



## Governing Body

313th Session, Geneva, 15–30 March 2012

GB.313/INS/13/1

Institutional Section

INS

Date: 27 March 2012

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### THIRTEENTH ITEM ON THE AGENDA

## Reports of the Officers of the Governing Body

### Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution

#### Purpose of the document

This document provides information on the follow-up given to the Governing Body's decision taken at its 312th Session (November 2011) concerning the abovementioned article 26 complaint. The Governing Body is invited to consider the point for decision in paragraph 9.

**Relevant strategic objective:** Standards and fundamental principles and rights at work.

**Policy implications:** This document relates to article 26 of the ILO Constitution concerning the procedure for the establishment by the Governing Body of a Commission of Inquiry. It has a direct link with the international labour standards policy of the Organization.

**Legal implications:** Not at this stage.

**Financial implications:** Not at this stage.

**Follow-up action required:** The International Labour Standards Department shall ensure the coordination of the technical assistance that may be requested under paragraph 9(d).

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.312/INS/16/1.



1. By a letter dated 15 June 2011 addressed to the Secretary-General of the International Labour Conference, a number of Workers' delegates at the 100th Session (2011) of the International Labour Conference presented a complaint under article 26 of the ILO Constitution against the Government of Bahrain for grave violations to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The letter was signed by nine titular delegates: Sir Leroy Trotman (Barbados), Mr Bheki Ntshanlitnshali (South Africa), Mr Juio Roberto Gómez (Colombia), Ms Barbara Byers (Canada), Ms Raviatou Diallo (Guinea); Mr Abdessalam Jerad (Tunisia); Mr Sam Gurney (United Kingdom), Ms Sarah Fox (United States), Ms Trine Lise Sundness (Norway); two adviser and substitute delegates: Mr Luc Cortebeeck (Belgium) and Mr Yves Veyrier (France) and one adviser: Mr Hadja Kaddous (Algeria). In a letter dated 24 August 2011, additional information was submitted.
2. Furthermore, at its 22nd plenary sitting held on 22 June 2011, Mr Luc Cortebeeck made a statement introducing briefly the complaint with the purpose of serving notice to the Government of Bahrain and to all members of the Conference.<sup>1</sup>
3. At the 311th Session of the Governing Body (June 2011), Mr Luc Cortebeeck, the Worker Vice-Chairperson of the Governing Body, orally informed the Governing Body of the complaint presented during the Conference.
4. By a communication dated 23 September 2011, the Government submitted observations regarding the complaint, which were then withdrawn through a communication of 26 October 2011. The Government submitted its revised observations in a communication dated 31 October 2011.
5. During its 312th Session (November 2011), the Officers of the Governing Body submitted a report to the Governing Body,<sup>2</sup> which took note of the proposal of the Government of Bahrain to:
  - (a) establish a tripartite committee comprised of one member nominated by the Government, one member nominated by the General Federation of Bahrain Trade Unions and one member nominated by the Bahrain employers;
  - (b) ensure that the tripartite committee has access to all relevant documents and meets weekly to address, with the assistance of independent legal advice (ILO) if requested by the Government or the workers' or employers' representatives, the issue of dismissals and reinstatements referred to in the complaint and provide minutes of its meetings to the International Labour Office;
  - (c) provide two written progress reports to the Director-General, one in January and the second in February 2012, which would include the current individual employment status of each worker who has been alleged to have been inappropriately dismissed during the relevant period. Where appropriate, any additional information would be provided before the beginning of the March 2012 Governing Body session.
6. The Governing Body, on the recommendation of its Officers, invited the Director-General to provide any requested legal guidance or support to the Government of Bahrain or the workers' or employers' representatives in this process, and to report on the situation to the Governing Body at its next session in March 2012. The Governing Body also took note

<sup>1</sup> See *Provisional Record* No. 30, International Labour Conference, 100th Session, Geneva, 2011, pp. 34–35.

<sup>2</sup> See GB.312/INS/16/1.

that, on this basis, the Officers had deferred all consideration of the complaint until the next session of the Governing Body in March 2012.<sup>3</sup>

7. In view of the above decision of the Governing Body and in response to a request received by the General Federation of Bahrain Trade Unions (GFBTU) to the ILO Director-General dated 3 February 2012, the Director-General decided to send a mission to Bahrain. The mission, headed by Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department, visited the country from 29 February to 11 March 2012. The Government of Bahrain, the GFBTU and the Bahrain Chamber of Commerce and Industry (BCCI) provided the mission with their full support and made available to it all the information requested. In the course of the mission, on 11 March 2012, the tripartite constituents signed a “Tripartite Agreement concerning the issues raised in the framework of the Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution”. The agreement is attached as Appendix I.
8. By a letter dated 20 March 2012 addressed to the Director-General and received on 21 March, the Minister of Labour of the Kingdom of Bahrain, His Excellency Jameel Mohamed Ali Humaidan, submitted a progress report of the tripartite committee which contains further progress achieved since the signing of the Tripartite Agreement. The Minister indicated that the tripartite committee has agreed that the Tripartite Agreement should be deemed as an alternative to the first progress report and that the communication of 20 March is thus the second progress report. This communication is attached as Appendix II.
9. *In the light of the above, the Officers therefore recommend to the Governing Body to consider the following options:*
  - (a) *to defer all consideration of the complaint presented until the 316th Session of the Governing Body in November 2012;*
  - (b) *to request the Government to continue to provide reports on the effective implementation of the Tripartite Agreement signed by the tripartite constituents of Bahrain on 11 March 2012 and to report to the Governing Body at its 316th Session (November 2012) on the progress made to fully implement its provisions;*
  - (c) *to request the Director-General to write to the Government, the GFBTU and the BCCI welcoming the significant progress made and inviting them to continue in this positive direction: and*
  - (d) *to request the Director-General to take the necessary measures to provide all the technical assistance required by the tripartite constituents, if requested by the Government or the workers’ or employers’ representatives, to ensure the effective implementation of the Tripartite Agreement and to report to the Governing Body at its 316th Session (November 2012) on the progress made.*

*Point for decision:* Paragraph 9

<sup>3</sup> See record of decisions, decision on the 16th item on the agenda, 18 Nov. 2011.

## Appendix I

### **Tripartite Agreement concerning the issues raised in the framework of the Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No.111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution**

It will be recalled that at the 100<sup>th</sup> Session ( June 2011) of the International Labour Conference, a Complaint was filed by a number of Workers' delegates at the Conference against the Government of Bahrain concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No.111), under article 26 of the ILO Constitution (The Complaint). The Complaint alleges that following the events of February 2011 in Bahrain, suspensions and various forms of sanctions, including dismissals, were imposed on over 2,000 workers from both the public and the private sectors, including trade unionists, union members and leaders, as a result of peaceful demonstrations demanding economic and social changes and expressing support for on-going democratization and reform. The Complaint alleges that these dismissals took place on grounds such as workers' opinions, belief and trade union affiliation.

The ILO Governing Body at its 312<sup>th</sup> Session in November 2011 approved the proposal of its Officers which took note of the proposal of the Government of Bahrain to:

- “(a) establish a tripartite committee comprised of one member nominated by the Government, one member nominated by the General Federation of Bahrain Trade Unions and one member nominated by the Bahrain employers;
- (b) ensure that the tripartite committee has access to all relevant documents and meets weekly to address, with the assistance of independent legal advice (ILO) if requested by the Government or the workers' or employers' representatives, the issue of dismissals and reinstatements referred to in the complaint and provide minutes of its meetings to the International Labour Office;
- (c) provide two written progress reports to the Director-General, one in January and the second in February 2012, which would include the current individual employment status of each worker who has been alleged to have been inappropriately dismissed during the relevant period. Where appropriate, any additional information would be provided before the beginning of the March 2012 Governing Body session.”

The Governing Body, on the basis of the proposal of its Officers, invited the Director-General to provide any requested legal assistance or support to the Government of Bahrain or the workers' or employers' representatives in this process, and to report on the situation to the Governing Body at its next session in March 2012.

In view of the above decision of the Governing Body and in response to a request received by the GFBTU, the ILO Director General decided to send a Mission to Bahrain. The Mission, headed

by Ms. Cleopatra Doumbia-Henry, Director of the International Labour Standards<sup>1</sup>, visited the country from the 29 February to 11 March. The Government of Bahrain, the General Confederation of Bahrain Trade Unions (GBFTU) and the Bahrain Chamber of Commerce and Industry (BCCI) provided the Mission with their full support and made available to it all the information requested.

The Mission also met with the Deputy Prime Minister, His Highness Mohammed Bin Mubarak Al-Kalifa, Deputy Prime Minister His Excellency Khaled Bin Abdallah Al Khalifa, the Minister of Labour, His Excellency Jameel Humaidan and the Minister of Human Rights and Social Development, Her Excellency Dr. Fatima Al Balooshi, Minister of Health, His Excellency Sadek El Shahabi, the Chair of the Civil Service Bureau, Mr. Ahmed Al Zayed and the Chairman of the National Follow-up Committee for the implementation of the Recommendations of the Bahrain Independent Commission of Inquiry (BICI) Report, Mr. Ali Saleh el Saleh, who is also the Head of the Shura Council.

The Government of Bahrain, the GBFTU and the BCCI (The Parties) wish to confirm that they have made significant efforts to resolve all of the issues raised in the framework of the above-mentioned Complaint which the ILO Mission was able to witness. The Parties also confirm their commitment to fully implement the relevant recommendations contained in the BICI which was headed by Professor Bassiouni.

Taking into account the progress made to date, we have agreed on the following:

As a consequence of the events of February-March 2011, over 2,200 workers were dismissed from the public-private companies and the purely private companies. In the public-private companies, 1, 520 workers were dismissed while over 697 workers from the purely private companies have been dismissed.

According to the Government, 180 civil servants were dismissed, and 1,631 were suspended for a period not exceeding ten days without pay. The implementation of these suspensions is continuing. In addition, 219 were suspended with half pay and were subject to criminal referrals. Out of the 219 suspended civil servants who were subject to criminal referrals, cases have been closed in respect of 155 civil servants with 64 civil servants remaining suspended with half pay pending resolution of their criminal cases. A further 20 medical professionals have been convicted and are currently suspended without pay awaiting the outcome of their appeal. On March 10, an announcement by the Attorney General that 15 out of the 20 medical professionals would have the criminal charges dropped and their cases would be referred instead to the Medical Disciplinary Board. The lifting of the criminal charges will result in the reinstatement of the 15 medical professionals with back pay.

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<sup>1</sup> Other members of the Mission were Ms. Karen Curtis, Deputy Director; Ms. Shauna Olney, Coordinator, Equality Conventions; Mr. Walid Hamdan, Senior Workers' Specialist; Mr. Gary Rynhart, Senior Employers' Specialist.

For the GFBTU, 246 civil servants were dismissed, while 415 were suspended.

According to the Government, the total number of workers affected on the basis of the above data is over 4, 200. This number does not take into account of the numbers that were dismissed in other Governmental institutions which do not fall under the umbrella of the Civil Service Bureau. According to the GFBTU, 65 workers in Governmental institutions not covered by the Civil Service Bureau were suspended and 145 were dismissed.

At the date of signature of this Agreement, according to the Government out of the 2,050 civil servants who were the subject of a disciplinary process or penalty, including dismissal, all have been reinstated except for 64 who remain under a criminal referral and one who had a criminal conviction. According to the GFBTU 168 of the 246 civil servants who were dismissed have been reinstated with 78 still suspended; and in the non-civil service governmental sector 54 of the 65 suspended workers have been reinstated and 96 out of the 145 dismissed workers have been reinstated.

Concerning the public-private companies, out of 1,520 workers who had been dismissed, all have been reinstated or are in the process of reinstatement. The Government has committed to the reinstatement of all the workers concerned.

Concerning the purely private sector, according to the Government, out of over 697 cases of dismissals reviewed, 141 have been reinstated and 301 have been re-employed in other enterprises. According to the GFBTU, out of 734 workers dismissed, 193 have been reinstated and the Government has submitted a list of 176 workers who have been re-employed and should be verified by the GFBTU. The Government and the BCCI have undertaken to take all necessary action to find alternative employment for the remaining workers who seek placements.

The Parties agree to continue their efforts to ensure the full reinstatement in both public and private sectors of all the remaining workers to the maximum extent possible no later than 30 May. Where reinstatement is not possible, adequate compensation should be paid as well as social insurance benefits. The Parties note that majority of workers who have not yet been reinstated were working in small enterprises. The Government has committed to continue to work with the GBFTU and the BCCI for the placement of any of the remaining workers seeking new employment.

Sixty four civil servants remain under criminal referral. The Government undertakes to review the cases in respect of these referrals to ensure that the charges meet national and international standards and to reinstate with full pay and allowances those found not to meet this requirement. The Government also undertakes to ensure that all reinstated civil servants are able to reintegrate the posts occupied by them prior to their dismissal or suspension. Where this is not possible, these workers should be provided with a position of equivalent grade, pay and benefits, including transportation allowance where applicable as well as the possibility to be re-assigned to their former job as soon as it becomes available. The Government also undertakes to remove all

documents linked to the events that have been included in the personnel files of the civil servants concerned. The GFBTU calls on the Government to cease all scheduled suspensions and salary reductions of civil servants. The Government undertakes that there will be no additional suspensions of civil servants related to the events beyond those scheduled.

All public-private companies and major companies concerned where dismissals occurred undertake to reinstate all dismissed workers and will submit a plan no later than 20 March for the reintegration of the workers which should be completed by the companies no later than 1 April. All companies have committed to work towards the smooth re-integration of dismissed workers back into their jobs and to remove from their files all documents linked to the events in question. All Parties commit to the withdrawal of all pending court cases in the interest of social peace and the favoring of improved workplace relations.

Concerning workers in the public-private companies who have not yet been reinstated at the date of this Agreement, the Government commits to ensure that the number of non-reinstated workers is reduced to the minimum. Any pending cases of non-reinstatement will then be submitted to an appropriate tripartite mechanism for review. The Government commits to ensuring that following such a review, any remaining non-reinstated workers will be provided with alternative employment taking into account their previous employment status.

The Government of Bahrain, the GFBTU and the BCCI undertake to work together to ensure the smooth reintegration of the workers into their workplaces and a return to social peace. In this regard, the Government also commits to work on the possibility of ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The national tripartite committee that was put in place to follow-up on the November 2011 decision of the Governing Body should continue its work to ensure the full reinstatement of workers.

### **ILO technical assistance**

The Parties welcome the ILO commitment to provide the tripartite partners and the enterprises concerned with the necessary support through capacity-building and training for a smooth reintegration of the workers and to support the improvement of workplace relations and social dialogue as well as training on international labour standards. Training and capacity building on international labour standards will also be extended to the Governmental agencies concerned as well as to the Judiciary and the Parliament. This assistance will include potential further legal reforms and the enhancement of institutional capacity to ensure the effective implementation



Convention No.111. The ILO should also continue to provide assistance to address the remaining issues and to ensure the effective implementation of this Agreement.

Done in Manama, this 11th day of March 2012



His Excellency Jameel Humaidan

Minister of Labour



Mr Salman Almahfoudh

President of the General Bahrain Federation of Trade Unions

Mr Othman Sharif

Vice-President of the Bahrain Chamber of Commerce and Industry



## Appendix II

**Progress Report  
of the Joint Tripartite Committee on the Coordination as Regards  
Dismissed Workers on the background of events  
Witnessed by the Kingdom of Bahrain in 2011**

**March 18, 2012**

**Introduction:**

It is recalled that the Kingdom of Bahrain formed a tripartite committee as per the decision taken by the Governing Body of the ILO in its (312) session held in Geneva, November 2011, which invites the Government of the Kingdom of Bahrain to form a Tripartite Committee to follow up the issue of reinstatement of dismissed workers on the background of the events that took place in Bahrain during the months of February and March 2011, in addition to providing two progress reports to the Director-General of the International Labour Office on the work progress and a final report prior to the next session of the Governing Body in March 2012.

- The visit by the International Labour Office (ILO) team to the Kingdom of Bahrain, from Feb 29 to March 12, 2012, resulted in achieving important outcome that helped in bridging the gap regarding the figures of dismissed workers on the background of the last year events. In addition, the results include acknowledgment by the three parties on the progress achieved and signing a tripartite agreement that includes working together to solve the few remaining cases through tripartite cooperation.
- **The content of the Tripartite Agreement, signed on March 11<sup>th</sup> 2012, came as following:**

“It will be recalled that at the 100th Session ( June 2011) of the International Labour Conference, a Complaint was filed by a number of Workers’ delegates at the Conference against the Government of Bahrain concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No.111), under article 26 of the ILO Constitution (The Complaint). The Complaint alleges that following the events of February 2011 in Bahrain, suspensions and various forms of sanctions, including dismissals, were imposed on over 2,000 workers from both the public and the private sectors, including trade unionists, union members and leaders, as a result of peaceful demonstrations demanding economic and social changes and expressing support

for on-going democratization and reform. The Complaint alleges that these dismissals took place on grounds such as workers' opinions, belief and trade union affiliation.

- The ILO Governing Body at its 312th Session in November 2011 approved the proposal of its Officers which took note of the proposal of the Government of Bahrain to:
- “ (a) establish a tripartite committee comprised of one member nominated by the Government, one member nominated by the General Federation of Bahrain Trade Unions and one member nominated by the Bahrain employers;
- (b) ensure that the tripartite committee has access to all relevant documents and meets weekly to address, with the assistance of independent legal advice (ILO) if requested by the Government or the workers' or employers' representatives, the issue of dismissals and reinstatements referred to in the complaint and provide minutes of its meetings to the International Labour Office;
- (c) provide two written progress reports to the Director-General, one in January and the second in February 2012, which would include the current individual employment status of each worker who has been alleged to have been inappropriately dismissed during the relevant period. Where appropriate, any additional information would be provided before the beginning of the March 2012 Governing Body session.”
- The Governing Body, on the basis of the proposal of its Officers, invited the Director-General to provide any requested legal assistance or support to the Government of Bahrain or the workers' or employers' representatives in this process, and to report on the situation to the Governing Body at its next session in March 2012.
- In view of the above decision of the Governing Body and in response to a request received by the GFBTU, the ILO Director General decided to send a Mission to Bahrain. The Mission, headed by Ms. Cleopatra Doumbia-Henry, Director of the International Labour Standards, visited the country from the 29 February to 11 March. The Government of Bahrain, the General Confederation of Bahrain Trade Unions (GFBTU) and the Bahrain Chamber of Commerce and Industry (BCCI) provided the Mission with their full support and made available to it all the information requested.
- The Mission also met with the Deputy Prime Minister, His Highness Mohammed Bin Mubarak Al-Kalifa, Deputy Prime Minister His Excellency Khaled Bin Abdallah Al Khalifa, the Minister of Labour (MoL), His Excellency Jameel Humaidan and the Minister of Human Rights and Social Development, Her Excellency Dr. Fatima Al

Balooshi, Minister of Health, His Excellency Sadek El Shahabi, the Chair of the Civil Service Bureau, Mr. Ahmed Al Zayed and the Chairman of the National Follow-up Committee for the implementation of the Recommendations of the Bahrain Independent Commission of Inquiry (BICI) Report, Mr. Ali Saleh el Saleh, who is also the Head of the Shura Council.

- The Government of Bahrain, the GBFTU and the BCCI (The Parties) wish to confirm that they have made significant efforts to resolve all of the issues raised in the framework of the above-mentioned Complaint which the ILO Mission was able to witness. The Parties also confirm their commitment to fully implement the relevant recommendations contained in the BICI which was headed by Professor Bassiouni.
- Taking into account the progress made to date, we have agreed on the following:
- As a consequence of the events of February-March 2011, over 2,200 workers were dismissed from the public-private companies and the purely private companies. In the public-private companies, 1, 520 workers were dismissed while over 697 workers from the purely private companies have been dismissed.
- According to the Government, 180 civil servants were dismissed, and 1,631 were suspended for a period not exceeding ten days without pay. The implementation of these suspensions is continuing. In addition, 219 were suspended with half pay and were subject to criminal referrals. Out of the 219 suspended civil servants who were subject to criminal referrals, cases have been closed in respect of 155 civil servants with 64 civil servants remaining suspended with half pay pending resolution of their criminal cases. A further 20 medical professionals have been convicted and are currently suspended without pay awaiting the outcome of their appeal. On March 10, an announcement by the Attorney General that 15 out of the 20 medical professionals would have the criminal charges dropped and their cases would be referred instead to the Medical Disciplinary Board. The lifting of the criminal charges will result in the reinstatement of the 15 medical professionals with back pay.
- For the GBFTU, 246 civil servants were dismissed, while 415 were suspended.
- According to the Government, the total number of workers affected on the basis of the above data is over 4, 200. This number does not take into account of the numbers that were dismissed in other Governmental institutions which do not fall under the umbrella of the Civil Service Bureau. According to the GBFTU, 65 workers in Governmental

institutions not covered by the Civil Service Bureau were suspended and 145 were dismissed.

- At the date of signature of this Agreement, according to the Government out of the 2,050 civil servants who were the subject of a disciplinary process or penalty, including dismissal, all have been reinstated except for 64 who remain under a criminal referral and one who had a criminal conviction. According to the GFBTU 168 of the 246 civil servants who were dismissed have been reinstated with 78 still suspended; and in the non-civil service governmental sector 54 of the 65 suspended workers have been reinstated and 96 out of the 145 dismissed workers have been reinstated.
- Concerning the public-private companies, out of 1,520 workers who had been dismissed, all have been reinstated or are in the process of reinstatement. The Government has committed to the reinstatement of all the workers concerned.
- Concerning the purely private sector, according to the Government, out of over 697 cases of dismissals reviewed, 141 have been reinstated and 301 have been re-employed in other enterprises. According to the GFBTU, out of 734 workers dismissed, 193 have been reinstated and the Government has submitted a list of 176 workers who have been re-employed and should be verified by the GFBTU. The Government and the BCCI have undertaken to take all necessary action to find alternative employment for the remaining workers who seek placements.
- The Parties agree to continue their efforts to ensure the full reinstatement in both public and private sectors of all the remaining workers to the maximum extent possible no later than 30 May. Where reinstatement is not possible, adequate compensation should be paid as well as social insurance benefits. The Parties note that majority of workers who have not yet been reinstated were working in small enterprises. The Government has committed to continue to work with the GFBTU and the BCCI for the placement of any of the remaining workers seeking new employment.
- Sixty four civil servants remain under criminal referral. The Government undertakes to review the cases in respect of these referrals to ensure that the charges meet national and international standards and to reinstate with full pay and allowances those found not to meet this requirement. The Government also undertakes to ensure that all reinstated civil servants are able to reintegrate the posts occupied by them prior to their dismissal or suspension. Where this is not possible, these workers should be provided with a position of equivalent grade, pay and benefits, including transportation allowance where

applicable as well as the possibility to be re-assigned to their former job as soon as it becomes available. The Government also undertakes to remove all documents linked to the events that have been included in the personnel files of the civil servants concerned. The GFBTU calls on the Government to cease all scheduled suspensions and salary reductions of civil servants. The Government undertakes that there will be no additional suspensions of civil servants related to the events beyond those scheduled.

- All public-private companies and major companies concerned where dismissals occurred undertake to reinstate all dismissed workers and will submit a plan no later than 20 March for the reintegration of the workers which should be completed by the companies no later than 1 April. All companies have committed to work towards the smooth reintegration of dismissed workers back into their jobs and to remove from their files all documents linked to the events in question. All Parties commit to the withdrawal of all pending court cases in the interest of social peace and the favoring of improved workplace relations.
- Concerning workers in the public-private companies who have not yet been reinstated at the date of this Agreement, the Government commits to ensure that the number of non-reinstated workers is reduced to the minimum. Any pending cases of non-reinstatement will then be submitted to an appropriate tripartite mechanism for review. The Government commits to ensuring that following such a review, any remaining non-reinstated workers will be provided with alternative employment taking into account their previous employment status.
- The Government of Bahrain, the GFBTU and the BCCI undertake to work together to ensure the smooth reintegration of the workers into their workplaces and a return to social peace. In this regard, the Government also commits to work on the possibility of ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- The national tripartite committee that was put in place to follow-up on the November 2011 decision of the Governing Body should continue its work to ensure the full reinstatement of workers.
- ILO technical assistance:
- The Parties welcome the ILO commitment to provide the tripartite partners and the enterprises concerned with the necessary support through capacity-building and training

for a smooth reintegration of the workers and to support the improvement of workplace relations and social dialogue as well as training on international labour standards. Training and capacity building on international labour standards will also be extended to the Governmental agencies concerned as well as to the Judiciary and the Parliament. This assistance will include potential further legal reforms and the enhancement of institutional capacity to ensure the effective implementation Convention No.111. The ILO should also continue to provide assistance to address the remaining issues and to ensure the effective implementation of this Agreement”.

**Further Progress Achieved from the date of signing the Agreement and the date of this report:**

In light of the positive outcome of visit carried out by the ILO team, a more encouraging atmosphere was created among the three parties. That atmosphere helped in working hardly to bridge the figures gap and collective cooperation to address the remaining cases as per the agreement. As long as the data included in the agreement show that there are some (734) cases in the medium and small sized companies- were not agreed upon with MoL, hence, after ILO team left Bahrain the two parties continued their joint efforts in verifying that number and finally agreed that:

**First: The Dismissed Trade Unionists:**

Out of 57 dismissed trade unions leaders, some 40 cases are reinstated, while the remaining cases are as follows:

1. Head of Bahrain Airport Services Company (BAS) trade union (the company agreed to reinstate him. His case is under process)
2. All board members of GARMCO trade union (the company agreed to reinstate them – 10 cases. Their cases are under process)
3. Head of Bapco trade union, the former General Secretary of GFBTU
4. One member of the Gulf Cleaning Company trade union's board
5. Three members of the SPHINX company trade union
6. One member of the Bankers Union board

**Second: Dismissals from the Major Companies:**

It has been agreed to separate those numbers overlapping with the major companies list that has been agreed upon in the agreement.

**Third: Dismissals from the Medium and Small Sized Companies:**

- After verification and concordance with MoL; the total number of registered cases with GFBTU in the medium and small sized companies become 640 cases, in addition to some dismissals from Graduates Employment Programme, supported by Tamkeen, which are 72 cases not yet addressed.
- A joint MoL-GFBTU technical team is working to reach the right description and classification of each single case. It has been agreed that results of the joint efforts exerted throughout the last few days of concordance and verification of the available data with MoL and GFBTU **are as follows:**
  1. Some 66 cases returned to their medium and small sized companies. GFBTU confirmed that number.
  2. Some 106 cases are reemployed elsewhere. As per GFBTU some of them are still looking forward to be reinstated back to their previous jobs.
  3. As per GFBTU there are some 546 cases are not yet reinstated in the medium and small sized companies as follows:
    - Some 102 cases registered with GFBTU but not with MoL. GFBTU asked MoL to be followed up. MoL shall verify the cases and continues its procedures as per the same done to the rest.
    - As per MoL some 101 cases are reemployed and the committee shall verify.
    - As per MoL some 8 cases returned back to their jobs through amicable settlement and the committee shall verify.

In light of the of concordance with GFBTU; the following cases will be removed from the follow up list: the reinstated, reemployed, dismissals not related to the events, those who did not file complaint at MoL, cases solved through settlement, and those who are asking financial compensation only. That step shall be followed through concentrating, by the three parties, on those cases really related to the events which shall be addressed and solved as per the agreed timetable.



**Fourth: The Public Sector:**

- In light of data related to the public Sector, submitted to MoL by GFBTU for verification (some 253 cases), it has become clear that some of them are temporary workers whom their wages are supported by (Tamkeen), in addition to suspended workers. Work is going on to solve such issues.

**Fifth: The Committee agreed that:**

- The tripartite agreement, signed by the three parties in the presence of the ILO team, is deemed an alternative to the first progress report, as well as considering the English version of the agreement as the officially accepted one.
- Cases of dismissed temporary workers in the Public sector will be followed up.
- To work towards reaching a suitable solution to those remaining cases that related to termination or retirement carried out under pressure, both in the private and public sectors. The government shall verify while the committee shall address them and work towards solving such cases.

**Finally, the tripartite committee expresses its thanks and gratitude to the supreme leadership of the Kingdom of Bahrain, government officials, the ILO and other related parties, for their valuable efforts exerted in achieving the abovementioned results.**

**Mohamed Ali Al Ansary**

**Representative of the Government**

**Othman Mohammed Sharif Al Rayes**

**Representative of the Employers**

**Mohamed Ali Makki**

**Representative of the Workers**

**Note: The original signed text is in Arabic. This English version is not an official translation.**