



**COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: BAHRAIN**

***FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING (FACB)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<b>YES.</b> No change reports for the 2004 and 2005 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	According to the Government: Implication of the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) comprises of 65 affiliates.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2008 AR:</b> Observations by the BCCI. <b>2007 AR:</b> Observations by the BCCI.	
	<b>Workers' organizations</b>	<b>2008 AR:</b> Observations by the GFBTU Observations by the International Trade Union Confederation (ITUC). <b>2007 AR:</b> Observations by the GFBTU. Observations by the International Confederation of Free Trade Unions (ICFTU). <b>2006 AR:</b> Observations by the ICFTU. <b>2005 AR:</b> Observations by the GFBTU and the ICFTU. <b>2002 AR:</b> Observations by the ICFTU. <b>2001 AR:</b> Observations by the ICFTU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<i>Bahrain has ratified neither the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (C.87) nor the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (C.98).</i>

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, 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>

		<b>Ratification intention</b>	<p><b>YES, since 2002 for both C.87 and C.98.</b></p> <p><b>2008 AR:</b> The Government stated that it was planning to establish a tripartite committee that would engage in 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.87 and C.98 and added that the tripartite committee had not been set up yet.</p> <p><b>2007 AR:</b> According to the Government, 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.87 and C.98.</p> <p><b>2006 AR:</b> According to the GFBTU: The Government should ratify both the Conventions Nos. 87 and 198, so that Bahrain can be in line with social globalization.</p> <p><b>2001 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intends to ratify C.87 and C.98.</p>
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<p><b>YES</b> The 2002 Constitution (Part III) provides for freedom of association and freedom to form trade unions.</p>
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy:</b></li> </ul> <p><b>2002 AR:</b> The Government encouraged the Workers' General Committee to take part in the drafting of policies concerning the PR.</p> <ul style="list-style-type: none"> <li>• <b>Legislation:</b></li> </ul> <p><b>2005 AR:</b> According to the Government: The amendment of the Labour Law is currently under way in collaboration with the GFBTU. A preliminary draft of the Labour Law in the Private Sector has already been developed. It contains a chapter on collective bargaining.</p> <p><b>2003 AR:</b> According to the Government: A new Workers' Trade Union Law was enacted in 2002 that introduced the right to join trade unions.</p>
		<b>Basic legal provisions</b>	<p>(i) The 2002 Constitution (Part III) and (ii) the Workers Trade Union Law (2002); The Labour Law (under revision).</p>
		<b>Judicial decisions</b>	<p>NIL</p>

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>At national level (enterprise, sector/industry, national)</b>	<b>For Employers</b>	<b>2003 AR:</b> Government authorization/approval is required to establish employers' organizations and to conclude collective bargaining agreements. Employers can exercise freedom of association at the enterprise, sector or industry, national and international levels.
			<b>For Workers</b>	<b>2003 AR:</b> Government authorization/approval is required to establish workers' organizations and to conclude collective bargaining agreements. Freedom of association can be exercised by medical professionals, teachers, agricultural workers, workers in Export Processing Zones (EPZs) or enterprises/industries with EPZ status, migrant workers, workers of all ages, and all categories of employers. Workers can exercise freedom of association at the enterprise, sector or industry, national and international levels. Freedom of association cannot be exercised by workers in the public service, workers engaged in domestic work and workers in the informal economy.
			<b>Special attention to particular situations</b>	NIL
			<b>Information/Data collection and dissemination</b>	<b>2003-2005 ARs:</b> According to the Government: There is a lack of information and data relevant to the PR.
		<b>At international level</b>	According to the Government: The GFBTU is recognized abroad at international, regional and Arab conferences.	
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2003-2005 ARs:</b> According to the Government: Specific measures are envisaged to respect and realize this PR: (i) legal reform (labour law and other relevant legislation); (ii) inspection/monitoring mechanisms; (iii) penal sanctions; (iv) civil or administrative sanctions; (v) special institutional machinery; (vi) capacity building of responsible government officials; (vii) training of other government officials.		
	<b>Involvement of the social partners</b>	<b>2000-2002 ARs:</b> According to the Government: The GCBW and the BCCI are involved in tripartite bodies to discuss the PR such as the Higher Council for Vocational Training, tripartite councils and committees in which the Government and employers are represented.		
	<b>Promotional activities</b>	<p><b>2008 AR:</b> The GFBTU participated in the 5<sup>th</sup> ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman. On this occasion, the right to freedom of association and collective bargaining were discussed. As of June 2007, training on the Declaration Follow-up, namely on the right to collective bargaining will be undergone in cooperation with the ILO.</p> <p><b>2007 AR:</b> The Government, the BCCI and the GFBTU referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p> <p><b>2003-2005 ARs:</b> According to the Government: Capacity building for employers' and workers' organizations and awareness raising/advocacy activities have been implemented to promote and realize the PR.</p>		

	<b>Special initiatives/Progress</b>	<p><b>2008 AR:</b> The GFBTU filed a complaint against the Government of Bahrain regarding the non-observance of the right of Bahraini workers in the public sector to organize.</p> <p>According to the ITUC: Since October 2006, a Decree on employment in the private sector prohibits dismissal for trade union activities. Employers are also obliged to reinstate the sacked employees and to provide compensation if it is proved that workers were discriminated against because of their union activities.</p> <p><b>2003-2005 ARs:</b> According to the Government: A new law amending the Constitution and allowing the establishment of free trade unions will be adopted shortly.</p>	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> According to the BCCI: In Bahrain, domestic workers do not enjoy the right to organize and bargain collectively.

		<p><b>Workers' organizations</b></p>	<p><b>2008 AR:</b> The GFBTU indicated that the Government still does not respect the right to strike and the right to freedom of association. It added that several provisions of the Trade union Law on the right to strike have been amended in July 2006, restricting the right for workers to go on strike. This decision was confirmed by Decree N. 62 of 20<sup>th</sup> November 2006 in the security, defense, airport, hospital, pharmacy, transportation, communication sectors etc. However, the GFBTU indicated that no consultations with the other social partners were held prior to the amendments, like undertaken in 2002.</p> <p>The GFBTU indicated moreover that a tripartite committee had been set up on labour law review in the private sector. Consultations were also held with social partners in 2006 but the further amendments were not carried out accordingly.</p> <p>It noted that Decree N. 3 of March 2007 provides for disciplinary sanctions when a worker from the public sector is affiliated in a trade union. In this respect, there have been continued negative responses from the Government to the repeated requests concerning the registration of six unions of the public sector - which, according to the GFBTU, contravenes the Bahraini Constitution and National Charter.</p> <p>According to the ITUC: (i) there is a lack of adequate protection for migrant workers. They make up approximately 60 per cent of the workforce. Though in theory they are allowed to join unions and run for union office, they prefer not to as they have no protection against dismissal. Furthermore, the new proposed law does not provide for any labour rights to domestic workers, but contains measures that would protect them against abuse from employers.; (ii) public workers are denied the right to organize; (iii) in November 2006, the government considerably lengthened the list of essential services in which strikes are banned, which already went beyond the ILO definition. Hydrocarbons, health, education, pharmacies and bakers must now be added to the security, civil defence, airport, port and transport sectors.</p> <p><b>2007 AR:</b> The GFBTU shared the view that domestic workers in Bahrain do not enjoy the right to organize and to collective bargaining. It also mentioned that union leaders were not harassed in Bahrain.</p> <p>According to the ICFTU: there are restrictions on the right to form unions and only one federation can exist in Bahrain.</p> <p><b>2006 AR:</b> The GFBTU raised the following challenges: (i) the PR is realized only in the private sector; (ii) the Government does not recognize trade unions in the public sector; (iii) the social partners need to be more involved in the reporting process under the Declaration's Annual Review.</p> <p>According to the ICFTU: (i) the law still contains restrictions on the right to strike and on freedom of association and does not specifically provide for collective bargaining.</p> <p><b>2000-2005 ARs:</b> According to the ICFTU: (i) trade unions are banned in Bahrain (only government-controlled organizations are authorized), (ii) there are restrictions on the right to strike; (iii) labour laws do not apply to domestic servants; (iv) the Joint Consultative Councils (JCC) can only act as advisers and have no real power to negotiate or bargain; (v) the Ministry of Labour must approve the internal rules of the General Committee of Bahraini Workers (GCBW); (vi) political climate makes it difficult to bring grievance to court; (vii) the law does not specifically provide for collective bargaining.</p>
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	<b>According to the Government</b>	<p><b>2007 AR:</b> The Government acknowledged that domestic workers do not enjoy the right to organize and bargain collectively in Bahrain.</p> <p>In response to the ICFTU's observations, the Government made the following comments: (i) several amendments were issued in 2006, namely regarding the recognition of several trade unions at the federal level (Act No. 49/2006), the reinstatement of the dismissed workers for their trade union activities (Act No. 73/2006) and the amendment of the criteria governing the workers' exercise of the right to strike (Act 49/2006), which represent a real qualitative shift in freedom of association in the country; (ii) concerning Section 10 of the Trade Union Act, Bahrain has not ratified Convention No.87 but the provision gives nonetheless the right to join trade unions to workers of the public sector. Moreover, the amendment of Section 10 has been submitted to the Parliament and is expected to be approved during the next session; (iii) regarding restrictions of the right to strike, Section 21 of the Trade Union Act was amended in keeping with international labour standards, allowing strikes when majority to declare a strike is obtained. In addition the definition was provided as regards to «essential enterprises» and identification of these enterprises is made by decision of the Prime Minister (for example, Decision No. 62/2006) who can easily modify it whenever it is necessary; and (iv) concerning collective bargaining, the amendment draft of Decree Law No. 23/1976 including a chapter on collective bargaining was submitted to the Parliament for approval at the next session.</p> <p><b>2003-2004 ARs:</b> The Government indicated that the main difficulties encountered in Bahrain were the following: (i) lack of information and data; (ii) social and economic circumstances; (iii) legal provisions; and (iv) prevailing employment practices.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2008 AR:</b> The GFBTU requested ILO technical assistance for a country assessment on freedom of association. It reiterated its request stated in the 2007 AR on training courses for workers' organizations in Bahrain. Tripartite workshops should also be organized in order to improve the conditions of trade union and social dialogue between the social partners.</p> <p><b>2007 AR:</b> The GFBTU requested ILO technical cooperation to strengthen the capacity of workers' organizations in Bahrain.</p> <p><b>2006 AR:</b> According to the GFBTU: (i) A national workshop for trade unions on the PR should be organized with ILO technical assistance; (ii) a national tripartite workshop on fundamental Conventions and the Declaration should also be organized so as to identify challenges and solutions and pave the way to ratification.</p> <p><b>2003-2004 ARs:</b> According to the Government: (i) assessment of the different challenges should be undertaken in collaboration with the ILO as well as their implications for realizing the PR; (ii) strengthening tripartite social dialogue; and (iii) awareness-raising, legal literacy and advocacy.</p>
	<b>Offer</b>	ILO, GCC

**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 welcomed the legal reforms undertaken by certain Gulf countries such as Bahrain, but noted that the workers' right to freedom of association and collective bargaining needed to be respected, especially as regards migrant workers. They drew the attention to the practice in some countries, including Bahrain, where only one official trade union were allowed in practice, and recalled in this regard the following: «the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right». The IDEAs also acknowledged the high number of promotional activities concerning the PR in the Gulf States (and some other countries), and encouraged the Office to maintain its efforts to support these activities. Finally, the IDEAs noted that restrictions the right to organize of certain categories of workers in Bahrain (and some other countries), such as domestic workers, workers in the public service and workers in the informal economy, were not compatible with the realization of this principle and right» (Cf. Paragraphs 12, 33, 36 and 38 of the 2008 AR Introduction – ILO: GB.301/3).

**2007 AR:** The IDEAs noted with interest that some progress had been achieved in the Gulf States regarding the right of workers and employers to organize freely and voluntarily, without being subjected to control by their governments. Furthermore, the IDEAs observed that with a view to giving full effect to this principle and right, the Government should be able to offer to all workers the opportunity to exercise their rights, and not have restrictions on the right to organize for domestic workers. (Cf. Paragraphs 36 and 37 of the 2007 AR Introduction – ILO: GB.298/3).

**2006 AR:** The IDEAs observed that the Government of Bahrain should indicate whether the new Decree relating to trade unions is an implementing Decree relating to existing labour law. They observed the following: «It is important to note that the majority of workers in some Gulf States are migrant workers. Therefore, while we note that certain measures have been reported relating to this principle [...] we stress that the principle should be given full effect as regards all the workers present in these countries, including migrant workers, if these countries are to progress meaningfully in this area». (Cf. Paragraphs 37 and 45 of the 2006 Annual Review Introduction – ILO GB.295/5)

**2005 AR:** The IDEAs listed Bahrain among the countries where progress had been made under the Annual Review in the promotion of freedom of association and the effective recognition of the right to collective bargaining (paragraph 12 of the 2005 Annual Review Introduction). Furthermore, they 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 were encouraged by the continuing steps taken by countries of the Gulf Cooperation Council (GCC) in relation to this PR, but noted that there was a long way to go and much to do. They further indicated that the Gulf Cooperation Council States were providing more information on the PR, but not enough on the other three PRs. This would help to illustrate the link between all four PRs. The IDEAs also wished that the positive measures taken by countries in the Gulf Cooperation Council (GCC) be expanded upon (Cf. Paragraphs 29 and 84 of the 2004 Annual Review Introduction – ILO: GB.289/4).

**2003 AR:** The IDEAs commended Bahrain for its continuing dialogue with the Office. They appreciated the adoption of a new legislation relating to freedom of association. They recommended that the Governing Body request that high-level contacts be organized between the Office and two or three countries (including Bahrain) that are not benefiting from ILO technical cooperation on the PR. In light of requests by Bahrain for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, they called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field. (Cf. Paragraphs 4 and 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).

**2002 AR:** The IDEAs recommended that, with a view to a more in depth discussion of certain aspects of the Introduction, the Governing Body request clarifications from Bahrain in relation to the continuation of steps undertaken in the country, in cooperation with the Office, concerning the PR. Furthermore, they acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the Government (Cf. Paragraph 41 (b) of the 2002 Annual Review Introduction – ILO: GB.283/3/1).

	<p><b>2001 AR:</b> The IDEAs hoped that the Government of Bahrain would continue a dialogue with the Office regarding the ways in which respect to fundamental principles and rights could be achieved (paragraph 77 of the 2002 Annual Review Introduction). They also recommended to the Governing Body that further information be requested from the Government of Bahrain in relation to efforts made to promote the principle and right (Cf. Paragraph 30 (b) (ii) of the 2001 Annual Review Introduction – ILO GB.280/3/1).</p>
<p><b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p>NIL</p>