

#### **BAHRAIN** (2000-2019)

#### THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2011 Annual Review (AR). No change reports for the 2004, 2005 and 2009-2010 Annual Reviews (ARs).		
	Involvement of Employers' and Workers' organizations in the reporting process	Commerce an (GFBTU) and	ing to the Government: Involvement of the Bahrain Chamber of d Industry (BCCI), the General Federation of Bahrain Trade Unions d the Bahrain Free Labour Unions Federation (BFLUF) through oral consultations	
OBSERVATIONS BY	Employers'		Observations by the BCCI. Observations by the BCCI.	
THE SOCIAL PARTNERS	organizations Workers' organizations	2014-2015 AR: 2006-2013 AR:	Observations by the GFBTU. Observations by the BFLUF. Observations by the GFBTU	
		<ul><li>2003 AR: Observations by the ICFTU.</li><li>2001 AR: Observations by the ICFTU.</li></ul>		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bahrain ratified in 2000 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).	
		Ratification	Under consideration, since 2000, for C.100.	
		intention	2015 AR: According to the Government: There is still an assessment exploring the way forward in the ratification process of C.100. BFLUF reiterated its support for the ratification of C.100 and indicated that still no discussions about the ratification of C.100 were ongoing. The GFBTU reiterated its support for the ratification of C.100 and indicated that no progress had been made in the ratification process and expressed concern over lack of political will.  2014 AR: According to the Government: Ratification of C.100 is still under consideration. However, it is currently on hold as the Government is unable to move forward with the ratification process as some issues are pending under C.111. All provisions of C.100 are provided for in the new labour law adopted in August 2012. The BCCI expressed its support for the ratification of C.100. The GFBTU reiterated its support for the ratification of C.100 and indicated that no progress had been made in the ratification process. The BFLUF, established in July 2012, expressed its support for the ratification of C.100 and indicated that no discussions about the ratification of C.100 were ongoing.	
			2013 AR: The Government indicated that the ratification of C.100 would be done after new discussions and consensus within the Social Economic Council and adoption of new Acts in line with the principle and right (PR). The BCCI confirmed that tripartite discussions were being carried out to better implement and realize the PR in the country. It further indicated that the ratification of C.100 would be an important step forward after the 2011 political crisis. The GFBTU expressed its genuine support for the ratification of C.100, underlining that it's a priority in terms of ensuring equal remuneration for women and migrant workers.  2012 AR: According to the Government: At this stage, the Cabinet has not formed a common position regarding ratification of C.100, but it has emphasized that a more enabling environment is created for realizing the PR. The BCCI indicated that the ratification of C.100 has not yet been considered. The GFBTU stated that ratification of C.100 should be dealt with a priority.	
			2009 AR: The GFBTU stated its support for the ratification of C.100. 2008 AR: According to the Government: It is planning to establish a Tripartite Committee that would deal with the ratification of the remaining ILO fundamental conventions. The BCCI hoped that the Tripartite Committee would be set up very	



	1		shortly. The GFBTU supported the ratification of C.100.
			2007 AR: According to the Government: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. According to the BCCI and the GFBTU: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. This Convention should be ratified by Bahrain to eliminate discrimination at work.  2006 AR: According to the GFBTU: The Government should ratify C.100, as well as other ILO fundamental Conventions so
			that Bahrain can fit with social globalization. <b>2001 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government was examining C.100 with a view to ratifying it.
	Recognition of the principle and right	Constitution	YES.  The 2002 Constitution (articles 4, 8, 14, 16 and 18) provides that equality and equal opportunity between all citizens are guaranteed.
	(prospect(s),	Dalian	
	means of action,	Policy,	• Policy:
	basic legal provisions)	legislation and/or regulations	<b>2001 AR:</b> According to the Government: The Government's policy is set out in the Bahrain Labour Act, 1976, and the Employment Act that adopts the same principles as those set out in the Constitution.
			Legislation:
			2019 AR: The Decree Law No. (59) for the year 2018 amending certain provisions of the Labour Law of the private sector No 36-2012 was issued. This Decree-Law added a new article that prohibits discrimination between all categories of workers in aspects of sex, origin, language, religion or creed, in accordance with the principles enshrined in the Constitution of the Kingdom of Bahrain and related labour conventions and conventions. Under this provision, the employer is prohibited from discriminating between his employees in all the labour rights stipulated in the labour law in the private sector, which include labour contracts, working hours, leaves, training, wages and freedom of association, as well as occupational safety and health requirements. It should be noted that this provision covers domestic workers as well as expatriate workers. This amendment, which was approved in accordance with the recommendations of the International Labour Organization, provides for penalties against employers.
			<b>2014 AR:</b> According to the Government: All provisions of C.100 are provided for in the new labour law adopted in August 2012.
			BCCI indicated its support to the establishment of a legalislative framework for the elimination of discrimination in the equal remuneration between men and women.
			According to the BFLUF: Legal changes in October 2012 included amendments of the social benefits scheme. Social benefits were previously only provided to men; however, following the legal amendments, both men and women are eligible beneficiaries. This has strengthened the financial status of women.
			2013 AR: According to the GFBTU: A new Bill has been drafted since 2005, the content of which was jointly approved by the
			Government and the social partners. However, since then amendments have been made to the Bill without tripartite consent. The Bill has been approved by Parliament and now awaits the signature of the King of Bahrain. However, the GFBTU is unaware
			whether the final version of the proposed Act incorporates the provisions of C.100 and fears that it may not be in line with international labour standards (ILS).
		Basic legal provisions	(i) The Constitution (articles 4, 8, 14, 16 and 18); (ii) the Bahrain Labour law (No. 36 of 2012), which repealed and replaced the Bahrain Labour Act, 1976 (employment of women, disabled persons
			and young persons); and (iii) the Employment Act.



	Grounds of discrimination  Judicial decisions	2002 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of language, origin, and religion.  NIL.		
Exercise of the	Special	2015 AR: BFLUF has expressed its concerns about the situation of		
principle and right	attention to particular	expatriate workers and women representation in general.  GFBTU is especially advocating for women's rights.		
	situations	<b>2013 AR:</b> The GFBTU expressed its commitment to improving the rights of women workers, and mentioned that it had been promoting the introduction of maternity leave in Bahrain.		
		<b>2003 AR:</b> According to the Government: Specific measures have been implemented to respect, promote, and realize the PR, for the following categories of workers: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in EPZs; and (vii) migrant workers. <b>2000 AR</b> : According to the Government: Women and the disabled.		
	Information/ Data collection and dissemination	<b>2008 AR:</b> According to the Government: Statistics on Bahraini Women were published in 2007.		
Prevention- Monitoring, enforcement and	2000-2005 AI legal system co	Rs: According to the Government: The Constitution and the national ontain principles and rules that guarantee the realization of the PR.		
sanctions mechanisms	<b>2000 AR:</b> According to the Government: Under section 155 of the Labour Act amended by Decree No. 14 of 1993, domestic servants have the right to lodge complaints with the Minister for Labour and Social Affairs, and can take the dispute to the courts if it is not resolved at the Ministry level.			
Involvement of	2015 AR: According to the Government: Social dialogue is ongoing through the			
the social partners	tripartite councils.  2014 – 2015 AR: The GFBTU reiterated that it was not invited to participal social dialogue and nor consulted in the legal amendment process that had place.  2013 AR: The BCCI mentioned its participation in the tripartite discussion amend the existing national Acts and ensure compliance with the FPRW included that although they had participated earlier of the legal amendment process, they had not been consulted or informed of final version of the revised Acts.			
Promotional activities	<b>2016 AR:</b> The Government reported that it had undertaken promotional activitie relating to discrimination and equality.			
	<b>2015 AR:</b> According to BFLUF: The High Council of Women is still operational, but women should also be further educated and encouraged to take leadership roles. It further indicated that there were two regional women's rights workshops with a representation of 15 countries in December 2014 and February 2015 as the situation of women still remains a concern.			
	GFBTU reported that it was cooperating with human rights organizations and civil society and has specialized national trainings for women, youth and migrant workers.			
	<b>2014 AR:</b> The BCCI stated that it had carried out several training activities and awareness raising campaigns for the ratification of C.100, including several training activities.			
	The GFBTU reported that it was working jointly with human rights organizations and the civil society to stop all forms of discrimination and promote equal remuneration. The GFBTU further indicated that it was also undertaking activities aiming to introduce a minimum wage in the country, as a means to ensure equal remuneration.			
	According to the BFLUF: Activities have been carried out to promote the establishment of a minimum wage with a view to ensure equal remuneration. The BFLUF is also participating in the High Council of Women, where it promotes equal remuneration and attempts to address problems related to restrictions in the citizenships of women. Furthermore, the BFLUF supports migrant workers'			



I		rights to organ	ize and to equal remuneration for work of equal value
			ize and to equal remuneration for work of equal value.  the GFBTU expressed its commitment to improving the rights of
			ers, and mentioned that it had been promoting the introduction of
		on Migrant W	e GFBTU mentioned its participation in the Kuwait Regional Workshop forkers' Rights organized in July 2010 in cooperation with AFL-CIO ssues pertaining to the PR were discussed during this activity.
		2010 AR: Ac of GFBTU's including sev organized with	cording to GFBTU: In 2009, many activities were conducted as part promotional initiatives for the ratification of C.100 by Bahrain, veral training activities. Moreover, the Labour Day has been h intensive participation of all the trade unions and civil societies, he afternoon demonstration slogans urged the Government to ratify
			e GFBTU indicated that it was carrying out public awareness-raising
		2008 AR: The women in Ball participated in on the ILO occasion, FOA workshops we International of women in occupation of	he Government indicated that it had promoted Bahraini books on hrain. It added that along with the BCCI and the GFBTU, it had in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar Declaration and International Labour Standards in Oman. On this A and collective bargaining had been discussed. It added that two ere organized in March and May 2007 in collaboration with the Trade Union Confederation (ITUC), one supporting the involvement trade unions and the second on the right to employment and women.
		participation i	n the Fourth ILO/GCC Regional Workshop on the ILO Declaration nal Labour Standards held in Kuwait City in April 2006.
	Special initiatives- Progress	workers to ber 2010 AR: The in April 2008	cording to the Government: Measures are being taken to allow migrant nefit from a minimum wage.  e GFBTU indicated that it had issued an official letter to the Parliament highlighting the importance of ratification of these two fundamental and urging the Members of Parliament to press the Government
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners		<ul> <li>2014 AR: According to the BCCI: Legislation is yet a challenge is Bahrain, together with ethnic and religious discriminations.</li> <li>2007 AR: The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.</li> </ul>
		Workers' organizations	2014–2015 ARs: According to GFBTU: Difficulties in ensuring equal remuneration are related to the lack of collective bargaining practices and the lack of a minimum wage. Furthermore, lack of awareness and recognition of the problems related to discrimination in terms of equal remuneration by Parliamentarians is hampering the process of enacting necessary laws to ensure the provisions of
			C.100 in the national legislation. The last attempt made by the Government to bring about legal amendments was obstructed by Parliamentarians arguing that discrimination did not exist in the country.  According to the BFLUF: One of the main challenges in ensuring
			equal remuneration is the lack of capacity of labour inspectors.  2013 AR: According to the GFBTU: There are serious challenges related to discrimination in terms of equal remuneration in Bahrain, particularly with respect to migrant workers and women workers. There are great differences between national and migrant workers as regards working conditions. In terms of gender equality, there are legal provisions for equal pay for work of equal value, but the main challenge lays in the structural problem that women never reach higher positions. It is crucial to ensure that any legal amendments are in line with ILS and the provisions of C.100 and implemented as such. Furthermore, the norms of the society pose a serious obstacle as concerns the improvement women's rights, as these norms and the current system have favoured men to occupy senior positions, as employers or government officials. Even if legal



		order to enable women to have equal access to higher positions and getter better pay.  2012 AR: According to GFBTU: The main challenge preventing the ratification of C.100 is the absence of the Executive's will to adopt new Acts.
		<b>2008 AR:</b> The GBFTU indicated that a specific chapter of the Labour Act dealing with women was amended during the review without consultation with employers' and workers' organizations.
		<b>2007 AR:</b> The GBFTU observed that equal representation between men and women should be promoted in training seminars.
		<ul> <li>2006 AR: According to the GFBTU: Forms of wage discrimination persist in Bahrain.</li> <li>2001 AR: According to the ICFTU: (i) there is no recognition of the concept of "equal pay for work of equal value"; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion; and (iii) illiteracy rate is higher among women.</li> </ul>
	According to the Government	<b>2019 AR:</b> The main obstacles are: the lack of capacity: concerned parties do not have enough capacity to deal with more ratified conventions; and legislative obstacles: some provisions of the Trade Union Law are not in conformity with the convention 100.
		<b>2016 AR:</b> According to the Government the main challenges are the lack of tripartite capacities and a lack of awareness or understanding of Convention No. 100.
		2013-2014 ARs: According to the Government: The main challenges to the realization of the PR in the country are inadequate Acts and lack of tripartite capacity building and understanding of the PR by the social partners.
		<b>2007 AR</b> : The Government shares the GBFTU's view that equal representation between men and women should be promoted in training seminars.
		<b>2003 AR</b> : In response to the ICFTU's observations, the Government stated that the Bahraini 1976 Labour Act prohibits: (i) discrimination on grounds of sex and nationality in respect of employment and occupation, and education; and (ii) provides for equal pay for work of equal value.
TECHNICAL COOPERATION	Request	<ul> <li>2016 AR: Assistance was requested related to awareness raising, training and capacity building.</li> <li>2015 AR: The Government reiterated the request for ILO technical cooperation as made under the 2012-2013ARs concerning training and capacity building activities through the DWCP.</li> </ul>
		BFLUF mentioned that ILO should support the inclusion of more federations into the discussion not only ITUC.
		<b>2014 AR:</b> The Government reiterated the request for ILO technical cooperation it made under the 2013 AR as regards to training of new labour inspectors on the PR and strengthening the capacity of tripartite partners. The Government also underlined the importance of ILO technical cooperation to restart the implementation of the Decent Work Country Programme (DWCP) as soon as possible, as it is critical in building the capacity of the tripartite partners and enabling the Government to move ahead with the ratification of C.100 and realize the FPRW.
		According to the BCCI: ILO expertise is needed to enhance the importance of non-discrimination in employment.
		The GFBTU expressed its strong wish for ILO technical cooperation to continue to support the ratification of C.100, despite the Government's refusal of entry of ILO experts into the country in 2012. Concerning the implementation of the DWCP, the GFBTU indicated that it would not be meaningful to restart the programme
		until the current situation in the country in respect of workers' rights and employment practices has improved.
		The BFLUF mentioned that the ILO DWCP should strengthen the capacity of labour inspectors.
		<b>2013-2014 ARs:</b> The Government requested ILO's technical cooperation in the following areas: (i) training of new labour inspectors on the PR; (ii) strengthening the capacity of tripartite partners and the Social Economic Council, and; (iii) ILO expertise to support the Decent Work Country Programme (DWCP) implementation in Bahrain.
	1	According to the BCCI and the GFBTU: Following tripartite consultations, a



		DWOD : 1: 0010 D	
		DWCP was signed in 2010. Due to the political crisis which hit the country early 2011, the implementation of the DCWP is yet to start and ILO support is crucial in this regard.	
		<b>2012 AR:</b> The GFBTU requested ILO technical support to advocacy for the ratification of C.100.	
		<b>2010 AR:</b> According to the GFBTU: All members of the relevant tripartite Committees should participate in workshops on the 1998 ILO Declaration and its follow-up, including issues concerning equal pay for work of equal value. This training activity is necessary, as Bahrain was selected by the ILO as a model country within the Decent Work Agenda.	
		<b>2009 AR:</b> The GFBTU indicated that the ILO's cooperation was needed in the area of cooperation with other countries on the methods of institutionalization of C.100.	
		<b>2007 AR:</b> The BCCI requested ILO technical cooperation for capacity building, enterprise development, organizational management and productivity in relation with the PR.	
		The GBFTU requested ILO technical cooperation to sensitize its members on discrimination issues.	
		<ul> <li>2006 AR: According to the GFBTU: ILO technical cooperation would be necessary in organizing a national tripartite workshop on ILO Fundamental Conventions in Bahrain, so as to identify challenges and solutions and pave the way to ratification.</li> <li>2003 AR: According to the Government: A need for ILO technical cooperation to</li> </ul>	
		facilitate the realization of the PR in Bahrain exists in the following priority areas: (i) establishing or strengthening specialized institutional machinery; (ii) data collection and information analysis.	
	Offer	ILO (DWCP).	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	possible to highlight and follow up country situations that required greater attention, and that som		
	between the Offi Review Introduct 2001 AR: The III dialogue with the work and positive	IDEAs acknowledged the high-level dialogue and agreement on a plan of activities ice and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual tion – ILO: GB.283/3/1).  DEAs hoped in particular that the governments of GCC countries would continue a Office regarding the ways in which respect for fundamental principles and rights at e changes could be achieved through technical cooperation (cf. paragraph 77 of the lew Introduction – ILO: GB.280/3/1).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	into account its efforts to respec	s March 2014 Session, the Governing Body invited the Director-General to: (a) take guidance on key issues and priorities with regard to assisting member States in their t, promote and realize fundamental principles and rights at work; and (b) take account e Office's resource mobilization initiatives.	
	2013 AR: At it take full account 2016) and allocathe universal nainterrelated and both as human rethe linkages and	its November 2012 Session, the Governing Body requested the Director-General to to find the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-te the necessary resources for its implementation. This plan of action is anchored in ture of the fundamental principles and rights at work (FPRW), their inseparable, mutually reinforcing qualities and the reaffirmation of their particular importance, ights and enabling conditions. It reflects an integrated approach, which addresses both nong the categories of FPRW and between them, and the other ILO strategic refer to enhance their synergy, efficiency and impact. In this regard, freedom of	



association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.

**2011 AR:** At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101<sup>st</sup> Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.

**2009 AR**: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.

#### INTERNATIONAL LABOUR CONFERENCE RESOLUTION

**2013 AR:** In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316<sup>th</sup> Session in November 2012.