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**U.S. DEPARTMENT OF LABOR**  
**BUREAU OF INTERNATIONAL LABOR AFFAIRS**

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**BAHRAIN**  
**LABOR RIGHTS REPORT**

September 2005

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## I. Introduction

This report on labor rights in Bahrain has been prepared pursuant to section 2102(c)(8) of the Trade Act of 2002 ("Trade Act") (Pub. L. No. 107-210). Section 2102(c)(8) provides that the President shall:

[i]n connection with any trade negotiations entered into under this Act, submit to the Committee of Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating.

The President, by Executive Order 13277 (67 Fed. Reg. 70305), assigned his responsibilities under section 2102(c)(8) of the Trade Act to the Secretary of Labor and provided that they be carried out in consultation with the Secretary of State and the U.S. Trade Representative. The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the U.S. Trade Representative and the Secretary of Labor (67 Fed. Reg. 77812).

The report first describes the national legal framework. It then describes the administration of labor law, labor institutions, and the system of labor justice. With regard to each of the defined labor rights, the report describes the relevant legal framework (national laws and international conventions) and practice. Information on the extent to which Bahrain has in effect laws governing exploitative child labor is provided in a companion report mandated by section 2102(c)(9) of the Trade Act.

The report relies on information obtained from the U.S. Department of State in Washington, D.C. and the U.S. Embassy in Bahrain and from other U.S. Government reports. It also relies upon a wide variety of reports and materials originating from Bahrain, international organizations, and non-governmental organizations (NGOs). In particular, this report makes use of general observations and recommendations of the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR).<sup>1</sup> In addition, the report draws on consultations held in Bahrain by U.S. Department of Labor officials and a U.S. interagency team with Bahraini government officials, representatives of worker and employer organizations, and NGOs pursuant to section 2102(c)(7) of the Trade Act.<sup>2</sup> Finally, the report makes use of information submitted in response to a U.S. Department of Labor request for public comment published in the *Federal Register* on November 3, 2003.<sup>3</sup>

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<sup>1</sup> The International Labor Organization (ILO) has several standing and ad hoc bodies that review, either on an ongoing or complaint basis, the manner in which member states implement international labor standards. The independent ILO CEACR performs regular monitoring of ratified conventions and makes recommendations for amending labor law and practice. In addition, the ILO CEACR annually undertakes a general survey of the global situation with respect to a convention or a group of conventions. This report refers to the ILO CEACR's 1994 general survey on freedom of association and collective bargaining.

<sup>2</sup> The consultations were held January 26-28, 2004.

<sup>3</sup> U.S. Department of Labor, "Request for Information Concerning Labor Rights in Bahrain and its Laws Governing Exploitative Child Labor," 68 *Federal Register* 62328-62329 (November 3, 2003). The Department received comments from the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) on December 18, 2003, in response to the notice.

## II. Labor Rights

This report examines the labor rights situation in Bahrain. The labor rights taken into consideration include those rights defined as “core labor standards” by section 2113 of the Trade Act (19 U.S.C. 3813(6)):

- The right of association;
- The right to organize and bargain collectively;
- A prohibition on the use of any form of forced or compulsory labor;
- A minimum age for the employment of children; and
- Acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Because of the emphasis in the Trade Act on the elimination of the worst forms of child labor,<sup>4</sup> this report discusses not only minimum age for employment of children but also the effective elimination of the worst forms of child labor.

## III. Legal Framework for Labor Rights

Labor rights in Bahrain are set forth in its Constitution,<sup>5</sup> the Labour Law for the Private Sector and subsidiary legislation,<sup>6</sup> and the Workers Trade Union Law.<sup>7</sup> Bahrain’s Constitution, adopted in 2002, together with the Workers Trade Union Law, guarantees citizens the right to form unions.<sup>8</sup> Bahrain’s Constitution also guarantees the right to work, job opportunities, and fairness of working conditions. The Constitution generally prohibits compulsory labor.<sup>9</sup>

The Labour Law for the Private Sector governs specific labor and employment issues, including:

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<sup>4</sup> Section 2102(a) sets out overall trade negotiating objectives of the United States, including section 2102(a)(9), which requires the United States “to promote universal ratification and full compliance with ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.” Section 2102(b) sets out principal negotiating objectives of the United States, including section 2102(b)(17), which states that “[t]he principal negotiating objective of the United States with respect to the trade-related aspects of the worst forms of child labor are to seek commitments by parties to trade agreements to vigorously enforce their own laws prohibiting the worst forms of child labor.”

<sup>5</sup> *Constitution of the Kingdom of Bahrain* (February 14, 2002), available at <<http://www.bahrain.gov.bh/images/constitutione.pdf>>.

<sup>6</sup> The Labour Law for the Private Sector (1976), promulgated by Amiri Decree Law No. 23 of 1976, available at <<http://www.bah-molsa.com/english/index.asp>> [hereinafter *Labour Law for the Private Sector*]. The Labour Law for the Private Sector has been amended by various subsidiary legislation available at <<http://www.bah-molsa.com/english/index.asp>>.

<sup>7</sup> The Workers Trade Union Law (2002), promulgated by Legislative Decree No. 33 of 2002 [hereinafter *Workers Trade Union Law*].

<sup>8</sup> *Constitution of the Kingdom of Bahrain*, Article 27; *Workers Trade Union Law*, Article 10.

<sup>9</sup> *Constitution of the Kingdom of Bahrain*, Article 13.

- Employment contracts and employment termination and dismissal;
- The regulation of employment for national workers and foreigners;
- The regulation of employment for, and protections afforded to, women<sup>10</sup> and children;
- Apprenticeships and vocational training;
- Conditions of work, wages, hours of work and holidays, and compensation for employment injuries and occupational diseases;
- Conciliation and arbitration in collective labor disputes;<sup>11</sup> and
- Labor inspection.<sup>12</sup>

Both national and foreign workers are covered by the Labour Law for the Private Sector, although exclusions apply. The Labour Law for the Private Sector does not apply to civil servants and military personnel,<sup>13</sup> and, with the exception of certain provisions regulating foreign workers,<sup>14</sup> also does not apply to domestic service workers, certain agricultural workers,<sup>15</sup> maritime workers, temporary or casual workers of less than one year employed outside the employer's scope of business, and workers who are the employer's immediate family members.<sup>16</sup> Civil servants are covered by the Civil Service Law, military personnel by the Military Service Law, and maritime workers by the Maritime Code.<sup>17</sup>

The Workers Trade Union Law was enacted in 2002 and applies to private sector workers, civil servants, and maritime workers, including foreigners working in Bahrain.<sup>18</sup> The International Confederation of Free Trade Unions (ICFTU) and others widely acclaimed the passage of the

<sup>10</sup> Articles 59 to 65 of the Labour Law for the Private Sector prohibit the night work of female workers and their employment in dangerous occupations, guarantee maternity leave, and afford protection to women workers from termination due to marriage or pregnancy.

<sup>11</sup> As indicated in Article 133 of the Labour Law for the Private Sector, a collective labor dispute is a dispute between an employer and all of his/her workers, or any category thereof, concerning employment or the conditions of employment.

<sup>12</sup> *Labour Law for the Private Sector, as amended.*

<sup>13</sup> *Ibid.*, Article 2, as amended by Legislative Decree No. 14 of 1993 With Respect to Amending the Labour Law for the Private Sector Promulgated by Legislative Decree No. 23 of 1976, available at <<http://www.bah-molsa.com/english/sec2-14.htm>> [hereinafter Legislative Decree No. 14 of 1993].

<sup>14</sup> *Labour Law for the Private Sector*, Articles 3-7; see also "Rights Guide for Expat Workers," *Gulf Daily News*, April 4, 2004, available at <<http://www.bah-molsa.com/english/newsArchive.asp?hNewsID=678&hPage=11>>.

<sup>15</sup> The following agricultural workers are covered by the Labour Law for the Private Sector: (1) workers employed in an agricultural firm, which process or market their products; (2) workers permanently employed in operating or repairing mechanical equipment used in agriculture; and (3) workers engaged in management or as security guards in agricultural enterprises. See *Labour Law for the Private Sector*, Article 2, as amended by Legislative Decree No. 14 of 1993.

<sup>16</sup> Specifically, the law states that it does not apply to "[m]embers of the employer's family, who are the husband, wife, his parents and offspring whom he actually supports." *Labour Law for the Private Sector*, Article 2, as amended by Legislative Decree No. 14 of 1993.

<sup>17</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005

<sup>18</sup> *Workers Trade Union Law*, Article 2.

Workers Trade Union Law, as it made Bahrain the first Gulf State to take steps toward an independent trade union movement.<sup>19</sup> The Workers Trade Union Law establishes, *inter alia*:

- The role of the General Federation of Workers Trade Unions of Bahrain (GFWTUB),<sup>20</sup> which the Workers Trade Union Law tasks with oversight of all trade unions in Bahrain;
- The general objective of trade unions to protect the lawful rights of their members, defend their interests and improve their working conditions;
- Rules and procedures on the formation and structure of trade unions;
- Conditions of membership in trade unions;
- Financial sources available to trade unions and exemptions for trade unions from certain charges and duties;
- Procedures for the dissolution of trade unions and their boards of directors; and
- Procedures for conducting a strike.<sup>21</sup>

#### IV. Administration of Labor Law

##### 1. Ministry of Labor

In January 2005, the Ministry of Labor and Social Affairs (MOLSA) divided into two agencies: the Ministry of Labor (MOL) and the Ministry of Social Affairs.<sup>22</sup> MOL is responsible for preparing a national workforce to contribute to Bahrain's development process and improving rates of productivity in cooperation with workers' and employers' organizations.<sup>23</sup> MOL also implements the Government's policy of ensuring fair remuneration for work, strengthening the training sector to enhance the overall competency of the workforce, and contributing to the development of the role of women in employment.<sup>24</sup> MOL is divided functionally into two general areas: (1) employment and labor affairs and (2) training and human resources development.

MOL has three divisions responsible for the area of employment and labor affairs:

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<sup>19</sup> "Labour Movement on Right Path, Says Top Official," *Bahrain Tribune*, April 8, 2004, available at <<http://www.bah-molsa.com/english/newsArchive.asp?hNewsID=683&hPage=4>>; see also ICFTU, *Bahrain Trade Union Movement Shows the way for Region*, April 8, 2004, available at <<http://www.icftu.org/displaydocument.asp?Index=991219171&Language=EN>>.

<sup>20</sup> In some sources, due to translation from Arabic to English, the GFWTUB also is referred to as the Bahrain General Workers Trade Union Federation (BGWTUF) or the General Federation of Bahraini Workers (GFBW).

<sup>21</sup> *Workers Trade Union Law*, Articles 1, 6-18, and 21.

<sup>22</sup> Labor Officer, U.S. Embassy-Manama, electronic communication, August 20, 2005. Although the Labour Law for the Private Sector refers to MOLSA, the term MOL is used throughout the text of this report in order to be consistent and to reflect the current situation.

<sup>23</sup> Ministry of Labor and Social Affairs, *Main Goals of the Ministry of Labour & Social Affairs*, cited May 11, 2004, available at <<http://www.bah-molsa.com/english/index.asp>>.

<sup>24</sup> Ministry of Labor and Social Affairs, *Mission Statement*, available at <<http://www.bah-molsa.com/english/index.asp>>.

