

BAHRAIN (2000-2017)1

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

REPORTING	Fulfilment of government's reporting obligations	YES , except for the 2011 Annual Review (AR). No change reports for the 2004, 2005 and 2009-2010 Annual Reviews (ARs).		
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the Bahrain Chamber of Commerce and Industry (BCCI), the General Federation of Bahrain Trade Unions (GFBTU) and the Bahrain Free Labour Unions Federation (BFLUF) through written and oral consultations		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2014 AR: Observations by the BCCI.2013 AR: Observations by the BCCI.		
		2008 AR: Obser	vations by the BCCI. vations by the BCCI.	
	Workers' organizations		vations by the BCCI. vations by the GFBTU.	
		2014 AR: Obser	vations by the BFLUF. vations by the GFBTU.	
		2013 AR: Obser	vations by the BFLUF. vations by the GFBTU	
		2011 AR: Obser	vations by the GFBTU. vations by the GFBTU.	
		2009 AR: Obser	vations by the GFBTU. vations by the GFBTU. vations by the GFBTU.	
		2007 AR: Observations by the GFBTU. 2006 AR: Observations by the GFBTU.		
		2003 AR: Observations by the ICFTU.2001 AR: Observations by the ICFTU.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bahrain ratified in 2000 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).	
		Ratification intention	Under consideration, since 2000, for C.100. 2017 AR: According to the Government: National Laws are not fully aligned to the fundamental of the conventions No 100. The ratification of the Convention is thus presently unlikely.	

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: http://webfusion.ilo.org/public/db/standards/normes/libsynd.



2015 AR: According to the Government: There is still an assessment exploring the way forward in the ratification process of C.100.

BFLUF reiterated its support for the ratification of C.100 and indicated that still no discussions about the ratification of C.100 were ongoing. The GFBTU reiterated its support for the ratification of C.100 and indicated that no progress had been made in the ratification

process and expressed concern over lack of

political will.

2014 AR: According to the Government: Ratification of C.100 is still under consideration. However, it is currently on hold as the Government is unable to move forward with the ratification process as some issues are pending under C.111. All provisions of C.100 are provided for in the new labour law adopted in August 2012.

The BCCI expressed its support for the ratification of C.100.

The GFBTU reiterated its support for the ratification of C.100 and indicated that no progress had been made in the ratification process.

The BFLUF, established in July 2012, expressed its support for the ratification of C.100 and indicated that no discussions about the ratification of C.100 were ongoing.

2013 AR: The Government indicated that the ratification of C.100 would be done after new discussions and consensus within the Social Economic Council and adoption of new Acts in line with the principle and right (PR).

The BCCI confirmed that tripartite discussions were being carried out to better implement and realize the PR in the country. It further indicated that the ratification of C.100 would be an important step forward after the 2011 political crisis.

The GFBTU expressed its genuine support for the ratification of C.100, underlining that it's a priority in terms of ensuring equal remuneration for women and migrant workers.

2012 AR: According to the Government: At this stage, the Cabinet has not formed a common position regarding ratification of C.100, but it has emphasized that a more enabling environment is created for realizing the PR.

The BCCI indicated that the ratification of C.100 has not yet been considered.

The GFBTU stated that ratification of C.100 should be dealt with a priority.

2009 AR: The GFBTU stated its support for the ratification of C.100.

2008 AR: According to the Government: It is planning to establish a Tripartite Committee that



		would deal with the ratification of the remaining
		ILO fundamental conventions.
		The BCCI hoped that the Tripartite Committee would be set up very shortly.
		The GFBTU supported the ratification of C.100.
		2007 AR: According to the Government: A
		tripartite committee should be set up to study and make recommendations on further ratification of
		ILO fundamental Conventions, including C.100.
		According to the BCCI and the GFBTU: A tripartite committee should be set up to study and
		make recommendations on further ratification of ILO fundamental Conventions, including C.100.
		This Convention should be ratified by Bahrain to
		eliminate discrimination at work. 2006 AR: According to the GFBTU: The
		Government should ratify C.100, as well as other ILO fundamental Conventions so that Bahrain
		can fit with social globalization.
		2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001):
		The Government was examining C.100 with a view to ratifying it.
Decree 44 and 64b	G	, ,
Recognition of the principle and right	Constitution	YES. The 2002 Constitution (articles 4, 8, 14, 16 and
(prospect(s), means of Action, main		18) provides that equality and equal opportunity between all citizens are guaranteed.
legal provisions)		between an enizens are guaranteed.
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	Policy/Legislati on and/or	Policy: 2001 AR: According to the Government: The
		2001 AR: According to the Government: The Government's policy is set out in the Bahrain
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	Involvement of the social partners	2015 AR: Accord through the tripart	ing to the Government: Social dialogue is ongoing tite councils.
Prevention/monitoring, enforcement and sanctions mechanisms		and the national guarantee the real 2000 AR: Accord Labour Act amen have the right to l	ling to the Government: Under section 155 of the ded by Decree No. 14 of 1993, domestic servants odge complaints with the Minister for Labour and do can take the dispute to the courts if it is not
		Information/ Data collection and dissemination	2008 AR: According to the Government: Statistics on Bahraini Women were published in 2007.
	Exercise of the principle and right	Special attention to particular situations	2015 AR: BFLUF has expressed its concerns about the situation of expatriate workers and women representation in general. GFBTU is especially advocating for women's rights. 2013 AR: The GFBTU expressed its commitment to improving the rights of women workers, and mentioned that it had been promoting the introduction of maternity leave in Bahrain. 2003 AR: According to the Government: Specific measures have been implemented to respect, promote, and realize the PR, for the following categories of workers: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in EPZs; and (vii) migrant workers. 2000 AR: According to the Government: Women and the disabled.
		Judicial decisions	origin, and religion.
		Grounds of discrimination	2002 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of language,
		Basic legal provisions	(i) The Constitution (articles 4, 8, 14, 16 and 18); (ii) the Bahrain Labour law (No. 36 of 2012), which repealed and replaced the Bahrain Labour Act, 1976 (employment of women, disabled persons and young persons); and (iii) the Employment Act.
			King of Bahrain. However, the GFBTU is unaware whether the final version of the proposed Act incorporates the provisions of C.100 and fears that it may not be in line with international labour standards (ILS).



2014 – 2015 AR: The GFBTU reiterated that it was not invited to
participate in social dialogue and not consulted in the legal
amendment process that had taken place.

2013 AR: The BCCI mentioned its participation in the tripartite discussions to amend the existing national Acts and ensure compliance with the FPRW including C.100.

The GFBTU indicated that although they had participated earlier on in the legal amendment process, they had not been consulted or informed of the final version of the revised Acts.

Promotional activities

2015 AR: According to BFLUF: The High Council of Women is still operational, but women should also be further educated and encouraged to take leadership roles. It further indicated that there were two regional women's rights workshops with a representation of 15 countries in December 2014 and February 2015 as the situation of women still remains a concern.

GFBTU reported that it was cooperating with human rights organizations and civil society and has specialized national trainings for women, youth and migrant workers.

2014 AR: The BCCI stated that it had carried out several training activities and awareness raising campaigns for the ratification of C.100, including several training activities.

The GFBTU reported that it was working jointly with human rights organizations and the civil society to stop all forms of discrimination and promote equal remuneration. The GFBTU further indicated that it was also undertaking activities aiming to introduce a minimum wage in the country, as a means to ensure equal remuneration.

According to the BFLUF: Activities have been carried out to promote the establishment of a minimum wage with a view to ensure equal remuneration. The BFLUF is also participating in the High Council of Women, where it promotes equal remuneration and attempts to address problems related to restrictions in the citizenships of women. Furthermore, the BFLUF supports migrant workers' rights to organize and to equal remuneration for work of equal value.

2013 AR: The GFBTU expressed its commitment to improving the rights of women workers, and mentioned that it had been promoting the introduction of maternity leave in Bahrain.

2011 AR: The GFBTU mentioned its participation in the Kuwait Regional Workshop on Migrant Workers' Rights organized in July 2010 in cooperation with AFL-CIO and the ILO. Issues pertaining to the PR were discussed during this activity.

2010 AR: According to GFBTU: In 2009, many activities were conducted as part of GFBTU's promotional initiatives for the ratification of C.100 by Bahrain, including several training activities. Moreover, the Labour Day has been organized with intensive participation of all the trade unions and civil societies, and during the afternoon demonstration slogans urged the Government to ratify C.100, among others.

2009 AR: The GFBTU indicated that it was carrying out public awareness-raising activities on C.100.

2008 AR: The Government indicated that it had promoted Bahraini books on women in Bahrain. It added that along with the BCCI and the GFBTU, it had participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman. On this occasion, FOA and collective bargaining had been discussed. It added that two workshops were organized in March and May 2007 in collaboration with the International Trade Union Confederation (ITUC), one



	Special initiatives	on the right to em 2007 AR: The Go their participation the ILO Declarat Kuwait City in Ap 2012 AR: Accord to allow migrant v 2010 AR: The Gl to the Parliamen ratification of the	rolvement of women in trade unions and the second ployment and occupation of women. overnment, the BCCI and the GFBTU referred to a in the Fourth ILO/GCC Regional Workshop on tion and International Labour Standards held in pril 2006. Using to the Government: Measures are being taken workers to benefit from a minimum wage. FBTU indicated that it had issued an official letter t in April 2008 highlighting the importance of ese two fundamental Conventions and urging the ament to press the Government accordingly.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	 2014 AR: According to the BCCI: Legislation is yet a challenge is Bahrain, together with ethnic and religious discriminations. 2007 AR: The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.
		Workers' organizations	2014–2015 ARs: According to GFBTU: Difficulties in ensuring equal remuneration are related to the lack of collective bargaining practices and the lack of a minimum wage. Furthermore, lack of awareness and recognition of the problems related to discrimination in terms of equal remuneration by Parliamentarians is hampering the process of enacting necessary laws to ensure the provisions of C.100 in the national legislation. The last attempt made by the Government to bring about legal amendments was obstructed by Parliamentarians arguing that discrimination did not exist in the country. According to the BFLUF: One of the main challenges in ensuring equal remuneration is the lack of capacity of labour inspectors. 2013 AR: According to the GFBTU: There are serious challenges related to discrimination in terms of equal remuneration in Bahrain, particularly with respect to migrant workers and women workers. There are great differences between national and migrant workers as regards working conditions. In terms of gender equality, there are legal provisions for equal pay for work of equal value, but the main challenge lays in the structural problem that women never reach higher positions. It is crucial to ensure that any legal amendments are in line with ILS and the provisions of C.100 and implemented as such. Furthermore, the norms of the society pose a serious obstacle as concerns the improvement women's rights, as these norms and the current system have favoured men to occupy senior positions, as employers or government officials. Even if legal amendments and ratification of C.100 take place, the structural barriers will have to be addressed in order to enable women to have equal access to higher positions and getter better pay.



			 2012 AR: According to GFBTU: The main challenge preventing the ratification of C.100 is the absence of the Executive's will to adopt new Acts. 2008 AR: The GBFTU indicated that a specific chapter of the Labour Act dealing with women was amended during the review without consultation with employers' and workers' organizations. 2007 AR: The GBFTU observed that equal representation between men and women should be promoted in training seminars. 2006 AR: According to the GFBTU: Forms of wage discrimination persist in Bahrain. 2001 AR: According to the ICFTU: (i) there is no recognition of the concept of "equal pay for work of equal value"; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion; and (iii) illiteracy rate is higher among women.
	According to the Government	lack of capacity of the Ministry of I resources as an en 2013-2014 ARs challenges to the Acts and lack of the PR by the social prepresentation be training seminars. 2003 AR: In responsible to the PR by the social prepresentation be training seminars. 2003 AR: In responsible to the PR by the social prepresentation be training seminars.	: According to the Government: The main realization of the PR in the country are inadequate ripartite capacity building and understanding of the partners. Sovernment shares the GBFTU's view that equal tween men and women should be promoted in
TECHNICAL COOPERATION	Request	2017 AR: The Government specified ILO technical assistance is required to build the capacity of responsible government institutions, and to provide to other officials (e.g. police, judiciary, social workers, teachers). For instance, labour inspectors need to be trained on how to verify discrimination case. 2015 AR: The Government reiterated the request for ILO technical cooperation as made under the 2012-2013ARs concerning training and capacity building activities through the DWCP. BFLUF mentioned that ILO should support the inclusion of more federations into the discussion not only ITUC. 2014 AR: The Government reiterated the request for ILO technical cooperation it made under the 2013 AR as regards to training of new labour inspectors on the PR and strengthening the capacity of tripartite partners. The Government also underlined the importance of ILO technical cooperation to restart the implementation of the Decent Work Country Programme (DWCP) as soon as possible, as it is critical in building the capacity of the tripartite partners and enabling the Government to move ahead with the ratification of C.100 and realize the FPRW. According to the BCCI: ILO expertise is needed to enhance the importance of non-discrimination in employment.	



		The GFBTU expressed its strong wish for ILO technical cooperation to continue to support the ratification of C.100, despite the Government's refusal of entry of ILO experts into the country in 2012. Concerning the implementation of the DWCP, the GFBTU indicated that it would not be meaningful to restart the programme until the current situation in the country in respect of workers' rights and employment practices has improved.
		The BFLUF mentioned that the ILO DWCP should strengthen the capacity of labour inspectors. 2013-2014 ARs: The Government requested ILO's technical cooperation in the following areas: (i) training of new labour inspectors on the PR; (ii) strengthening the capacity of tripartite partners and the Social Economic Council, and; (iii) ILO expertise to support the Decent Work Country Programme (DWCP) implementation in Bahrain.
		According to the BCCI and the GFBTU: Following tripartite consultations, a DWCP was signed in 2010. Due to the political crisis which hit the country early 2011, the implementation of the DCWP is yet to start and ILO support is crucial in this regard.
		2012 AR: The GFBTU requested ILO technical support to advocacy for the ratification of C.100.
		2010 AR: According to the GFBTU: All members of the relevant tripartite Committees should participate in workshops on the 1998 ILO Declaration and its follow-up, including issues concerning equal pay for work of equal value. This training activity is necessary, as Bahrain was selected by the ILO as a model country within the Decent Work Agenda.
		2009 AR: The GFBTU indicated that the ILO's cooperation was needed in the area of cooperation with other countries on the methods of institutionalization of C.100.
		2007 AR: The BCCI requested ILO technical cooperation for capacity building, enterprise development, organizational management and productivity in relation with the PR.
		The GBFTU requested ILO technical cooperation to sensitize its members on discrimination issues.
		2006 AR: According to the GFBTU: ILO technical cooperation would be necessary in organizing a national tripartite workshop on ILO Fundamental Conventions in Bahrain, so as to identify challenges and solutions and pave the way to ratification.
		2003 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Bahrain exists in the following priority areas: (i) establishing or strengthening specialized institutional machinery; (ii) data collection and information analysis.
	Offer	ILO (DWCP).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	 2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Bahrain, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3). 2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (cf. paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4). 	



2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).

2003 AR: The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).

2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).

2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).

GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS

2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.

2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.

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

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

INTERNATIONAL LABOUR CONFERENCE RESOLUTION

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

2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed norm/---relconf/documents/meetingdocument/wcms 143164.pdf.