rather political parties advance the real or supposed interests of

the ethnic group they claim to represent. As a tri-national state of Bosniaks, Serbs and Croats, smaller groups, such as Roma, or those rejecting ethnic identification are often marginalised and excluded. In addition, non-ethnic aspects of diversity, such as gender or sexual orientation, are often either ignored or “ethnified” to follow the prevailing political cleavages.

The historical-political situation also shapes the economic context in BiH. As a typical transition economy, the country depends strongly on foreign direct investments, mainly coming from Austria, Serbia, Croatia, Russia and Slovenia (FIPA, 2016). Also, the business environment is affected by issues such as nepotism, inefficient bureaucracy and wide-spread corruption, leading to a comparatively high rate of (non-sanctioned) legal violations (EBRD, 2013; Hirt and Ortlieb, 2012; Howell, 2007). Personnel management practices from the socialist Yugoslavia and early post-war periods were characterised by powerful state policies, self-management/work councils and political simplicity. These are gradually being replaced by “western-style” practices (Svetlik *et al.*, 2010; Virant *et al.*, 2015) usually imported by multinational companies (Covarrubias Venegas, 2012). Companies are in a favourable position because of high unemployment: estimates for 2017 range between 20.5 per cent (based on survey findings; Agency for Statistics of BiH, 2017, p. 27) and 38.8 per cent (based on the number of registered unemployed; European Commission, 2018, p. 29), or, in absolute numbers: more than 475,000 registered unemployed individuals (Agency for Statistics of BiH, 2018, p. 1).

3. Legislation

In BiH several laws address equal treatment and anti-discrimination. This section provides an overview of the most relevant laws, starting at the international level, touching upon BiH’s constitution and turning to more specific laws. It is important to note that the two entities – FBiH and RS – have different legislation and enjoy considerable autonomy in the field. The following paragraphs consider both laws that apply in both entities or are similar as well as laws applying in one entity only.

International legislation

In the course of BiH’s pre-accession process towards the EU and related to negotiations over visa free travel of BiH citizens, BiH signed a Stabilization and Accession Agreement in 2008 and committed itself to gradually harmonise its legal system in accordance with EU law. The agreement came into force in June 2015. Since the signing of the Dayton Peace Agreement, BiH began adopting the legal framework provided by the United Nations and the EU as part of its own legislation, including the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Beijing Declaration (1995), the Council of Europe Framework Convention for the Protection of National Minorities (1998) and the Universal Declaration of Human Rights (1948), to mention a few.

The BiH constitution

Article I of the constitution, which is part of the Dayton Agreement from December 1995, stipulates that BiH and both entities shall ensure the highest level of internationally recognised rights and fundamental freedoms. Article II constitutes that the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in BiH and the two entities that have their own constitutions. It refers to all persons within BiH, without discrimination on any grounds, such as sex, race, skin colour, language, religion, political or other opinion, national or social origin, allegiance to a national minority, property, birth or other status. In addition to the constitution, Annex 6 of the Dayton Agreement includes extensive human rights provisions, including institutions safeguarding them, such as an ombudsperson.

Featured in the BiH constitution are extensive ethnic representation mechanisms. For example, the country’s presidency is formed by three members (Article 5). In this tripartite

presidency, the Bosniak and the Croat members are elected from the FBiH, and one Serb member is elected from the RS. The three members together serve as head of state, with a chairmanship rotating every eight months. While this reflects the concept of three constituent people and the attempt to ensure equality between them, it excludes members of other ethnicities from presidency. Similar provisions, with more severe consequences, apply to the BiH House of Peoples, i.e. the upper house of the Parliamentary Assembly. Despite a decision by the European Court of Human Rights in 2009 (the Sejdić and Finci case; also see Section 4 of this paper) that found these provisions violated the European Convention on Human Rights and despite pressure by the EU to amend the constitution the provisions remain unchanged.

In contrast to the ethnic dimension, the BiH constitution does not mention an obligatory representation of other social groups in any areas of public life or state institutions. Especially regarding gender this can be seen as a backlash, given the quota system for women's representation in socialist Yugoslavia (also see Björkdahl, 2012).

Law on the prohibition of discrimination

The most important law addressing equal treatment in BiH entered into force in 2009 and is in line with EU directives. It contains a non-exhaustive list of grounds on which discrimination is prohibited (Article 2): race, skin colour, language, religion, ethnicity, national or social origin, national minority, political or other beliefs, property, membership in a trade union or other association, education, social status and gender, sexual expression or orientation as well as any other circumstance. In 2016, significant amendments concerning gender identity, age and disability were adopted, which was welcomed by the EU Delegation/the EU Special Representative Office in BiH (EUD/EUSR Office in BiH, 2016). However, while the list of grounds on which discrimination is prohibited is open-ended, there is no explicit mention of multiple discrimination.

The law also defines the forms of prohibited discrimination, including direct and indirect discrimination (Article 3) as well as (sexual) harassment, mobbing, segregation and instruction or incitement to discriminate (Article 4). Similar to EU law, it further defines exceptions, especially temporary measures aimed at compensating for disadvantages of vulnerable groups, and it describes the litigation procedure that includes a reverse burden of proof (i.e. the respondent has to prove that there was no prohibited discrimination) and the admissibility of collective lawsuits.

Although the Law on the Prohibition of Discrimination is positively evaluated in a recent report by the Human Rights Ombudsman of BiH (2017) – in particular its amendments from 2016 concerning gays, lesbians, trans- and inter-gender persons – the same report points out that “the law in its full capacity has not been implemented” (p. 4). Others criticise the law because its aims are of reactive nature rather than committed to the fostering of equality (e.g. Kadribašić, 2013).

Law on gender equality

Dating back from 2003, this law prohibits discrimination on the grounds of gender and sexual orientation in all areas of life, including employment and labour. It defines the same forms of discrimination as the Law on the Prohibition of Discrimination (Article 2), and it also grants permission of reverse discrimination (Article 3). Further, the law stipulates that relevant authorities and institutions have to provide effective mechanisms to protect against discrimination and sexual harassment and that curricula at all educational levels must include content promoting equal treatment (Article 6). Concerning employment, the law explicitly names the following areas of prohibited discrimination: advertisement of vacancies, selection procedures, employment and dismissals (Article 7) as well as pay, promotions, training, work organisation and maternity/paternity leave, among others (Article 8). Employers have to take

effective measures (Article 8), and the significant role of trade unions and employers associations in equal treatment is highlighted (Article 9). Finally, the law names several institutions responsible for the implementation and monitoring, in particular the Gender Equality Agency for BiH and Gender Centres for the two entities (Articles 22 and 23). These institutions issue Gender Action Plans containing strategic goals, programmes and measures for achieving gender equality in all areas of social life and work (for details see Bakšić Muftić and Grubešić, 2012).

Law on national minorities

In 2003, the law on the protection of rights of members of national minorities was adopted on the state level and separate laws exist at the entity level (FBiH and the RS) and in some of the ten cantons of the FBiH. While the laws provide support for minority cultures and political representation, as noted above minorities are largely excluded from state institutions. The implementation of the laws remains weak overall and the focus of the institutions rests on constituent people. Institutionalised discrimination persists in the education sector in the FBiH with segregated Bosniak and Croat schools, known as “Two Schools under one Roof”, and Roma suffering marginalisation (AI, 2006; European Council, 2017). An Action Plan for Roma Integration (adopted in 2008 and revised in 2013) that also aimed at improvement of employment opportunities could not be fully implemented due to lacking financial means (AI, 2018, p. 95; ECRI, 2017, p. 27).

Labour law

The prohibition of discrimination is also defined in labour laws at the entity level. While the contents of the FBiH and the RS Labour Law are very similar, both resembling the BiH Law on the Prohibition of Discrimination, the content of the new FBiH Labour Law from 2015 goes beyond those of the RS Labour Law with most recent changes and amendments dating from 2007. For instance, different from the RS Labour Law the FBiH Labour Law explicitly names age, disability and sexual orientation as prohibited grounds (Article 8), and it requires gender equality in the formation of the council of employees, the peaceful settlement council, the economic-social council and other bodies arising from this law and collective agreements (Article 3). Both laws contain a number of paragraphs concerning the protection of pregnant women in the workplace and during maternity leave.

Law on vocational rehabilitation, training and employment of persons with disabilities

This law at the entity level was adopted in 2009 in the RS and in 2010 in FBiH. In the FBiH, it stipulates equal rights for persons with disabilities for vocational rehabilitation and employment, regardless of the level, type and origin of disability. Further, all employers are obliged to employ at least 1 person with disabilities out of every 16 employees. There are special incentives for employers of persons with disabilities, such as tax benefits, allowances for workplace adaptation, favourable conditions for loans for the purchase of necessary equipment and even co-financing of the salary for staff that assist persons with disabilities at work (Article 48). Those employers who do not fulfil the quota have to make special payments into the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities (CRP/Centar za razvoj i podršku, 2011). Similarly, the 2009 law in the RS was amended in 2013 and regulates the employment of 1 disabled person for every 16 employees (as is in the FBiH). In case of noncompliance the employer has to pay a fine into the RS budget of 0.2 per cent of the gross salary of all employees (Article 26). Like in the FBiH the fund offers the above mentioned incentives for employers who employ persons with disabilities and collects statistical data about disabled persons in employment (Article 46). Noncompliance with the requirements of the Law,

e.g. not delivering statistical data or a yearly overview of the employment of disabled persons (Article 67), results in a fine ranging from BAM 1,000 to BAM 17,000 (Bosnian Convertible Mark, equalling around EUR 500–8,000).

Further laws concerning civil service and authority bodies

At both state and entity level there are further laws relevant to diversity and equality issues. Similar to the presidency and the House of Representatives, other state institutions have to comply with ethnic quotas. In the public administration of the state and the two entities ethnic quotas, based on the 1991 census, were established in the early 2000s to ensure that radical ethnic discrimination is reversed and all large ethnic groups but also minorities are represented. International officials, in particular the Office of the High Representative, overseeing the implementation of the Dayton Agreement sought to facilitate refugee returns, as it would provide for employment opportunities in areas where people were expelled during the war and make institutions more responsive to these groups. In practice, these quotas were rarely reached (Bieber, 2006).

The Law in Civil Service in the Institutions of BiH presents an example in this regard, stipulating that the structure of civil servants within the civil service shall generally reflect the ethnic structure of the population of BiH in accordance with the last census. Similar norms can be found in the Law on the Court Police in BiH or the Law on Employment in Institutions of BiH, among others. In addition to the Law on Employment in Institutions of BiH, also the Law on Employment in Institutions of FBiH and RS regulates employment in institutions at the entity level. While such ethnic quotas serve to enhance diversity and principles of representative bureaucracy (Selden, 2015), they come at the expense of excluding other ethnicities from these workplaces. This problem becomes even more severe the higher the respective positions in the formal hierarchy of these institutions are (Virant *et al.*, 2015).

Moreover, ethnic quotas can impede a more appreciative perspective towards ethnic diversity, as also noted by Grewe (2015, p. 250): “the admitted diversity being limited, it is difficult [...] to conceive diversity as enrichment and to accede to a true pluralist society”.

4. Public debate

The public debate on diversity and equality is shaped by the prevailing ethno-nationalist political parties ostensibly representing the interests of their respective group. The focus in media and public discussion is usually on the disadvantage a particular group faces in the current, complex and cumbersome institutional system. While the debate in the RS focuses primarily on safeguarding the entity from intervention by the central state or external actors, the debate in the FBiH is focused on the discrimination of Croats at the entity level and of Bosniaks in areas with a Croat majority. Occasionally, discrimination of “Others”, a term lifted from the constitution and describing both minorities and citizens who reject identification with the three dominant ethnic groups, is debated, mostly by small civil societies and multi-ethnic parties. The debate over the Sejdić and Finci ruling by the European Court of Human Rights in 2009 turned quickly from minorities to constituent people. While the ruling criticised the exclusion of a Jewish and a Roma from running for the presidency, debates on the implementation primarily focused on how to ensure the representation of a Croat member without being outvoted by Bosniaks rather than on national minorities (Hodžić and Stojanović, 2011).

Another major topic in the public debate on diversity and equality in BiH is the position of women in society, with NGOs emphasising that women’s rights are violated in all areas, including education, work and employment as well as decision making and management (Čatović *et al.*, 2017). NGO representatives are important actors in this regard. Partly with the

support from international networks, they point to problems as regards the implementation of anti-discrimination laws.

Most political parties deal with gender inequality in their programmes, especially shortly before elections. For example, the Women's Forum of the Social Democrats developed a strategy on the "Economic Empowerment of Women" with the aim to highlight gender inequality in the labour market and to diminish the problem of women's unemployment in BiH (Socijaldemokratska partija BiH/Forum žena, 2016). However, political programmes and strategies so far have typically remained mere rhetoric, without concrete actions.

Sexual minority rights and non-discrimination have only become a topic in the context of EU accession. While the Law on the Prohibition of Discrimination was amended in 2016 to specifically include sexual orientation and gender identity, social and institutional discrimination against sexual minorities remains widespread and attracts little attention. Overall, the atmosphere is more hostile towards sexual minority rights than in neighbouring countries, as nationalist and religious groups are more influential, resulting in open attacks against members of sexual minority groups and their events as well as in education (Shwayder, 2016; European Commission, 2016).

Much support for anti-discrimination legislation and policy is externally driven, both in terms of conditionality and financial support to civil society. Norms and values are often externalised in debates and associated with larger political processes such as the EU accession. Thus, in their own right, they are often only promoted by NGOs and activists, whereas in larger social debates, traditional, patriarchal and ethnocentric views are only moderated for the sake of external support or rewards.

5. Research on diversity and equality in BiH

Our literature review is based on extensive searches in the database provided by EBSCO Information Services, the Research Gate portal and with the Google search engine. We used search terms such as "diversity", "diversity management", "discrimination", "anti-discrimination", "equality" and "equal opportunity" in combination with "Bosnia", "Bosnia and Herzegovina" and "BiH" in both English and Bosnian/Serbian/Croatian. Additionally, through personal networks we searched for the "grey" literature. This search yielded different types of literature, including journal articles, book chapters and research reports. The following paragraphs summarise all the literature on diversity and equality in BiH we found.

In this body of literature two major – though relatively small – streams can be identified. The first stream focuses on equality and (anti-)discrimination, considering various social categories such as ethnicity, gender, sexual orientation, age and disability. The second stream of the literature addresses women in management[2]. The two research streams resemble typical "top-researched" topics in other countries, as for instance a recent bibliometric analysis for Austria, Germany and Switzerland by Sieben and Rastetter (2017) shows. The next paragraphs summarise this research.

Research on equality and (anti-)discrimination

The existing literature in this research area mainly consists of reports by NGOs or state institutions such as the Human Rights Ombudsman of BiH. In contrast, there are no academic journal publications. Also, this literature typically focuses on single social categories rather than addressing multiple discrimination, and analyses are descriptive rather than analytical[3].

Despite the comprehensive legislation concerning anti-discrimination, there is evidence that in practice, discrimination against minority groups happens in many institutions as well as in society. For instance, Kadribašić (2013, p. 70) cites survey findings according to

which 86 per cent of the respondents stated that discrimination is a very pressing social problem. However, only 36 per cent knew that the Law on the Prohibition of Discrimination existed, and only 25 per cent were familiar with the content of this law.

Ethnicity. Closely connected to religion, ethnicity is perceived as the most common ground for discrimination (Kadribašić, 2013, p. 59). In particular, personnel selection and promotion procedures are ethnically biased. In public institutions, where statutory ethnic quotas apply, non-members of the three constituent peoples are disadvantaged (Demir, 2015, p. 24). In the private sector, firms are often related to political parties and ethno-national elites, resulting in discrimination against those individuals who do not belong to these elites (Kostovicova and Bojicic-Dzelilovic, 2014).

Also a report by Amnesty International (AI, 2006) highlights a number of cases for wide-spread discrimination in employment in the public and private sectors. Whereas during the war this was attributed to ethnic cleansing, after the war discrimination was rooted in corruption and the dominance of nationalist parties within the privatisation process. There were also deliberate policies and the lack of effort by authorities and employers to advertise job vacancies to members of all communities (ECRI, 2017, p. 25).

A particular problem in BiH is discrimination against Roma. Though data availability is limited, studies suggest that only 1–3 per cent of the Roma population are formally employed (Human Rights Ombudsman of BiH, 2012, p. 30ff).

Gender. In the global gender gap report by the World Economic Forum (2017), BiH ranks 116th out of 144 countries in the subindex for economic participation and opportunity in 2017. Gender inequality in the labour market is indicated by a relatively low labour force participation rate by women, amounting to 43 per cent (World Economic Forum, 2017). According to figures from the BiH Gender Equality Agency for 2012, this rate is even lower: at 35.6 per cent, BiH has the lowest female labour force participation rate in south-eastern Europe (ARS BiH, 2012, p. 66). At the same time, unpaid labour is prevalent among women, with women accounting for 70.4 per cent of all unpaid carers for family members in 2016 (Agency for Statistics of BiH, 2017, p. 99).

Those women who are in paid labour earn less than their male counterparts. Data from the Labour Force Survey from 2013 suggest significant gender differences in the hourly wages to the detriment of women across all levels of education, age groups, occupations and industries (The World Bank *et al.*, 2015, p. 52). In the group of paid workers aged 15–64, the estimated gender gap in hourly wages amounts to 9 per cent of men's average hourly wages to the detriment of women (BAM 3.9 for men and BAM 3.5 for women, equalling around EUR 2 and 1.80, respectively). Further, also reflecting traditional gender roles, the labour market is clearly segregated along gender lines, with women outnumbering men especially in trade as well as the education and health sectors (The World Bank *et al.*, 2015, p. 51; also see Demir, 2015).

Discrimination of women is also reflected in the fact that despite existing legislation, many women do not get a job or lose their job because of pregnancy, or they are not allowed to go on paid maternity leave (Human Rights Ombudsman of BiH, 2017, p. 98). This problem is especially relevant in the case of women working in the informal economy. Moreover, incidents of immoral sexual offers by superiors and sexual harassment at the workplace are frequent, according to a survey among 288 women conducted in 2015 on the topic of workplace discrimination (Demir, 2015, p. 22). At the same time, the number of civil complaints by women for violation of rights and discrimination is negligible, partly due to lack of knowledge of the protection, and partly because of distrust in the judicial system (ICVA, 2014).

An analysis of the effectiveness of institutional mechanisms for gender equality in BiH revealed that the institutions do not effectively carry out tasks within their competence as

defined by the Gender Equality Act (Ćatović *et al.*, 2017). Further, there is no regular monitoring of the implementation of the Gender Action Plan. A major problem is the lack of statistical data concerning gender equality. In particular, responsible institutions do not collect and publish gender-disaggregated statistics in a uniform, systematic and regular manner (Ćatović *et al.*, 2017).

Sexual orientation. Limited research on sexual minorities in BiH found that these groups are not accepted as equal members of society. Violence and discrimination against sexual minorities are often not investigated sufficiently by the police (AI, 2018, p. 95). In cases where their rights are violated, they rarely decide to initiate proceedings or complaints to the Ombudsman Institution or other competent authorities (e.g. the police) due to a lack of trust in the institutions and a fear of condemnation for disclosing of their sexual orientation (Human Rights Ombudsman of BiH, 2017, p. 100ff.).

Age. Similar to many other countries, in BiH people in either the oldest or the youngest age groups within the working population face difficulties in the labour market. Older people struggle in finding jobs due to social stereotypes, such as being slow, inflexible or unfamiliar with new technologies (Demir, 2015, p. 25f.). Those who find employment suffer from poor working conditions, less pay and workplaces with no possibility of promotion. The main challenge for young people is getting into the labour market, as a large number of jobs require work experience. Lacking experience forces young people to work in jobs without remuneration, usually as volunteers or trainees. Employers often exploit the high youth unemployment rate of around 60 per cent and employ young people without registering them (Demir, 2015, p. 26; ETF, 2006; European Commission, 2018, p. 29).

Disability. Persons with disabilities rarely find employment. People who become unfit for work are often laid off by companies even though employers have an obligation to find an adequate position for the worker (Demir, 2015, p. 26). There are a few employment programmes for persons with disabilities, however, decision makers in organisations are not familiar with them (Human Rights Ombudsman of BiH, 2017). Often, firms that receive state funding devoted to employing persons with disabilities spend this money for purposes other than actually hiring people with disabilities. This custom remains largely unsanctioned, further worsening the job opportunities of people with disabilities (Human Rights Ombudsman of BiH, 2017).

To summarise, though research on workplace diversity and equality in BiH is limited, existing evidence indicates a relatively high level of discrimination along the lines of ethnicity, gender, age, disability and sexual orientation. While there is a considerably solid body of legislation addressing anti-discrimination and equality issues in BiH, implementation and monitoring has been insufficient (Bakšić Muftić and Grubešić, 2012; Ćatović *et al.*, 2017; Human Rights Ombudsman of BiH, 2017).

Research on women in management

Like in the majority of countries worldwide, women are under-represented in management positions in BiH. A survey of the 100 biggest firms from different sectors by Penava and Šehić (2007) with a response rate of 41 per cent shows that the share of women in management positions amounts to 23 per cent. In 97 per cent of these firms the general manager is a man. The “glass ceiling” for women is clearly identifiable, as women managers mainly have positions at the lower and middle levels in these companies. Additionally, based on semi-structured interviews with 19 managers in the surveyed firms, these authors concluded that organisational decision makers do not seem to consider gender equality as an issue that needs to be tackled in business.

Rahimić *et al.* (2014), based on publicly available data and data from the Chamber of Commerce in BiH, found that only 8 per cent of the 110 Bosnian firms with the highest

revenues, net profit and total export employ women in top management positions. In 60 per cent of the firms no women at all were represented in management. The share of women in management was particularly small in the manufacturing and the banking sectors. The authors assume that one reason for the under-representation of women is the persistence of a male chauvinistic mind-set that sees women in the role of mothers and housewives rather than successful business women. This reasoning is also highlighted in earlier interviews with 55 managers in Bosnia (Šehić *et al.*, 2010).

Focusing on management boards, a study by Đulić and Kuzman (2013) examined reasons for the under-representation of women. They interviewed 24 highly skilled professionals, including 7 men who were members of companies with men-only management boards and 17 women. The authors identified the following. Women reported the most important barriers were the lack of executive positions for women, less career ambition compared to men and the “double burden” of balancing professional and private lives. Likewise, for men, work–life balance presented the biggest obstacle, followed by corporate working time regimes where employees had to be available at anytime, anywhere and also after official working hours.

A survey of 140 female and 140 male managers by a consulting firm (Deloitte, 2013) examined barriers faced by women in career advancement in BiH. In addition, it identified perceived similarities and differences of women and men in management. The results suggest that women are perceived as less aggressive and dominant than men, but at the same time the respondents agreed that women qualified for any professional capabilities or characteristics that management positions required. Also, the study authors point out that higher shares of women in management boards are associated with better financial performance. However, decision makers in organisations failed to support equal opportunity and the promotion of women (Deloitte, 2013).

6. Conclusions

This paper sought to provide comprehensive insight into workplace diversity and equality in BiH. By examining the country’s legislation, public debate and previous research in the field, it contributes to knowledge about diversity and equality in an under-researched country. This knowledge may not only serve as a starting point for future research and business practice in BiH, but also for a better understanding of other transition economies and other countries in south-eastern Europe, as well as deeply divided post-war societies.

Specifically, this paper shows that the solid body of legislation addressing anti-discrimination and equality in BiH that resembles EU law in many regards is only partly effective. Reasons include generally weak labour market institutions (e.g. labour courts), high unemployment and an overall atmosphere marked by social divide. Moreover, the law partly contributes to new forms of inequality and exclusion, as in the case of people who do not belong to the constituent peoples and thus are out of the scope of ethnic quotas. Further, the economic and political transition processes as well as the process of recovery from the war is accompanied by increased conflicts between social groups. While BiH presents a special case in this regard, other countries in the region also witness increased ethnic conflicts (Bernauer, 2015; Kunovich and Hodson, 2002). Thus, perspectives supporting diversity and effective actions towards equality – not only along the lines of ethnicity, but also of other social categories – appear even rarer today than before the war.

Overall, the findings in this paper speak to a broader category of post-war countries that remain deeply divided societies. While the constitution and the legal systems provide extensive attention to diversity and group representation, it is largely restricted to members of the three constituent peoples. Including other groups is often either blocked or delayed due to high levels of ethnic polarisation. The political and societal situation also profoundly limits cross-cultural discourses and practices on which diversity management and further practices fostering equality and non-discrimination build. Moreover, there is evidence that

the complicated situation at the societal macro-level translates into discriminatory practices at the meso-level of business companies.

The review of the existing literature also revealed that there is only limited research on workplace diversity and equality in BiH. We identified several avenues for future research. First, while existing reports and official statistics indicate that employment discrimination against all kinds of minority groups is highly prevalent in BiH, further research is needed addressing the question which concrete HR practices linked to diversity and equality prevail in Bosnian companies. Study designs such as fictitious job applications to investigate discriminatory practices in personnel selection plus in-depth interviews with HR managers to obtain their views towards minorities will be appropriate at this stage of academic enquiry. Second, as we identified a number of firms claiming a positive stance towards diversity and equality via their webpages, an important direction for future research is to systematically investigate what diversity management concepts are in practice. Company surveys using large samples should be supplemented by in-depth company case studies similar to those by Marques (2010) and Vassilopoulou (2017) to assess whether concrete organisational practices go beyond “window dressing”. Finally, as legislation stipulates ethnic quotas for state institutions but not for private business firms, future research could use this quasi-experimental design to examine the differences between the two. For instance, are the societal macro-discourses on certain ethnicities and ethnic diversity adopted in different ways? In what way do HR practices addressing ethnic diversity differ between state and private sectors? Do prevailing norms on competencies and cultural identities differ as a consequence of the quota rule and possibly varying organisational practices (Joecks *et al.*, 2019)?

Concerning business practice in BiH, this paper suggests that first of all, firms need to improve compliance with law. However, compliance with law – or the so-called “discrimination-and-fairness perspective” (Ely and Thomas, 2001) – typically is not enough to fully benefit from diversity, as highlighted in the diversity literature. Second, HR managers should familiarise themselves with diversity management concepts (also see Vinković and Bešlagić, 2011). Adopting an “integration-and-learning” perspective in the sense of Ely and Thomas (2001) will benefit companies, employees and society as a whole.

Notes

1. An alternative explanation is the small number of management scholars focusing on this topic in the country.
2. While the gender category is also addressed in the literature on equality and (anti-)discrimination, the literature on women in management concentrates on the small group of elite women in (top-)management positions.
3. One general flaw of this literature is that it lacks methodological rigour. Many reports draw on the practical work of NGOs or state institutions, based on cases reported by the citizens of BiH. Moreover, a considerable share of publications lack detailed descriptions of the methods applied. In this paragraph, we present as much information as available. Regarding figures from large-scale data sources such as the Global Gender Gap report by the World Economic Forum or from the Agency of Statistics of BiH the reader will find methods descriptions in the references.

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