

# ***Pravilnik o sadržaju i načinu vođenja evidencije o radnicima i drugim osobama angažovanim na radu/ Rulebook on the content and procedure for keeping records on employees and other engaged individuals***

November  
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U „Službenim novinama Federacije BiH“, broj 92/16 od 18. novembra 2016. godine objavljen je Pravilnik o sadržaju i načinu vođenja evidencije o radnicima i drugim osobama angažovanim na radu (Pravilnik).

Pravilnik detaljno uređuje sadržaj i način vođenja evidencije o radnicima i drugim osobama angažovanim na radu te evidenciju o radnom vremenu, koje su propisane članom 43. Zakona o radu Federacije BiH.

Pravilnik propisuje obavezu poslodavcima da vode slijedeće evidencije:

1. Evidencija o radnicima,
2. Evidencija o osobama koje s poslodavcem imaju sklopljen ugovor o obavljanju privremenih i povremenih poslova,
3. Evidencija o osobama koje se kod poslodavca nalaze na stručnom osposobljavanju bez zasnivanja radnog odnosa,
4. Redovnim učenicima ustanova za strukovno obrazovanje koji kod poslodavca pohađaju praktičnu nastavu i vježbe,
5. Evidenciju o osobama koje obavljaju rad za opće dobro u skladu sa opštim propisom,
6. Evidenciju o drugim osobama koje za poslodavca obavljaju rad u skladu sa važećim propisima,
7. Evidenciju o radnom vremenu,
8. Evidenciju o radnom vremenu na izdvojenom mjestu rada,
9. Evidencija o radnom vremenu za posebne vrste poslova.

Radnik je dužan odmah, a najkasnije u roku od osam dana od nastanka promjene, prijaviti poslodavcu promjenu podataka koji se nalaze u evidencijama.

Navedene evidencije vode se pisano u obliku knjige, a mogu se voditi i u elektroničkom obliku.

Poslodavac evidenciju o radnicima čuva trajno. Ostale evidencije se čuvaju najmanje pet godina od dana prestanka rada osoba. Evidencije o radnom vremenu poslodavac je dužan čuvati najmanje pet godina, a u slučaju kada poslodavac ima saznanja da je pokrenut radni spor, dokumentaciju je dužan čuvati do pravomoćnog okončanja spora.

Zakon o radu propisuje novčanu kaznu od 1.000 KM do 3.000 KM, a u ponovljenom prekršaju od 5.000 KM do 10.000 KM za poslodavca – pravno lice, te kaznu od 2.000 KM do 5.000 KM za odgovorno lice u poslodavcu – pravnom licu.

Također, skrećemo pažnju na obavezu prijavljivanja zbirki ličnih podataka u Glavni registar Agencije za zaštitu ličnih podataka Bosne i Hercegovine, kao i obavezu prijavljivanja promjena u postojećim zbirkama ličnih podataka.

Pravilnik stupa na snagu 26. novembra 2016. godine.

**Ukoliko imate dodatnih pitanja vezanih za ovu temu, slobodno nas kontaktirajte.**

Rulebook on the content and procedure for keeping records on employees and other engaged individuals (the Rulebook) has been published on 18 November in the "Official Gazette of FBiH" no. 92/16.

The Rulebook regulates the content and procedures for keeping records on employees and other engaged individuals as well as records on working hours, as prescribed by the Article 43 of the Labour Law of Federation BiH.

The Rulebook defines an employers' obligation to keep the following records:

1. Records on employees;
2. Records on individuals who have a contract on occasional and temporary engagement;
3. Records on individuals who are on professional training with the employer without employment agreement;
4. Records on students of vocational education institutions that are attending training and practice;
5. Records on individuals who are performing community work in accordance with the general regulations;
6. Records on other individuals that perform work for the employer in accordance with relevant regulations;
7. Records on working hours;
8. Records on working hours at a detached working location;
9. Records on working hours for special job types.

The employee is obliged to report to the employer any change of data that are kept in the records immediately or within 8 days from the day the change occurred.

Records can be held as written evidence or in electronic form.

Employer is obliged to keep employee records permanently. Other records are kept for the period of five years from the day the individual stopped working. The employer is obliged to keep records on working hours for at least five years. Exceptionally, if the employer has the information that a labour dispute is initiated, employer is obliged to keep the records until the judgement with final force and effect.

The Labour Law prescribes a monetary fine ranging from BAM 1.000 to BAM 3.000, and for a repeated offence from BAM 5.000 to BAM 10.000 for the employer- legal entity, and a monetary fine in the amount of BAM 2.000 to BAM 5.000 for the authorised person (director) of the employer-legal entity.

In addition, we would like to point out the obligation of reporting personal data collections to the Main register to Data Protection Agency of Bosnia and Herzegovina, as well as an obligation to report changes in the existing personal data collections.

The Rulebook enters into force on 26 November 2016.

**If you need any further information, please feel free to contact us.**

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