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

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A large, faded version of the U.S. Department of Labor seal, serving as a background for the title text.

**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>>.

- The Labor Relations Directorate registers and investigates workers' complaints against private sector companies concerning labor relations.<sup>25</sup> Its staff also has a limited mandate to investigate complaints by domestic service workers against their employers, including non-payment of salary and the denial of annual leave, airfare, and/or service indemnity.<sup>26</sup> An investigator must try to amicably resolve such individual labor disputes, but has the authority to transfer the case to the courts if conciliation fails.<sup>27</sup> Investigators also are responsible for mediating collective labor disputes and, if unable to settle the dispute, are required to submit the case for conciliation and, if needed, to arbitration.<sup>28</sup> The Directorate also addresses complaints made by employers or workers against operators of manpower services offices (employment agencies). If the Directorate finds the operator to be in violation of the Labour Law for the Private Sector and the conditions of his/her license of operation, it may withdraw the operator's license.<sup>29</sup> The Occupational Safety Department within the Directorate conducts periodic inspections of private sector enterprises, investigates workers' complaints concerning safety and health, investigates fatal occupational accidents, and promotes awareness of occupational safety among workers and employers by organizing activities, such as training courses, for companies' occupational safety inspectors.<sup>30</sup>
- The Labor Inspectorate supervises and ensures the implementation of the Labour Law for the Private Sector and its ministerial orders. The Labor Inspectorate may undertake inspections in five circumstances: (1) upon application of a work permit for foreigners; (2) upon employee complaint; (3) randomly; (4) as a follow-up inspection; and (5) upon request by the employer.<sup>31</sup> In such circumstances, labor inspectors conduct comprehensive inspections of private sector enterprises with regard to wages, hours of work, the employment of children, and the protections afforded to women workers.<sup>32</sup> Inspectors have the authority to enter all workplaces; to examine registers, files, and other such documents of relevance to the inspection; and to question both employers and workers. They may issue a citation for labor law violations, after first giving a warning to the employer, and provide a grace period of two weeks to one month for rectifying

<sup>25</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Functions of the Labour Affairs Section*, available at <<http://www.bah-molsa.com/english/prog3c-3.htm>>.

<sup>26</sup> Ibid; see also Dr. Sabika al-Najjar, *Migrant Women Domestic Workers in Bahrain*, ILO, Beirut, 2001, Section I.3, available at <<http://www.ilo.org/public/english/region/arpro/beirut/infoservices/report/report07.htm>>.

<sup>27</sup> Ibid.

<sup>28</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Functions of the Labour Affairs Section*, available at <<http://www.bah-molsa.com/english/index.asp>>; see also *Workers Trade Union Law*, Article 21(f).

<sup>29</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Functions of the Labour Affairs Section*, available at <<http://www.bah-molsa.com/english/index.asp>>; see also Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Routine Activities in the Labour Affairs Section*, available at <<http://www.bah-molsa.com/english/prog3c-5.htm>>.

<sup>30</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Occupational Safety & Health – Functions and Activities of the Section*, available at <<http://www.bah-molsa.com/english/oss5.htm>>; see also Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Occupational Safety & Health – Functions & Activities of the Unit of Accidents' Inspection and Investigation*, available at <<http://www.bah-molsa.com/english/oss6.htm>>.

<sup>31</sup> Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

<sup>32</sup> Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Functions of the Labour Inspection Section*, available at <http://www.bah-molsa.com/english/prog33.htm>; see also Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Labour Inspection: Number of Employees Working in the Section and their Job Functions*, available at <<http://www.bah-molsa.com/english/prog32.htm>>.

violations.<sup>33</sup> The citation is issued after an inspector documents a violation and passes it to legal affairs, which must review it and then take it to court for action. Labor inspectors also may review the work and residence permits of foreign workers during an inspection and have the duty to identify workers with invalid residence permits and those considered “runaway” foreign workers.<sup>34</sup> As of September 2005, the Labor Inspectorate employed 30 inspectors and is in the process of hiring an additional 40 to 45.<sup>35</sup>

- The Employment Services Bureau provides a professional recruitment service, matching jobseekers with companies that have positions equal to the workers’ ability.<sup>36</sup> The Foreign Employment Section of the Employment Services Bureau issues and monitors work permits for foreign workers.<sup>37</sup>

MOL has two divisions responsible for training and human resources development:

- The Manpower Development Directorate acts as the Secretariat to the High Council for Vocational Training, which advises the Government on matters concerning vocational training and is responsible for developing national training plans. The Directorate also provides training programs for job seekers, operates skills testing programs for workers, and promotes awareness of technical and vocational training programs through information campaigns.<sup>38</sup>
- The Training Promotion Office coordinates training initiatives with the Gulf Cooperation Council (GCC)<sup>39</sup> and a national committee composed of government agencies and private sector establishments. Bahrain hosts the GCC’s Regional Center for Training and Human Resources Development.<sup>40</sup>

## 2. The Labor Court System

In order to exercise individual rights arising from the Bahraini labor law, workers must initially submit their individual labor disputes to MOL for conciliation. MOL has two weeks to attain a settlement between the parties, but, if its efforts are unsuccessful, the Ministry must immediately

<sup>33</sup> Order No. 28-1976, The Organization of Labor Inspection Function, Articles 14-15, available at <<http://www.bah-molsa.com/english/c18a.htm>>.

<sup>34</sup> “Runaway” workers are foreign workers who choose to leave the employ of their sponsors, either due to mistreatment or for other reasons, without following the proper procedures to be hired by another employer or to be repatriated. See Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Functions of the Labour Inspection Section*; see also “Labour Inspection only at Workplace,” *Bahrain Tribune*, April 6, 2004, available at <<http://www.bah-molsa.com/english/newsArchive.asp?hNewsID=681&hPage=4>>.

<sup>35</sup> Labor consultations between Ministry of Labor officials and U.S. Government officials, September 5-7, 2005.

<sup>36</sup> Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Employment Services Bureau (ESB) – The Employer*, available at <<http://www.bah-molsa.com/english/employer.htm>>.

<sup>37</sup> Subsidiary legislation enacted under the provisions of the Labour Law for the Private Sector, 1976, Order No. 13, 1976, Article 2; Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Employment & Recruitment*, available at <<http://www.bah-molsa.com/english/index.asp>>.

<sup>38</sup> Ministry of Labor and Social Affairs, *Training & Human Resources Development: Manpower Development*, available at <<http://www.bah-molsa.com/english/manpow1.htm>>.

<sup>39</sup> The Gulf Cooperation Council is an economic and political-coordinating forum made up of Bahrain and five other Gulf states (Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates).

<sup>40</sup> Ministry of Labor and Social Affairs, *Training & Human Resources Development: Training Promotion Office*, available at <<http://www.bah-molsa.com/english/prog1c.htm>>.



refer the case to the Senior Civil Court, also known as the High Court of Appeal.<sup>41</sup> The Fourth High Court, which consists of three labor courts, has jurisdiction over labor cases.<sup>42</sup>

Under the Labour Law for the Private Sector, MOL must conciliate collective labor disputes.<sup>43</sup> If conciliation fails, MOL must submit the dispute to an arbitration board. This board is composed of three judges of the Senior Civil Court, one representative of MOL, one representative of the Ministry of Commerce and Agriculture, a representative of the workers, and an employer representative.<sup>44</sup>

The Supreme Court of Appeal, or Court of Cassation, serves as the final court of appeal for all civil, commercial, and criminal matters. The Constitutional Court also rules on challenges regarding the constitutionality of the law.<sup>45</sup>

## V. Labor Rights and Their Application

### A. Freedom of Association

#### 1. Trade Unions

Bahrain's Constitution recognizes the right of freedom of association. Specifically, the Constitution states that "freedom to form associations and unions on national principles for lawful objectives and by peaceful means is guaranteed under rules and conditions laid down by law, provided that the fundamentals of religion and public order are not infringed."<sup>46</sup> The Workers Trade Union Law provides that workers, including non-citizens, may form trade unions and freely join or withdraw from them.<sup>47</sup> The Workers Trade Union Law applies to private sector workers, maritime workers, and civil servants,<sup>48</sup> although MOL interprets the law to provide public sector workers the right to join trade unions but not to establish trade unions.<sup>49</sup> The GFWTUB has reported that the Civil Service Bureau advised the government ministries not to officially recognize public sector unions, as there is no mention of trade unions and collective bargaining in the Civil Service Law.<sup>50</sup>

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<sup>41</sup> *Labour Law for the Private Sector*, Article 155; see also United Nations Development Program, *Program on Governance in the Arab Region: Bahrain: Judiciary*, available at <<http://www.undp-pogar.org/resources/country/judiciary.html#bahrain>>.

<sup>42</sup> U.S. Department of State, *Country Reports on Human Rights Practices 2004 – Bahrain*, Section 6e, Washington, D.C., February 28, 2005, available at <<http://www.state.gov/g/drl/rls/hrrpt/2004/41719.htm>> [hereinafter U.S. Department of State, *Country Reports – 2004: Bahrain*].

<sup>43</sup> *Labour Law for the Private Sector*, Article 133.

<sup>44</sup> *Ibid.*, Articles 135-136. The Workers Trade Union Law contemplates a somewhat different mechanism for the conciliation and arbitration of collective labor disputes. See *Workers Trade Union Law*, Article 21(f). It is unclear which mechanism has precedence under Bahraini law.

<sup>45</sup> United Nations Development Program, *Program on Governance in the Arab Region: Bahrain: Judiciary*.

<sup>46</sup> *Constitution of the Kingdom of Bahrain*, Article 27.

<sup>47</sup> *Workers Trade Union Law*, Article 3; see also U.S. Department of State, *Country Reports on Human Rights Practices 2003 – Bahrain*, Section 6e, Washington D.C., February 25, 2004, available at <<http://www.state.gov/g/drl/rls/hrrpt/2003/27925.htm>> [hereinafter U.S. Department of State, *Country Reports – 2003 Bahrain*].

<sup>48</sup> *Workers Trade Union Law*, Article 2.

<sup>49</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>50</sup> Meeting between Abdul Qaffar A. Hussain Abdulla, General Secretary of the General Federation of Workers Trade Union of Bahrain, and a U.S. Trade Representative Official, May 11, 2004.

Before the passage of the Workers Trade Union Law and adoption of the Constitution in 2002, the Government banned independent trade unions; as a result, there was no freedom of association and no trade unions in Bahrain.<sup>51</sup> As of August 2005, there were 37 private sector trade unions operating in the country, representing four percent of the workforce, and five unofficial public sector unions.<sup>52</sup>

The Workers Trade Union Law states that trade unions shall be independent legal entities.<sup>53</sup> Trade unions in Bahrain are organized to protect the rights of their members, defend their interests, and improve their working conditions. They may not use threats, force, or violence to infringe upon the right of others to work.<sup>54</sup> Workers may form trade unions by craft, sector, industry, or company.<sup>55</sup> To register a trade union, workers must provide the union constitution and the names of the founding members to MOL. The provisions of the union constitution must not be in conflict with Bahraini law.<sup>56</sup> No trade unions have been denied registration.<sup>57</sup>

Under the Workers Trade Union Law, only one union may be recognized in an establishment.<sup>58</sup> In at least one instance involving Gulf Air, two unions have been established; however, the second union is not recognized by Gulf Air or MOL.<sup>59</sup> According to the ILO Committee on Freedom of Association (ILO CFA), “[t]he right of workers to establish organizations of their own choosing implies, in particular, the effective possibility to create – if the workers so choose – more than one workers’ organization per enterprise.”<sup>60</sup> While the ILO CEACR has acknowledged that it is generally to the advantage of workers to avoid a proliferation of competing trade unions, it noted that a trade union monopoly imposed by law is counter to ILO freedom of association principles.<sup>61</sup>

The Workers Trade Union Law defines the GFWTUB as comprising all trade unions and tasks it as being responsible for trade union activities.<sup>62</sup> Although the Workers Trade Union Law sets no minimum number of employees to form a union, the GFWTUB encourages unions to have at least 20 workers before applying to join the federation.<sup>63</sup> There are no express penalties associated with withdrawing from the GFWTUB.<sup>64</sup> Under international standards, trade unions have the right to establish and join federations and confederations of their own choosing without previous authorization,<sup>65</sup> and national law should not institutionalize a *de facto* monopoly but

<sup>51</sup> U.S. Department of State, *Country Reports on Human Rights Practices 2002 – Bahrain*, Section 6a, Washington D.C., March 31, 2003, available at <<http://www.state.gov/g/drl/rls/hrrpt/2002/18273.htm>>.

<sup>52</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>53</sup> *Workers Trade Union Law*, Article 4.

<sup>54</sup> *Ibid.*, Articles 7 and 20.

<sup>55</sup> *Ibid.*, Article 10.

<sup>56</sup> *Ibid.*, Article 11.

<sup>57</sup> Trade union statistics of the General Federation of Workers Trade Unions of Bahrain, as provided by the Labor Officer, U.S. Embassy-Manama, electronic communication, May 18, 2004.

<sup>58</sup> *Workers Trade Union Law*, Article 10.

<sup>59</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>60</sup> ILO, *Freedom of Association*, 4<sup>th</sup> (revised) ed., 1996, para. 280.

<sup>61</sup> International Labor Conference, 81<sup>st</sup> session, 1994, Report III (Part 4B), *Freedom of Association and Collective Bargaining*, para. 91.

<sup>62</sup> *Workers Trade Union Law*, Articles 1 and 8.

<sup>63</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>64</sup> *Ibid.*; see generally *Workers Trade Union Law*.

<sup>65</sup> ILO, *ILO Declaration on Fundamental Principles and Rights at Work: The Issues: Freedom of Association and Effective Recognition of the Right to Collective Bargaining*, available at

should allow workers the freedom to establish labor organizations outside the established structures if they so choose.<sup>66</sup>

The GFWTUB oversees activities of all Bahraini trade unions. Among its duties, the GFWTUB proposes the formation of new trade unions and participates with the Government in drawing up strategies for collective bargaining and enhancing social dialogue.<sup>67</sup> It also provides trade unions with model guidelines for internal financial and administrative rules and regulations.<sup>68</sup>

The Workers Trade Union Law prohibits trade unions from engaging in political activities.<sup>69</sup> How broadly “political activities” will be interpreted is unclear; however, the Government of Bahrain has indicated that it is appropriate for workers to engage members of Parliament concerning labor law reform.<sup>70</sup> The ILO CEACR has noted that such legal provisions might give rise to difficulties with regard to principles of freedom of association. The ILO CEACR has indicated that trade union activities cannot be limited to occupational matters since a government’s general policy impacts workers.<sup>71</sup> According to the ILO CEACR, “workers’ organizations must be able to voice their opinions on political issues in the broad sense of the term, and, in particular, to express their views publicly on a government’s economic and social policy.”<sup>72</sup>

Bahraini trade unions may join regional and international trade union organizations with approval from the GFWTUB.<sup>73</sup> The GFWTUB is affiliated with the ICFTU and the International Confederation of Arab Trade Unions (ICATU).<sup>74</sup> The ICFTU has indicated that the trade unions in Bahrain are on the right path to better serve and represent workers but that the Workers Trade Union Law, while good, needs further improvement.<sup>75</sup> As stated by ICFTU General Secretary Guy Ryder, “[t]he significance of an independent trade union movement in Bahrain should not be underestimated in a region characterized by trade union rights violations. We will be encouraging other Gulf States to follow the example of Bahrain and working towards a truly independent labour movement in the region.”<sup>76</sup>

## 2. Right to Strike

The Workers Trade Union Law provides for the right to strike as a legitimate means for workers to defend their rights and interests. The purpose for striking must be to achieve the social and

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<[http://www.ilo.org/dyn/declares/DECLARATIONWEB.static\\_jump?var\\_language=EN&var\\_pagename=ISSUESFREEDOM](http://www.ilo.org/dyn/declares/DECLARATIONWEB.static_jump?var_language=EN&var_pagename=ISSUESFREEDOM)>; see also ILO Convention No. 87, Freedom of Association and Protection of the Right to Organize and ILO Convention No. 98, The Right to Organize and Collective Bargaining.

<sup>66</sup> International Labor Conference, *Freedom of Association and Collective Bargaining*, para. 96.

<sup>67</sup> *Workers Trade Union Law*, Article 8.

<sup>68</sup> *Ibid.*, Article 9.

<sup>69</sup> *Ibid.*, Article 20(d).

<sup>70</sup> Labor Consultations between Ministry of Labor officials and U.S. Government officials, September 5-7, 2005.

<sup>71</sup> International Labor Conference, *Freedom of Association and Collective Bargaining*, paras. 131 and 133.

<sup>72</sup> *Ibid.*, para. 131.

<sup>73</sup> *Workers Trade Union Law*, Article 8(h).

<sup>74</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>75</sup> “Labour Movement on Right Path, Says Top Official,” *Bahrain Tribune*, April 8, 2004, available at <<http://www.bahmolsa.com/english/newsArchive.asp?hNewsID=683&hPage=4>>.

<sup>76</sup> 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>>.

economic demands of the workers.<sup>77</sup> Prior to the 2002 law, the penalty for conducting a strike was 10 years in prison.<sup>78</sup>

Some restrictions remain on the right to strike. Striking is prohibited for workers employed in “vital and important facilities such as security, civil defense, airports, ports, hospitals, transportation, telecommunications, electricity and water.”<sup>79</sup> The ILO CEACR has indicated that such restrictions generally should be limited to sectors that provide essential services, i.e., those in which the interruption would endanger the life, personal safety, or health of all or part of the populace, and that essential services should be defined very narrowly.<sup>80</sup> The Workers Trade Union Law requires that three-fourths of all trade union members vote in favor of striking.<sup>81</sup> The ILO CEACR has indicated that, in general, national legislation should ensure that the count is only of votes cast and that the required majority is fixed at a reasonable level.<sup>82</sup> The trade union must provide notice of a strike to the employer two weeks before its commencement and also must notify MOL.<sup>83</sup> The strike must be peaceful, not harming property and ensuring the safety and security of individuals.<sup>84</sup>

The Workers Trade Union Law also stipulates that a strike may not be conducted until after attempts at conciliation have failed. If MOL is unable to amicably resolve the collective labor dispute, it must refer the case to the Conciliation and Arbitration Board, which will delegate one of its members to conciliate if requested by both parties. If one or both parties refuse to participate in conciliation or are unable to agree to the proposed settlement, the Board must resolve the labor dispute through arbitration.<sup>85</sup> MOL has indicated that the Bahrain Ministry of Justice is in the process of establishing regulations on an arbitration committee on the right to strike. Under the proposed regulations, the arbitration committee would review the matter to determine if the union may strike. If the decision by the arbitration committee is unsatisfactory to either party, then the employer or trade union could take the issue to court. The court would determine whether the union has the legal right to strike, and, in some cases, the court could make a binding decision on the issue that caused the collective dispute.<sup>86</sup>

There have been nine strikes since the 2002 law came into effect. In 2005, a strike occurred at Al Alayan/Kimberly Clark after the dismissal of four workers who were planning to establish a trade union. Following arbitration, the workers were reinstated and have formed a union. Since 2003, four strikes have taken place in the garment industry over factory closures and unpaid wages. In 2004, workers in the engineering section of Gulf Air struck after allegedly being denied additional benefits, and Gulf Air workers went on strike again in 2005 to protest the suspension of the union president.<sup>87</sup> The two strikes at Gulf Air were declared illegal by MOL

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<sup>77</sup> *Workers Trade Union Law*, Article 21.

<sup>78</sup> ICFTU, *Annual Survey of Violations of Trade Union Rights, 2004*, Brussels, 2004, 276, available at <<http://www.icftu.org/www/pdf/Survey04-EN.pdf>>.

<sup>79</sup> *Workers Trade Union Law*, Article 21(e).

<sup>80</sup> International Labor Conference, *Freedom of Association and Collective Bargaining*, paras. 159-160.

<sup>81</sup> *Workers Trade Union Law*, Article 21(a).

<sup>82</sup> International Labor Conference, *Freedom of Association and Collective Bargaining*, para. 170.

<sup>83</sup> *Workers Trade Union Law*, Article 21(b).

<sup>84</sup> *Ibid.*, Article 21(d).

<sup>85</sup> *Ibid.*, Article 21(f).

<sup>86</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>87</sup> Economic/Commercial Officer, U.S. Embassy-Manama, electronic communication to U.S. Trade Representative official, August 23, 2005.

because the Workers Trade Union Law bans strikes in the transportation sector and because appropriate notice was not given.<sup>88</sup> In 2004, strikes took place at the Bahrain Danish Dairy Company with respect to the cancellation of the drivers' allowance and at Seef Properties when security guards received notice of termination.<sup>89</sup> All strikes concluded amicably after MOL, the GFWTUB, the trade union, and the employer negotiated and reached an agreement.<sup>90</sup> There are no reports that workers engaged in the strikes were dismissed from employment or otherwise subject to discrimination.<sup>91</sup>

## **B. Right to Organize and Bargain Collectively**

### **1. Right to Organize**

The Workers Trade Union Law prohibits trade union activities from being used as justification for discrimination in employment.<sup>92</sup> Additionally, anti-union discrimination is covered under the broader rubric of discrimination as defined in the Labour Law for the Private Sector. If an employer terminates a worker's employment contract for a reason other than those legally prescribed, then the employer is liable to pay the worker compensation in respect of the damages incurred by him/her.<sup>93</sup> Similar protections are afforded a worker suspended after being accused of having committed a crime or misdemeanor; if the competent authority decides against prosecution or the worker is acquitted, then the worker must be reinstated or it will be considered an unjustified dismissal.<sup>94</sup> An employer who fires an employee unjustly is punishable by a fine between 50 and 300 dinars (US\$132 to US\$789),<sup>95</sup> with the fine being multiplied by the number of affected employees.<sup>96</sup>

Any allegation that an employer improperly dismissed a worker, including an assertion of discrimination may be reported through a complaint to MOL's Labor Relations Directorate. The Directorate must summon the employer and attempt to mediate. If no agreement is reached within two weeks from the date of the filing of the complaint, MOL is obliged to refer the case to court, along with a summary of the dispute, the arguments of both parties and the comments and recommendations of MOL.<sup>97</sup> The referral to the court is done without any fees to the employee, and legal representation is neither required nor prohibited by law.<sup>98</sup> The court has the authority to require the employer to pay compensation.<sup>99</sup> Currently, a worker cannot be reinstated against the employer's will; however, the judge may give the employer a choice of reinstatement or

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<sup>88</sup> Economic/Commercial Officer, U.S. Embassy-Manama, electronic communication to U.S. Department of Labor official, August 23, 2005.

<sup>89</sup> U.S. Embassy-Manama, electronic communication to U.S. Trade Representative official, August 23, 2005.

<sup>90</sup> U.S. Embassy-Manama, electronic communication to U.S. Trade Representative official, August 10, 2005.

<sup>91</sup> U.S. Embassy-Manama, electronic communication to U.S. Trade Representative official, September 15, 2005.

<sup>92</sup> *Workers Trade Union Law*, Article 3. This article states, "[t]rade union activities shall not be used as a means and justification for discrimination in employment or influencing workers in any manner whatsoever."

<sup>93</sup> *Labour Law for the Private Sector*, Articles 108 and 109. Article 113 of the Labour Law of the Private Sector details the reasons for which an employer may dismiss or terminate a worker's employment contract without payment of indemnity, allowances, notice or compensation.

<sup>94</sup> *Ibid.*, Article 104.

<sup>95</sup> As of August 14, 2005, US\$1.00=0.38 dinars.

<sup>96</sup> *Labour Law for the Private Sector*, Article 165.

<sup>97</sup> *Ibid.*, Article 110, as amended by Legislative Decree No. 14 of 1993.

<sup>98</sup> Communication from the Government of Bahrain, July 1, 2005.

<sup>99</sup> *Labour Law for the Private Sector*, Article 110, as amended by Legislative Decree No. 14 of 1993.

paying financial compensation to the worker. If the employer elects to pay the financial compensation or does not reinstate the worker within one week of the judgment, then the amount of compensation is determined by the court.<sup>100</sup>

In 2004, Gulf Air dismissed the president of its registered union for speaking to the press. Through mediation by MOL, Gulf Air agreed to reinstate the union president on the condition that he not speak to the press or nominate himself for any position in the union. Upon his return, he was dismissed a second time. MOL officials met with the union president on July 30, 2005, and are currently trying to resolve this matter with the Gulf Air Board of Directors.<sup>101</sup>

## 2. Right to Bargain Collectively

Several articles in Bahrain's labor law support the right to bargain collectively, although there are no provisions in the law specifying the procedures for collective bargaining. Article 7 of the Workers Trade Union Law defines the function of trade unions to protect the rights of members, defend their interests, and improve their working conditions.<sup>102</sup> Additionally, collective bargaining is referenced in that the GFWTUB is responsible for participating with the authorities in drawing up labor strategies in collective bargaining.<sup>103</sup> The Labour Law for the Private Sector also references an aspect of collective bargaining in that it provides rules and procedures for conciliation and arbitration of "collective labour disputes" concerning "employment or the conditions of employment."<sup>104</sup> Article 21(f) of the Workers Trade Union Law provides that before striking to defend workers' rights and interests, a union must attempt conciliation with the employer.<sup>105</sup>

MOL estimates that more than 100 collective bargaining agreements have been reached since the Workers Trade Union Law came into effect.<sup>106</sup> Union officials have acknowledged that collective bargaining is not yet well-understood, but trade unions are educating workers on union rights and collective bargaining through seminars and are receiving assistance from ICFTU-affiliate unions in other countries on the subject.<sup>107</sup>

### C. Prohibition of Forced or Compulsory Labor

*Bahrain ratified ILO Convention No. 29 on Forced Labor in June 1981 and ILO Convention No. 105 on the Abolition of Forced Labor in July 1998.*<sup>108</sup>

Bahrain's Constitution prohibits forced or compulsory labor, except in cases concerning national exigency or pursuant to a judicial ruling.<sup>109</sup> In 2003, the Government of Bahrain passed a law

<sup>100</sup> Ibid.

<sup>101</sup> U.S. Embassy-Manama, electronic communications to U.S. Trade Representative officials, August 10, 2005 and September 15, 2005.

<sup>102</sup> *Workers Trade Union Law*, Article 7.

<sup>103</sup> *Workers Trade Union Law*, Article 8(e).

<sup>104</sup> *Labour Law for the Private Sector*, Articles 133-141.

<sup>105</sup> *Workers Trade Union Law*, Article 21(f).

<sup>106</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>107</sup> Meeting between Abdul Qaffar A. Hussain Abdulla, General Secretary of the General Federation of Workers Trade Unions of Bahrain, and a U.S. Trade Representative official, May 11, 2004.

<sup>108</sup> ILO, *Ratifications by Country*, in ILOLEX, available at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>.

<sup>109</sup> *Constitution of the Kingdom of Bahrain*, Article 13.

that assesses a fine between 500 to 1,000 dinars (US\$1,316 to US\$2,632) on any employer found guilty of forced labor.<sup>110</sup> Bahrain's Penal Code prohibits prostitution and forbids individuals from forcing others to commit prostitution by means of threat, coercion, or deceit. The penalty for persons convicted of perpetrating forced prostitution is two to seven years in prison and is increased to up to 10 years imprisonment if the victim is under age 18.<sup>111</sup>

According to the U.S. Department of State, many unskilled foreign workers lack the knowledge to exercise their legal rights and therefore may become indentured servants.<sup>112</sup> Such abuse occurs primarily with respect to foreigners employed as domestic service workers and those working illegally in the country.<sup>113</sup> Bahrain is a destination country for men and women who migrate legally from South Asia, the Philippines, China, Indonesia, Ethiopia, Morocco, and the former Soviet Union, but who may fall victim to conditions of coerced labor and sexual exploitation upon arrival.<sup>114</sup> Bahraini law enforcement officials actively investigate allegations of abuse concerning forced labor and prostitution. In addition to criminal remedies, the Government assists workers to settle claims against employers through mediation.<sup>115</sup> In cases where mediation does not succeed, MOL is required by law to prepare all necessary documents on behalf of workers and refer cases to the courts. MOL often provides informal consultations free of charge. In most instances, MOL refers workers to the GFWTUB for legal assistance, but in some cases, MOL assists workers to find lawyers that can pursue legal action on the workers' behalf. MOL does not pay for the workers' legal fees.<sup>116</sup>

In 2002, the Government of Bahrain created a national task force to formulate a comprehensive plan to combat trafficking in persons.<sup>117</sup> This task force comprises representatives from the ministries of foreign affairs, labor and social affairs, justice, information and interior.<sup>118</sup> The task force has published pamphlets on foreign workers' rights in Thai, Singhalese, Urdu, Tagalog, Hindi, Bengali, Arabic, and English; has provided manuals on these rights to local diplomatic missions and manpower agencies; is running informative ads on national television; and has installed a telephone hotline for victims.<sup>119</sup> In 2004, MOL established a joint subcommittee with the Ambassadors of Bangladesh, India, Pakistan, and the Philippines to meet to address labor

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<sup>110</sup> U.S. Department of State, *Country Reports – Bahrain: 2003*, Section 6c.

<sup>111</sup> Penal Code of Bahrain, Articles 325, as cited in The Protection Project Legal Library, available at <<http://209.190.246.239/protectionproject/statutesPDF/BAHRAINf.pdf>>.

<sup>112</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>113</sup> Ibid.

<sup>114</sup> U.S. Department of State, *Trafficking in Persons Report – 2005: Bahrain*, Washington, D.C., June 3, 2005, available at <<http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>>. There also have been reports that children have been trafficked to Bahrain. See The Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*.

<sup>115</sup> U.S. Department of State, *Trafficking in Persons Report – 2004: Bahrain*, Washington, D.C., June 14, 2004, available at <<http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm>>; see also U.S. Department of State, *Trafficking in Persons Report – 2003: Bahrain*, Washington, D.C., June 11, 2003, available at <<http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>>.

<sup>116</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>117</sup> U.S. Department of State, *Country Reports – 2003: Bahrain*, Section 6f.

<sup>118</sup> Mohammed Almezel, "Bahrain to Check Exploitation of Expats," *Gulf News*, December 9, 2003, available at <<http://www.gulf-news.com/Articles/news.asp?ArticleID=104995>>.

<sup>119</sup> U.S. Department of State, *Country Reports – 2003: Bahrain*, Section 6f; see also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5; Almezel, "Bahrain to Check Exploitation of Expats," U.S. Embassy-Manama, electronic communication, August 10, 2005.

issues affecting foreign workers on a semiannual basis.<sup>120</sup> In addition, the Government launched a campaign to educate employers on Bahrain's labor laws and announced plans for conducting public awareness campaigns on labor exploitation and potential trafficking. The Government has announced plans to tighten the issuance of visitor visas in response to an increase in abuses of foreign workers. Also, in 2004, the Government of Bahrain registered the Migrant Workers Protection Society, an NGO whose goal is to protect vulnerable foreign workers.<sup>121</sup>

The most common forms of trafficking in persons to Bahrain involve unskilled construction laborers and domestic service workers, although individuals also have reported being forced to work as prostitutes in Bahrain.<sup>122</sup> In February 2003, the Ministry of Information imposed a three-month ban on live entertainment in 22 hotels for violations that included foreigners working without contracts and not for their sponsors. Other violations included prostitution on hotel premises. The Government prosecuted violators of the forced prostitution law, who were often the victim's sponsor or employer.<sup>123</sup> In its 2005 report on the trafficking of persons, the U.S. Department of State concluded that the Government of Bahrain does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. Bahrain was placed on the U.S. Department of State's trafficking in persons Tier 2 watch list due to a lack of evidence that the Government had increased its efforts to combat severe forms of trafficking in persons, noting that the Government did not prosecute any traffickers in the period covered in the report.<sup>124</sup> (See Section VI of this report for a detailed discussion of law and practice in Bahrain with respect to foreign workers.)

#### **D. Minimum Age for Employment of Children and Effective Elimination of the Worst Forms of Child Labor**

*The Government ratified ILO Convention No. 182 on the Worst Forms of Child Labor in March 2001.*<sup>125</sup>

The Labour Law for the Private Sector, as amended, establishes 14 years as the minimum age for employment<sup>126</sup> and applies to both national and foreign workers, including children, in the private sector. The law does not apply (with the exception of certain provisions regulating foreign workers) to workers, including children, in the domestic service and agricultural sectors or in enterprises owned by immediate family members.<sup>127</sup> MOL grants and reviews work

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<sup>120</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5.

<sup>121</sup> U.S. Department of State, *Trafficking in Persons Report – 2005: Bahrain*; see also U.S. Embassy-Manama, electronic communication, August 20, 2005.

<sup>122</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5.

<sup>123</sup> U.S. Department of State, *Country Reports – 2003: Bahrain*, Section 6f.

<sup>124</sup> The minimum standards to which the report refers are established in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). See U.S. Department of State, *Trafficking in Persons Report – 2005: Bahrain*.

<sup>125</sup> ILO, *Ratifications by Country*.

<sup>126</sup> *Labour Law for the Private Sector*, Article 50; see also ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, 23-24.

<sup>127</sup> *Labour Law for the Private Sector*, Article 2, as amended by Legislative Decree No. 14 of 1993, Article 2. There have been reports of illegal underage domestic service workers, who have entered the country with false documents indicating they were adults. Since Bahraini labor laws were designed to protect citizens working in the formal sector, domestic service work by foreigners falls outside the jurisdiction of current inspection mechanisms. See U.S. Embassy- Manama



permits for foreigners,<sup>128</sup> and such permits may only be granted to persons 18 years of age and older.<sup>129</sup>

The Labour Law for the Private Sector establishes special requirements for the employment of children ages 14 to 16.<sup>130</sup> Children ages 14 to 16 may not be employed in hazardous conditions; may not work overtime or at night; may not work on a piece-rate basis; and may not work for more than four consecutive hours or more than six hours per day. They must also be granted annual leave of not less than a full month, which they are not allowed to waive.<sup>131</sup>

A subsidiary order enacted under the provisions of the Labour Law for the Private Sector prohibits children under the age of 16 from working in more than 25 hazardous professions and sets a maximum allowable weight of 20 kilograms for juvenile workers to carry as part of their work.<sup>132</sup> In addition, such children must obtain authorization from MOL and undergo a medical examination prior to their admission to employment.<sup>133</sup>

MOL is responsible for implementing and enforcing child labor laws and regulations. The Labour Law for the Private Sector provides for the inspection of workplaces and for legal sanctions against employers found in violation of child labor laws.<sup>134</sup> Violators of the law or its implementing regulations are subject to fines between 50 and 200 dinars (US\$132 and US\$526) for each occurrence and each worker. The same penalties apply to any person acting as a guardian of a juvenile who permits his or her employment in violation of the provisions.<sup>135</sup> MOL inspectors effectively enforce the labor legislation in the industrial sector,<sup>136</sup> however, child labor outside the industrial sector is reportedly monitored less effectively.<sup>137</sup>

Prostitution is illegal under the Penal Code and encouraging a child less than 18 years of age to enter into prostitution is punishable by two to 10 years of imprisonment depending on the age of

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Official, electronic communication, May 17, 2004; *see also* "Rights Guide for Expat Workers," *Gulf Daily News*, April 4, 2004.

<sup>128</sup> *Labour Law for the Private Sector*, Article 3, as amended by Legislative Decree No. 14 of 1993, Article 3.

<sup>129</sup> Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

<sup>130</sup> *Labour Law for the Private Sector*, Articles 49-55.

<sup>131</sup> *Ibid.*, Article 55.

<sup>132</sup> Bahrain Ministry of Labor and Social Affairs, *Subsidiary Legislation Enacted under the Provisions of the Labour Law For the Private Sector, 1976 Promulgated by Amiri Decree-Law No. 23 of 1976*, Article 1, available at <<http://www.bahmolsa.com/english/index.htm>>.

<sup>133</sup> *Labour Law for the Private Sector*, Article 51.2; *see also* UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, Geneva, July 23, 2001, para. 322, available at <<http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/44969d49c6f79b0ec1256ae2004f05e6?OpenDocument&Highlight=0,bahrain>>.

<sup>134</sup> *Labour Law for the Private Sector*, Article 147.

<sup>135</sup> *Ibid.*, Article 163.

<sup>136</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6d; *see also* Ambassador to the U.S. Khalifa Ali Al-Khalifa, Response to Information Request, U.S. Department of Labor official, August 26, 2003.

<sup>137</sup> *See* AFL-CIO, *Labor Rights and Child Labor Laws in Bahrain*, submitted on December 18, 2003, by the American Federation of Labor and Congress of Industrial Organizations in response to 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); *see also* U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6d.

the victim.<sup>138</sup> Bahraini authorities actively enforce the laws against prostitution, including child prostitution, procuring and pimping. Violators are dealt with harshly and can be imprisoned and, if the violator is a non-citizen, deported.<sup>139</sup> In some cases, authorities reportedly return children arrested for prostitution and other illicit activities to their families rather than prosecute them, especially for the first offense.<sup>140</sup> Bahraini law does not specifically prohibit trafficking in children, but there are several statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution and immorality, and coercion.<sup>141</sup>

Forced or compulsory child labor is prohibited by the Constitution,<sup>142</sup> and the Government enforces this prohibition effectively.<sup>143</sup> There is no compulsory military service in Bahrain. The minimum age for enlistment into the Bahraini Defense Force is 15 years,<sup>144</sup> although the Government of Bahrain has indicated that enlistees below the age of 18 are not eligible for combat.<sup>145</sup>

Statistics on the number of working children under 14 in Bahrain are unavailable,<sup>146</sup> but reports indicate that child labor is not widespread.<sup>147</sup> Children reportedly work in family businesses.<sup>148</sup> In addition, small numbers of children perform odd jobs in the Manama Central Market.<sup>149</sup>

The Government has developed a national action plan to eliminate the worst forms of child labor.<sup>150</sup> In December 2003, the National Assembly approved the UN Convention on Transnational Organized Crime and the optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>151</sup>

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<sup>138</sup> Penal Code of Bahrain, Articles 324-329, as cited in The Protection Project, "Bahrain," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*; see also *Legislation of Interpol member states on sexual offences against children: Bahrain*, Interpol, available at <<http://www.interpol.int/public/Children/SexualAbuse/NationalLawsold/csaBahrain.asp>>.

<sup>139</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5.

<sup>140</sup> U.S. Department of State, *Country Reports – 2003: Bahrain*, Section 5.

<sup>141</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 336.

<sup>142</sup> *Constitution of the Kingdom of Bahrain*, Articles 13c and 18.

<sup>143</sup> U.S. Department of State, *Country Reports --2004: Bahrain*, Section 6d.

<sup>144</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 302.

<sup>145</sup> U.S. Embassy-Manama electronic communication to U.S. Trade Representative officials, September 15, 2005.

<sup>146</sup> The Government does not collect data pertaining to the number of children engaged in child labor, the nature of extent of child work, or the number of sanctions applied to employers in violation of child labor laws.

<sup>147</sup> See ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, Geneva, March 2003, 24; see also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6d.

<sup>148</sup> U.S. Embassy-Manama, electronic communication, May 17, 2004. While there are no statistics available on underage foreign domestic service workers working in Bahrain, there have been a limited number of cases of foreign minors who have entered the country with false documents to work illegally as domestic service workers. See Gulf Daily News, "Domestic workers face sexual harassment," August 14, 2004, available at <[http://www.gulf-daily-news.com/arc\\_Articles.asp?Article=89210&Sn=BNEW&IssueID=27147](http://www.gulf-daily-news.com/arc_Articles.asp?Article=89210&Sn=BNEW&IssueID=27147)>. There also have been reports that children have been trafficked to Bahrain; see The Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*.

<sup>149</sup> U.S. Embassy- Manama, electronic communication, June 12, 2005.

<sup>150</sup> U.S. Embassy- Manama, *unclassified telegram no. 3448*.

<sup>151</sup> U.S. Embassy- Manama, electronic communication, May 17, 2004; see also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5.

According to the Education Act of 2005, education is free and compulsory for all children, including non-citizens, ages six to 15. Parents who fail to send their children to school, or keep them there, are subject to a fine.<sup>152</sup> In 2001, 98.4 percent of boys were enrolled in basic education, and 97.5 percent of girls were enrolled.<sup>153</sup> The Government provides for school equipment, supplies and transportation and establishes separate schools for boys and girls at all levels.<sup>154</sup> In addition, the Government is working to improve educational quality by hiring additional teachers, reducing class sizes, and offering teacher training and professional development courses for instructors. The Government of Bahrain also has established education and vocational training programs for school dropouts and has taken other measures to encourage regular school attendance.<sup>155</sup>

## E. Acceptable Conditions of Work

### 1. Minimum Wage

By Decree Law No. 3 of 1984, Bahrain ratified Arab Convention No. 15 of 1983 concerning the Determination and Protection of Wages. This Convention provides for the introduction of a minimum wage, which applies to all workers in a member State.<sup>156</sup> Each State must establish a committee, comprising representatives from government, business, and labor, to determine a minimum wage level.<sup>157</sup> In setting the minimum wage, the committee must take into consideration price fluctuations and maintaining a balance between these prices and the cost of living.<sup>158</sup> The committee must review the minimum wage level at least once a year to ensure that actual wages keep pace with the cost of living.<sup>159</sup>

Although Bahrain does not have an official minimum wage, in 2002, the Government issued guidelines advising that public and private sector employers should pay workers no less than 150 dinars (US\$395) per month.<sup>160</sup> The Bahraini government has observed this standard, and, in May 2004, the National Assembly voted to increase the minimum wage for government and military employees to 200 dinars (US\$526) per month.<sup>161</sup> The Government has applied this

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<sup>152</sup> Parents face prosecution if they fail to register a child for primary school at the age of six, or if their child is absent from school with no valid reason for more than 10 days. The Education Act, Law No. 27 of 2005, was published in the Official Gazette, Issue No. 2700, on August 17, 2005. U.S. Embassy-Manama, electronic communication, August 24, 2005; see also Gulf Daily News, "School for All," August 16, 2005, available at <[http://www.gulf-daily-news.com/1yr\\_arc\\_Articles.asp?Article=119570&Sn=BNEW&IssueID=28149](http://www.gulf-daily-news.com/1yr_arc_Articles.asp?Article=119570&Sn=BNEW&IssueID=28149)>.

<sup>153</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

<sup>154</sup> U.S. Department of State, *Country Reports -- 2003: Bahrain*, Section 5; see also UNESCO, *Bahrain National Report: Education For All 2000 Assessment*.

<sup>155</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, paras. 251-64.

<sup>156</sup> Amiri Decree Law No. 3 of 1984 Approving the Ratification by the State of Bahrain of the Arab Convention No. 15 of 1983 concerning the Determination and Protection of Wages, Article 17, 1984; available at <<http://www.bah-molsa.com/english/sec2ch8.htm>>.

<sup>157</sup> *Ibid.*, Article 18.

<sup>158</sup> *Ibid.*, Article 19.

<sup>159</sup> *Ibid.*, Article 20.

<sup>160</sup> U.S. Department of State, *Country Report -- 2004: Bahrain*, Section 6e.

<sup>161</sup> Mohammed Al A'ali, "MPs Vote for BD200 Basic Wage," *Gulf Daily News*, May 12, 2004; available at <<http://www.gulf-daily-news.com/Articles.asp?Article=81373&Sn=BNEW>>; see also U.S. Department of State, *Country Reports -- 2004: Bahrain*, Section 6e.

wage to the lowest ranking government employees.<sup>162</sup> The wage guidelines were not actively monitored for the private sector in 2004, and few unskilled foreign workers earned as much as the guidelines suggest.<sup>163</sup>

The ILO and the International Monetary Fund (IMF) have urged Bahrain and the other Gulf countries to adopt minimum wage policies. In 2002, the Government began studying the feasibility and ramifications of introducing a Minimum Wage Act in Bahrain.<sup>164</sup> A proposal to set the minimum wage for private sector employees at 170 dinars (US\$447) has been presented to the Cabinet as an *iqterah bi raghba*, a proposal sent directly by the Nuwab – the elected chamber of the National Assembly – to the Cabinet for a decision. The Cabinet has yet to make a decision on the minimum wage proposal.<sup>165</sup> According to MOL, once implemented, an official minimum wage would apply equally to Bahraini and foreign workers in agreement with ILO standards.<sup>166</sup>

## 2. Hours of Work

The Labour Law for the Private Sector establishes rules on hours of work and on overtime pay. Workers may work a maximum of eight hours per day up to 48 hours per week, except during the month of Ramadan when work shall not exceed six hours per day and 36 hours per week.<sup>167</sup> Workers are entitled to one day of rest after six consecutive days of work and to annual paid vacations of 21 days after one year of service, which increases to 28 days after five years.<sup>168</sup> The Labour Law for the Private Sector permits 12 hours of overtime per week, unless MOL grants permission for more hours to be worked under very necessary circumstances. Overtime work must be paid at a rate of 25 percent above the normal wage if conducted during the day and 50 percent if completed at night.<sup>169</sup> If a worker is required to work on the day of rest or a holiday, the employer must pay the worker 150 percent of his/her normal wage or grant another day off in lieu of the one worked.<sup>170</sup> Employers who violate hours of work and overtime provisions under Bahraini law are subject to a penalty between 50 and 300 dinars (US\$132 to US\$789), which is to be multiplied by the number of workers affected.<sup>171</sup>

The Labor Inspectorate conducts periodic, comprehensive inspections of private sector enterprises, including verification of employee hours and wages.<sup>172</sup> In 2003, MOL also established a hotline to take complaints about working conditions, including complaints that an

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<sup>162</sup> U.S. Embassy-Manama, electronic communication, August 10, 2005.

<sup>163</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6e.

<sup>164</sup> “Minimum Wage Goal Step Closer,” *Gulf Daily News*, January 10, 2002; available at <<http://www.bah-molsa.com/english/news-2002/news-jan/news10-1-2002.htm>>.

<sup>165</sup> U.S. Embassy-Manama, electronic communication, May 8, 2005.

<sup>166</sup> Meeting between Dr. Majeed Al-Alawi, Minister of Labor and Social Affairs, and U.S. Trade Representative official, May 12, 2004.

<sup>167</sup> *Labour Law for the Private Sector*, Article 78.

<sup>168</sup> *Ibid.*, Articles 80 and 84.

<sup>169</sup> *Ibid.*, Article 79.

<sup>170</sup> *Ibid.*, Articles 80-81.

<sup>171</sup> *Ibid.*, Article 165.

<sup>172</sup> Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Functions of the Labour Inspection Section*. See also Ministry of Labor and Social Welfare, *Employment & Labour Affairs: Labour Inspection: Number of Employees Working in the Section and their Job Functions*.

employer has not abided by working hour regulations or has delayed salary payments. An international NGO trained the hotline staff.<sup>173</sup>

### 3. Occupational Safety and Health

The Labour Law for the Private Sector requires employers to take all necessary precautions to protect the health and safety of workers, including acquainting workers during the hiring process with the hazards of work and all means of protection against those hazards.<sup>174</sup> Employers must provide a first-aid kit, fire extinguishers, clean drinking water, adequate lighting and ventilation, lavatories, and dining facilities at each worksite.<sup>175</sup> They must also provide protective equipment to workers and ensure that the equipment is used. Employers must display safety and health guidelines in the workplace, written in Arabic and the other languages of the workers. In addition, employers must immediately investigate occupational accidents and injuries and report all serious accidents within 24 hours of occurrence to MOL.<sup>176</sup>

Workers must wear protective equipment and use safety guards and exercise care when operating machinery.<sup>177</sup> Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.<sup>178</sup>

Industrial establishments employing 100 workers or more must establish an occupational safety committee, comprising the employer, the heads of each department, the occupational safety officer, the company physician, and two workers' representatives.<sup>179</sup> The committee is responsible for investigating the conditions of work and causes of accidents and injuries.<sup>180</sup> The occupational safety officer is charged with informing workers of the industrial safety requirements in the establishment; regularly inspecting all worksites, safety equipment and appliances; investigating accidents and injuries; choosing personal protective equipment for the workers; and developing an annual prevention awareness plan for workers.<sup>181</sup> Industrial establishments with 25 to 99 workers and non-industrial establishments with at least 50 workers must delegate the responsibility of supervising industrial safety to an employee.<sup>182</sup>

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<sup>173</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>174</sup> *Labour Law for the Private Sector*, Article 90.

<sup>175</sup> *Order on the Organization of the Means of Protection against Occupational Diseases and the Necessary Health Precautions for Safeguarding Workers during Work*, available at <<http://www.bah-molsa.com/english/cond-1.htm>>; *Labour Law for the Private Sector*, Article 94; see also Order No. 21/1997, *The Regulation of Services and Precautionary Measures for the Protection of Workers during Work from the Hazards of Fire*, 1977, available at <<http://www.bah-molsa.com/english/cond.11.htm>>.

<sup>176</sup> *Ministerial Order No. 6 of 2000 with respect to Organization of Industrial Safety in the Establishment*, 2000, Articles 18 and 22.

<sup>177</sup> Order No. 15/1977, *The Organization of Services and Precautionary Measures Necessary for the Protection of Workers during Work from the Hazards of Dangerous Machinery*, 1977, available at <<http://www.bah-molsa.com/english/cond-12.htm>>; Order No. 27/1977, *Respecting the Organization of Industrial Safety Bodies in Establishments: The Determination and Organization of the Necessary Services and Precautions for Protections of Workers during Work for Protection of Workers during Work from Risks Involving Machinery*, 1977, available at <<http://www.bah-molsa.com/english/cond-5.htm>>.

<sup>178</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6e.

<sup>179</sup> *Ministerial Order No. 6 of 2000 with respect to Organization of Industrial Safety in the Establishment*, 2000, Article 7.

<sup>180</sup> *Ibid.*, Article 8.

<sup>181</sup> *Ibid.*, Articles 4-5.

<sup>182</sup> *Ibid.*, Article 4.

The Occupational Safety Department within the Labor Relations Directorate of MOL conducts occupational safety and health inspections and investigates workers' complaints and all fatal occupational accidents and injuries.<sup>183</sup> Inspectors also ensure that workers' housing accommodations meet safety and hygiene standards.<sup>184</sup> In determining which facilities to inspect, the Occupational Safety Department considers past accident records. Inspectors have the authority to shut down facilities, with two weeks notice. In 2005, there were ten safety and health inspectors covering approximately 34,000 active workplaces.<sup>185</sup>

According to the ILO's Safe Work Program, Bahrain had 23 work-related fatal accidents in 2002. There were 11 deaths each in the industrial and service sectors and one death in the agricultural sector.<sup>186</sup>

## VI. Foreign Workers

In 2001, some 180,391 foreign workers were employed in Bahrain, representing 61.9 percent of the employed workforce.<sup>187</sup> Approximately 50,000 foreigners (predominantly from Sri Lanka, Indonesia, India, and the Philippines) were employed as domestic service workers in Bahrain in 2004.<sup>188</sup>

The Labour Law for the Private Sector covers foreign and national workers alike. As mentioned above, however, the law generally does not apply to certain categories of workers, including domestic service workers, certain agricultural workers, 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. Chapter 2 of the law, "The Regulation of Employment of Foreigners," applies to these workers<sup>189</sup> and provides that employers must obtain a work permit from MOL for each foreign worker and are responsible for the cost of repatriation.<sup>190</sup> A work permit is valid for one year and is renewable provided that it does not extend past the expiration date of the worker's residence permit.<sup>191</sup> In addition to the work permit, foreign workers must prove that they are physically fit for employment and are free from infectious diseases.<sup>192</sup> MOL may cancel a foreigner's work permit if the worker (1) cannot prove his/her fitness for employment, (2) competes with national workers in the labor market, (3) is

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<sup>183</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Occupational Safety & Health – Functions and Activities of the Section*, available at <<http://www.bah-molsa.com/english/oss5.htm>>; see also Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Occupational Safety & Health – Functions & Activities of the Unit of Accidents' Inspection and Investigation*, available at <<http://www.bah-molsa.com/english/oss6.htm>>.

<sup>184</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>185</sup> Labor Consultations between Ministry of Labor officials and U.S. Government officials, September 5-7, 2005.

<sup>186</sup> ILO, *Occupational Accidents, 2002: Asia, according to ILO Regions*, In Focus Programme on Safety and Health at Work and the Environment, available at <[http://www.ilo.org/public/english/protection/safework/accidis/globest\\_2002/reg\\_asia.htm](http://www.ilo.org/public/english/protection/safework/accidis/globest_2002/reg_asia.htm)>.

<sup>187</sup> 2001 is the most recent year for which Bahraini census data are available. See ILO, *Employment, Social Protection and Social Dialogue: An Integrated Policy Framework for Promoting Decent Work in Bahrain*, Geneva, March 2002, 6-7

<sup>188</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Sections 6c.

<sup>189</sup> *Labour Law for the Private Sector*, Article 3, as amended by Legislative Decree No. 14 of 1993; see also "Rights Guide for Expat Workers," *Gulf Daily News*, April 4, 2004.

<sup>190</sup> *Labour Law for the Private Sector*, Articles 3 and 7, as amended by Legislative Decree No. 14 of 1993, Articles 3 and 7.

<sup>191</sup> *Labour Law for the Private Sector*, Article 5.

<sup>192</sup> *Ibid.*, Articles 3, 4, and 7, as amended by Legislative Decree No. 14 of 1993, Articles 3, 4, and 7.

unemployed for over one month, or (4) works for someone other than the employer who obtained his/her work permit.<sup>193</sup>

According to MOL, foreign workers may terminate their employment contracts at any time to return to their native countries.<sup>194</sup> After one year in service, foreign workers, with the exception of domestic service workers, may seek to change employment if they receive a written release from their employer. After two years of employment under their sponsor, they may change jobs without approval and remain in Bahrain for the remainder of time allowed by their work permits, provided that they give three months notice.<sup>195</sup>

While there have been reports of abuse of foreign workers in Bahrain, primarily against domestic service workers and construction workers, Bahraini authorities are working to stop such practices. Many foreign workers are unaware of their rights under Bahraini law, but authorities are making efforts to educate them by providing incoming foreign workers pamphlets on workers' rights, distributing manuals on workers' rights to local diplomatic missions and manpower agencies, and running informative ads on national television.<sup>196</sup> Of those workers who are aware, many are unable to obtain written release from their employers to attain a new job legally. MOL investigates complaints made by foreign workers, including domestic service workers, against their employers. However, many workers do not report abusive working conditions for fear of deportation or employer retaliation.<sup>197</sup> The Labor Inspectorate of MOL investigates complaints of foreign workers who are fully covered under the Labour Law for the Private Sector, while the Labor Relations Directorate handles the labor disputes concerning domestic service workers.<sup>198</sup> To report a problem, a domestic service worker must fill out a complaint form. Upon receiving the form, the Ministry attempts to resolve the problem through mediation, but, if this fails, MOL refers the issue to the courts where the domestic service worker is appointed an attorney.<sup>199</sup>

According to MOL, the majority of complaints that it receives from foreign workers are from construction workers who have not been paid their salaries.<sup>200</sup> In 2004, there were several cases of employers in Bahrain who withheld workers' salaries for months and even years, took their passports, and refused to repatriate the workers.<sup>201</sup> Employers found guilty of the forced labor of

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<sup>193</sup> *Labour Law for the Private Sector*, Article 6.

<sup>194</sup> Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

<sup>195</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Sections 6c and 6e; see also U.S. Department of State, *Trafficking in Persons Report – 2003: Bahrain*, Washington, D.C., June 11, 2003, available at <<http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>>.

<sup>196</sup> U.S. Department of State, *Country Reports – 2003: Bahrain*, Section 6f. See also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5, 6c, and 6e; see also Almezal, "Bahrain to Check Exploitation of Expats."

<sup>197</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Sections 5, 6c and 6e.

<sup>198</sup> Ministry of Labor and Social Affairs, *Employment & Labour Affairs: Functions of the Labour Affairs Section*; see also Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

<sup>199</sup> Simel Esin and Monica Smith, eds., *Gender & Migration in Arab States: The Case of Domestic Workers*, ILO, Beirut, June 2004 at 29.

<sup>200</sup> Ministry of Labor and Social Affairs, Labor Relations Directorate, as provided by the Labor Officer, U.S. Embassy-Manama, electronic communication to U.S. Department of Labor official, August 18, 2004.

<sup>201</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

foreign workers are subject to a fine between 500 to 1,000 dinars (US\$1,316 to US\$2,632), and the fines may be doubled for repeat offenses.<sup>202</sup>

In 2004, some domestic service workers in Bahrain reportedly worked 12 to 16 hours per day; were subjected to various forms of physical abuse, including beatings and sexual assault, and had their passports taken by their employers.<sup>203</sup> Domestic service workers primarily seek help from their embassies, the hospital, or the police.<sup>204</sup> There have been instances where police have returned runaway housemaids to their employers.<sup>205</sup> Complaints by domestic service workers of non-payment of wages or their employers' refusal to repatriate them are generally referred to MOL, while extreme cases of mistreatment, such as beatings, sexual harassment, or rape, are handled by the police and may be referred to the courts for criminal prosecution.<sup>206</sup> Eighty-four complaints were filed by domestic service workers in 2003, 46 of which were settled and 38 of which went to court. In 2003, MOL also closed 63 of 140 manpower agencies because they referred domestic service workers to repeat abuser employers, among other things.<sup>207</sup> In 2004, MOL revoked the licenses of two manpower agencies for overcharging domestic service workers for processing work contracts, and another two were under investigation for allegations of raping domestic service workers.<sup>208</sup>

Another issue concerning foreign workers is "free visa" workers, i.e., persons working in Bahrain who have no valid sponsorship to work legally in the country.<sup>209</sup> Free visa workers include workers who have stayed after the expiration of their work permits, have run away from their sponsors, or were forced by their sponsors upon arrival to find other employment in order to pay "fees" imposed by their sponsors for the right to remain in the country.<sup>210</sup> In 2001, the Government of Bahrain granted amnesty to illegal foreign workers in an effort to end the free visa cycle.<sup>211</sup> In May 2004, the Government introduced measures aimed at identifying and deporting illegal foreign workers and prosecuting their employers. The new measures require the Ministry of the Interior and MOL to conduct joint inspections of worksites and transfer any illegal foreign workers found to the police, at which time they will be placed in a government

<sup>202</sup> Labor Consultations between Ministry of Labor and Social Affairs Officials and U.S. Government Officials, January 28, 2004; see also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>203</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Sections 5 and 6c; see also "Domestic workers face sexual harassment," *Gulf Daily News*, August 15, 2004, available at <[http://www.amanjordan.org/english/daily\\_news/wmview.php?ArtID=4691](http://www.amanjordan.org/english/daily_news/wmview.php?ArtID=4691)>.

<sup>204</sup> Ministry of Labor and Social Affairs, Labor Relations Directorate, as provided by the Labor Officer, U.S. Embassy-Manama, electronic communication to U.S. Department of Labor official, August 18, 2004.

<sup>205</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>206</sup> Simel Esin and Monica Smith, eds., *Gender & Migration in Arab States: The Case of Domestic Workers*, 28.

<sup>207</sup> U.S. Department of State, *Trafficking in Persons Report – 2004: Bahrain*; see also Almezal, "Bahrain to Check Exploitation of Expats."

<sup>208</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 5.

<sup>209</sup> ILO, *Employment, Social Protection and Social Dialogue: An Integrated Policy Framework for Promoting Decent Work in Bahrain*, 6.

<sup>210</sup> The ILO has observed the following reasons that female domestic service workers in Bahrain run away: non-payment of salary; physical or psychological abuse or sexual harassment; excessive work; isolation, with no permission to leave the house; withholding the worker's passport (especially at the end of the contract); inadequate food or medical treatment; jealousy on the part of the Madam of the house; and misinformation about the nature of the work for which she was hired. See Simel Esin and Monica Smith, eds., *Gender & Migration in Arab States: The Case of Domestic Workers*, 28; see also ILO, *Employment, Social Protection and Social Dialogue: An Integrated Policy Framework for Promoting Decent Work in Bahrain*, 6; U.S. Department of State, *Trafficking in Persons Report – 2004: Bahrain*.

<sup>211</sup> "Bahrain Cracks Down on Free Visa Cycle," *Gulf Daily News*, June 26, 2001, available at <<http://www.bahmolsa.com/english/news/news26-6-2001a.htm>>.



shelter and deported. If the worker files a lawsuit against the employer, his/her embassy generally handles the case, sending any monetary awards to the worker in his/her home country.<sup>212</sup> An employer found guilty of employing an illegal foreign worker is subject to a fine between 500 to 1,000 dinars (US\$1,316 to US\$2,632) per worker and must also pay the deportation expenses, i.e., the cost of repatriation and the expenses incurred for sheltering the worker. If a worker runs away, the sponsor must file a missing worker report and post a bond of 250 dinars (US\$658) with MOL. Sponsors who fail to report missing workers may be given a citation.<sup>213</sup> Claims of runaway workers have decreased dramatically since the requirement went into effect.<sup>214</sup>

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<sup>212</sup> Soman Baby, "Tough Free Visa Clamp on Way," *Gulf Daily News*, May 26, 2004, available at <http://www.bahmolsa.com/english/newsArchive.asp?hNewsID=732&hPage=5>.

<sup>213</sup> Ibid.; see also U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.

<sup>214</sup> U.S. Department of State, *Country Reports – 2004: Bahrain*, Section 6c.