



Consejo de Administración

316.ª reunión, Ginebra, 1.º-16 de noviembre de 2012

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DECIMOQUINTO PUNTO DEL ORDEN DEL DÍA

Informe de la Mesa del Consejo de Administración

Queja relativa al incumplimiento por Bahrein del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111), presentada por varios delegados de la 100.ª reunión (2011) de la Conferencia Internacional del Trabajo en virtud del artículo 26 de la Constitución de la OIT

1. Por carta de fecha 15 de junio de 2011 dirigida al Secretario General de la Conferencia Internacional del Trabajo, varios delegados trabajadores a la 100.ª reunión de la Conferencia Internacional del Trabajo (2011) presentaron una queja contra el Gobierno de Bahrein en virtud del artículo 26 de la Constitución de la OIT por graves violaciones del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111)). La carta fue firmada por nueve delegados titulares: Sr. Leroy Trotman (Barbados); Sr. Bheki Ntshanlitnshali (Sudáfrica); Sr. Julio Roberto Gómez (Colombia); Sra. Barbara Byers (Canadá); Sra. Raviatou Diallo (Guinea); Sr. Abdessalam Jerad (Túnez); Sr. Sam Gurney (Reino Unido); Sra. Sarah Fox (Estados Unidos), y Sra. Trine Lise Sundnes (Noruega); además de dos consejeros técnicos y delegados suplentes: Sr. Luc Cortebec (Bélgica) y Sr. Yves Veyrier (Francia), y de un consejero técnico: Sr. Hadja Kaddous (Argelia). Por carta de fecha 24 de agosto de 2011 se facilitó información complementaria.
2. En la 22.ª sesión plenaria celebrada el 16 de junio de 2011, el Sr. Trotman formuló una declaración para presentar brevemente el contenido de la queja, de modo que el Gobierno de Bahrein y todos los miembros de la reunión de la Conferencia tuvieran conocimiento de la misma ¹.

¹ Véanse *Actas Provisionales* núm. 30, Conferencia Internacional del Trabajo, 100.ª reunión, Ginebra, 2011, pág. 35.

3. En la 311.^a reunión del Consejo de Administración (junio de 2011), el Vicepresidente trabajador, Sr. Luc Cortebeeck, informó verbalmente al Consejo de Administración del contenido de la queja presentada en la reunión de la Conferencia.
4. El Gobierno remitió observaciones sobre la queja por comunicación de fecha 23 de septiembre de 2011, y posteriormente las retiró por comunicación de fecha 26 de octubre. El Gobierno remitió sus observaciones revisadas por comunicación de 31 de octubre de 2011.
5. Durante la 312.^a reunión del Consejo de Administración (noviembre de 2011), la Mesa de este último presentó un informe al Consejo de Administración ², en el que se tomaba nota de la propuesta de Bahrein para:
 - a) establecer un comité tripartito compuesto por un miembro designado por el Gobierno, un miembro designado por la Federación General de Sindicatos de Bahrein y un miembro designado por los empleadores de Bahrein;
 - b) velar por que el comité tripartito tenga acceso a todos los documentos pertinentes y se reúna semanalmente para tratar, con la ayuda de un asesor jurídico independiente (OIT) en caso de ser solicitada por el Gobierno o los representantes de los trabajadores, la cuestión de los despidos y las reincorporaciones a las que se alude en la queja, y remita las actas de las reuniones a la Oficina Internacional del Trabajo, y
 - c) facilitar al Director General dos informes por escrito sobre los progresos alcanzados, uno en enero y otro en febrero de 2012, en los que se incluiría información relativa a la situación en el empleo de cada uno de los trabajadores que se alega fueron despedidos de forma inadecuada en el período considerado. Según el caso, se remitiría toda información adicional al Consejo de Administración antes del inicio de su reunión de marzo de 2012.
6. El Consejo de Administración, por recomendación de su Mesa, invitó al Director General a que brindase al Gobierno de Bahrein, o a los representantes de los trabajadores o de los empleadores, toda orientación o asesoramiento de carácter jurídico que se solicitara en el marco de este proceso, y que informara al Consejo de Administración al respecto en su reunión del mes de marzo de 2012. El Consejo de Administración también tomó nota de que, sobre esa base, su Mesa había aplazado el examen de la queja hasta la siguiente reunión del Consejo de Administración, de marzo de 2012 ³.
7. En vista de dicha decisión del Consejo de Administración y en respuesta a una solicitud dirigida por la Federación General de Sindicatos de Bahrein (GFBTU) al Director General de la OIT, con fecha 3 de febrero de 2012, el Director General decidió enviar una misión a Bahrein. Esta última, dirigida por la Sra. Cleopatra Doumbia-Henry, Directora del Departamento de Normas Internacionales del Trabajo, visitó el país del 29 de febrero al 11 de marzo de 2012. El Gobierno de Bahrein, la GFBTU y la Cámara de Comercio e Industria de Bahrein (BCCI) brindaron su apoyo incondicional a los miembros de la misión y facilitaron cuanta información se había solicitado. Durante la misión, el 11 de marzo de 2012, los mandantes tripartitos suscribieron un «Acuerdo Tripartito relativo a las cuestiones planteadas en el marco de la queja relativa al incumplimiento por Bahrein del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111), presentada por

² Documento GB.312/INS/16/1.

³ Véase el Repertorio de Decisiones, decisión sobre el 16.º punto del orden del día, 18 de noviembre de 2011.

varios delegados a la 100.^a reunión (2011) de la Conferencia Internacional del Trabajo en virtud del artículo 26 de la Constitución de la OIT».

8. Durante su 313.^a reunión (marzo de 2012), la Mesa del Consejo de Administración presentó un informe a examen de este último. El Consejo de Administración, por recomendación de su Mesa, y en vista de las consideraciones expuestas:

- a) suspendió en su presente reunión el examen de la queja, a la espera de que se ultimasen (y presentasen) los informes del Gobierno y del Director General para la 316.^a reunión (noviembre de 2012) del Consejo de Administración;
- b) solicitó al Gobierno que siguiese presentando informes sobre el cumplimiento efectivo del Acuerdo Tripartito suscrito por los mandantes tripartitos de Bahrein, con fecha 11 de marzo de 2012, y que informe al Consejo de Administración, en su 316.^a reunión (noviembre de 2012), acerca de los progresos realizados con vistas al cumplimiento cabal de sus disposiciones;
- c) solicitó al Director General que escribiese al Gobierno, a la Federación General de Sindicatos de Bahrein (GFBTU) y a la Cámara de Comercio e Industria de Bahrein (BCCI), para expresar su satisfacción por los progresos realizados e invitarles a seguir avanzando en esa dirección positiva;
- d) solicitó al Director General que adoptase las medidas necesarias para prestar toda la asistencia técnica que necesitasen los mandantes tripartitos, cuando la solicitaran el Gobierno o los representantes de los trabajadores o de los empleadores, para garantizar la aplicación efectiva del Acuerdo Tripartito, y que informase al Consejo de Administración, en su 316.^a reunión (noviembre de 2012), acerca de los progresos realizados a este respecto ⁴.

9. El 11 de abril de 2012, la GFBTU remitió una comunicación a la Oficina para solicitarle que, con carácter urgente, se enviase una misión a Bahrein, con el fin de evaluar los progresos realizados en relación con la aplicación del Acuerdo Tripartito, e indicó que los recientes acontecimientos relacionados con los trabajadores despedidos y los casos pendientes requerían la atención urgente de la OIT. La misión, que estaba inicialmente prevista para mayo de 2012, debió aplazarse y finalmente se realizó del 7 al 10 de octubre de 2012, bajo la dirección de la Sra. Doumbia-Henry, Funcionaria Encargada de Normas y Principios y Derechos Fundamentales en el Trabajo. El Gobierno de Bahrein, la GFBTU y la Cámara de Comercio e Industria de Bahrein prestaron a los miembros de la misión su apoyo incondicional y les facilitaron cuanta información se les había solicitado. Durante la misión se mantuvieron discusiones sobre la adopción eventual de un acuerdo tripartito adicional. Si bien se realizaron ciertos progresos, no fue posible alcanzar un acuerdo durante la misión.

10. Por comunicación de 25 de octubre de 2012, dirigida al Director General de la OIT, el Ministro de Trabajo del Reino de Bahrein, Su Excelencia Jameel Mohamed Ali Humaidan, presentó un informe acerca de los progresos realizados sobre las cuestiones vinculadas a la queja. El informe correspondiente se adjunta como anexo (en inglés).

11. El artículo 26 de la Constitución de la OIT prevé lo siguiente:

1. Cualquier Miembro podrá presentar ante la Oficina Internacional del Trabajo una queja contra otro Miembro que, a su parecer, no haya adoptado medidas para el cumplimiento satisfactorio de un convenio que ambos hayan ratificado en virtud de los artículos precedentes.

⁴ Véanse las Actas de la 313.^a reunión del Consejo de Administración, decisión sobre el 23.^{er} punto del orden del día, párrafo 210 (documento GB.313/PV).

2. El Consejo de Administración podrá, si lo considerare conveniente y antes de referir el asunto a una comisión de encuesta, según el procedimiento que más adelante se indica, ponerse en relación con el gobierno contra el cual se presente la queja, en la forma prevista en el artículo 24.
 3. Si el Consejo de Administración no considerase necesario comunicar la queja al gobierno contra el cual se haya presentado, o si, hecha la comunicación, no se recibiere dentro de un plazo prudencial una respuesta que le satisfaga, el Consejo de Administración podrá nombrar una comisión de encuesta encargada de estudiar la cuestión planteada e informar al respecto.
 4. El Consejo podrá seguir el mismo procedimiento de oficio o en virtud de una queja presentada por un delegado de la Conferencia.
 5. Cuando el Consejo de Administración examine una cuestión suscitada por la aplicación de los artículos 25 ó 26, el gobierno interesado, si no estuviere ya representado en el Consejo de Administración, tendrá derecho a designar un delegado para que participe en las deliberaciones del Consejo relativas a dicha cuestión. La fecha en que deban efectuarse las deliberaciones se notificará en tiempo oportuno al gobierno interesado.
- 12.** Bahrein ratificó el Convenio núm. 111 el 26 de septiembre de 2000, por lo que dicho instrumento entró en vigor en ese país el 26 de septiembre de 2001. En la fecha de la presentación de la queja, 11 de sus autores eran delegados de los trabajadores de sus respectivos países en la 100.^a reunión de la Conferencia. En consecuencia, tenían el derecho de presentar una queja en virtud del párrafo 4 del artículo 26 de la Constitución si consideraban que Bahrein no garantizaba de manera satisfactoria el cumplimiento efectivo de dicho Convenio. Por tanto, se cumplen las condiciones para la admisibilidad de la queja estipuladas en el párrafo 1 del artículo 26 de la Constitución.
- 13.** Los autores de la queja pidieron al Consejo de Administración que propusiera medidas con miras al efectivo cumplimiento de este convenio fundamental, tanto en la legislación como en la práctica. Corresponde al Consejo de Administración resolver acerca de esta solicitud. En esta etapa del procedimiento no es posible debatir sobre el fondo de la queja. En efecto, una discusión en el Consejo de Administración sobre el fondo de la queja sería incompatible con el carácter judicial del procedimiento previsto en el artículo 26 y siguientes de la Constitución hasta que el Consejo de Administración tenga ante sí los argumentos del Gobierno contra el cual se formula la queja, junto con una evaluación objetiva de estos argumentos por parte de un órgano imparcial. Tal discusión tampoco sería apropiada mientras esté pendiente ante el Consejo de Administración una propuesta de remitir la queja a una comisión de encuesta o mientras la queja esté en trámite ante una comisión de esta índole. En caso de que se nombre una comisión de encuesta, decisión que el Consejo de Administración podrá adoptar en virtud del párrafo 4 del artículo 26 de la Constitución, sólo se pedirá al Consejo que tome medidas cuando la comisión de encuesta haya presentado un informe sobre el fondo de la queja.
- 14.** Valga recordar que la Comisión de Expertos en Aplicación de Convenios y Recomendaciones dirigió observaciones al Gobierno de Bahrein en relación con el cumplimiento del Convenio referido en la queja presentada en virtud del artículo 26 de la Constitución.
- 15.** De conformidad con la práctica establecida, cuando una comisión de encuesta es nombrada, las cuestiones pertinentes sometidas ante los diversos órganos de control de la OIT son remitidas a esta comisión.
- 16.** Se exhorta a los miembros de la Mesa a que se pronuncien sobre la admisibilidad de la queja a que remitan el asunto al Consejo de Administración para su examen. Corresponde ahora al Consejo de Administración adoptar las decisiones necesarias sobre el procedimiento relativo a las quejas presentadas en virtud del artículo 26 de la Constitución.

17. La Mesa del Consejo de Administración recomienda que el Consejo de Administración:

- a) solicite al Gobierno que presente un informe sobre la aplicación efectiva del Acuerdo Tripartito en relación con la queja suscrita por los mandantes tripartitos de Bahrein el 11 de marzo de 2012 y que informe al Consejo de Administración, en su 317.^a reunión (marzo de 2013) acerca de los progresos realizados con miras al cumplimiento cabal de todas sus disposiciones;**
- b) solicitar a la Oficina que adopte las medidas necesarias para facilitar toda la asistencia técnica que puedan necesitar los mandantes tripartitos, si así lo solicitaran el Gobierno o las organizaciones signatarias del acuerdo, la GFBTU o la BCCI, para garantizar la aplicación efectiva del Acuerdo Tripartito, que tome medidas para promover un clima de auténticas relaciones laborales, y que informe al Consejo de Administración en su 317.^a reunión (marzo de 2013) acerca de los progresos realizados a este respecto, y**
- c) sobre esa base, aplazar su decisión sobre la queja hasta su 317.^a reunión (marzo de 2013).**

Anexo I

Informe de actualización sobre las cuestiones relacionadas con la queja



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**UPDATE BY
THE GOVERNMENT OF BAHRAIN
ON THE ISSUES RELATED TO
THE COMPLAINT FILED BY WORKER DELEGATES
AT THE 100TH SESSION (2011) OF THE
INTERNATIONAL LABOUR CONFERENCE**

October 2012



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**ON THE ISSUES RELATED TO THE COMPLAINT FILED BY WORKER DELEGATES AT THE
100TH SESSION (2011) OF THE INTERNATIONAL LABOUR CONFERENCE
ALLEGING VIOLATIONS OF THE OBLIGATIONS OF CONVENTION 111 ON DISCRIMINA-
TION (EMPLOYMENT AND OCCUPATION):**

**THE GOVERNING BODY SHOULD NOT CONSIDER THE COMPLAINT:
THE ISSUES HAVE BEEN EFFECTIVELY ADDRESSED BY THE GOVERNMENT OF BAHRAIN**

SUMMARY

1. The Complaint under Article 26 of the ILO Constitution filed against the Kingdom of Bahrain by Worker Delegates to the June 2011 International Labour Conference seeks relief for an issue that has been effectively addressed by the Government of Bahrain for many months. Moreover, for the Governing Body to consider this complaint would be procedurally unprecedented since there is no supervisory record that would substantiate the basis for an Article 26 commission of inquiry.
2. The Government of Bahrain has taken effective action to address the concerns reflected in the complaint involving workers that were dismissed from their jobs for failing to attend work during the period February/March 2011, through the reinstatement, re-employment or other agreed settlement for these cases. About 98 percent of nearly 5,000 cases of suspensions and dismissals have been resolved. The small number of remaining cases either pending in court or pending the decision of a worker to accept the re-employment or other resolution being offered.
3. The Government of Bahrain has also worked on a tripartite basis to resolve the dismissal issue and also consulted with officials of the International Labour Office on an on-going basis on this matter. The results achieved by the Government of Bahrain involving some 98 percent of the cases has been an extraordinary undertaking requiring the commitment of the entire Government of Bahrain at the highest levels. The matter is now fundamentally resolved, and any remaining issues that arise related to these workers should be handled through the normal applicable laws, procedures and courts.
4. There is no practical purpose to be served by maintaining this item on the agenda of the Governing Body. Consequently, if the Complaint is not withdrawn, the Government of Bahrain calls on the



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Governing Body not to give this complaint any consideration going forward and to remove it from the agenda.

5. The extensive efforts taken by the Government of Bahrain, in cooperation with the General Federation of Bahrain Trade Unions (GFBTU) and the Bahrain Chamber of Commerce and Industry (BCCI), to reinstate dismissed workers in Bahrain is a consequence of the events of February/March 2011, when some civil servants and employees in the private sector decided to express their political views by attending protests and otherwise not going to their jobs. In some cases, this was in response to a call for a strike by a trade union or other worker association official. While the peaceful expression of political views is protected under the laws and Constitution of the Kingdom of Bahrain, political protest is simply not a legal excuse for the unauthorized absence from work -- even more so for civil servants who have the obligation to attend their employment on behalf of the state.

6. Therefore, a number of workers in the public sector found themselves under disciplinary investigation for violations of the Civil Service Law. Other workers in the private sector found themselves terminated by their employers for being absent or leaving their jobs with no authorization or bona fide excuse, in violation of the applicable laws and regulations.

7. Despite the background for these dismissals, the Government of Bahrain took a number of extraordinary measures to advance reconciliation - through reinstatement or re-employment of these workers. His Majesty King Hamad bin Isa Al Khalifa has also lent his authority and support to this agenda, and made a number of statements, including his Ramadan address of August 28, 2011, emphasizing the importance of reconciliation and calling for those that had only committed offenses against him, and not other criminal acts, to be forgiven and not to be dismissed from their employment or otherwise punished.

8. The government has undertaken consistent efforts over the last 18 months to respond to the dismissal issue. The first response was to establish an extraordinary mechanism to review the dismissals in the private sector. On April 30, 2011, the Prime Minister, His Royal Highness Prince Khalifa Bin Salman Al Khalifa, established a special committee to review and assess whether dismissals were related to the events of February/March 2011, and whether they were in accordance with the requirements of the Labour Law for the Private Sector. The committee publicly requested all workers who believed their dismissal to be wrongful and related to such events to file a request for review.

9. The Committee adopted criteria for the review based upon the Labour Law provisions for the



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dismissal of employees for unexcused absences from work, and also taking into consideration whether there were separate allegations of criminal conduct. The Committee concluded that most of the dismissals reviewed were related to the political events and did not follow the procedures required to terminate employees for unexcused absences.

10. In addition, the report of the Bahrain Independent Commission of Inquiry was completed in November 2011, and includes recommendations on dismissals (para. 1723), which ask the government to (a) ensure the remaining dismissed employees have not been dismissed because of the exercise of their right to freedom of expression, opinion, association or assembly, and (b) use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear at work at the time of the demonstrations treat them in a way that is at least equal to that provided to civil servants.

11. Thus the BICI report does not conclude there has been any blanket infirmity in terms of the dismissals; rather it asked the government to assure that the dismissals were in accordance with law and international obligations - and in any cases of illegal dismissal in the private sector that the government use its best efforts to obtain reinstatement. The government has actually gone beyond the recommendations of the BICI report, and has sought the reinstatement, re-employment or other agreed resolution for all workers absent a criminal referral. The BICI report points to the positive decision to reverse all of the dismissals in the civil service that had already been implemented by late November 2011, and encouraged further efforts in the private sector, including with the state-invested sector. Here again, the government has gone beyond the recommendation, and virtually all workers from the state-invested companies, over 99 percent, are now reinstated, re-employed or have bona fide offers. A small number, less than one percent, have pending court cases or are otherwise unresolved.

12. On February 29, 2012 the Government of Bahrain announced the results of an intensive and multi-agency process to advance national reconciliation through the reinstatement of public and private sector workers in Bahrain. The process undertaken also met the commitments made to carry out the reinstatement recommendations of the Bahrain Independent Commission of Inquiry (BICI), as contained in the report released on November 23, 2011.

13. The results of the government review process include the full reinstatement of 180 workers covered by the Civil Service Law who had been formally dismissed from the public service. They all were returned to employment no later than January 1, 2012. One worker could not be returned because of a criminal conviction.



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14. The efforts undertaken by the government also have resolved most of the cases in the private sector on the basis of reinstatement, agreed upon reemployment, or other resolution.

15. Of the 2462 private sector cases reviewed by the government, some 2297 have been either reinstated or reemployed elsewhere (reinstated : 1783 cases , reemployed elsewhere :515 cases) , some 22 cases refuse to rejoin the same companies ,Some cases were determined unrelated to the political events (43 cases) , some other workers did not seek any action from the Ministry of Labour (30 cases). and 70 cases are in the process of being re-employed through the Ministry of Labour placement program. If these re-employment cases are also considered as representing an effective response to the needs of the workers, the percentage of cases addressed is 98 percent. (appendix No:1)

16. In recognition of the progress made, on March 11, 2012 an important agreement on the issues related to the complaint on the application of Convention 111 was signed by His Excellency Mr. Jameel Humaidan, Minister of Labour, Mr. Salman Al-Mahfoodh , General Secretary of the GFBTU, and Mr. Othman Sharif Al-Rayes, Vice-President of the BCCI. The March 11, 2012 agreement specifically recognizes the progress made on the reinstatement of workers and lays out additional agreed steps to resolve the remaining reinstatement issues in the context of a cooperative approach by the three parties.

17. The foundation for this agreement is (i) the work that has been done by the government of Bahrain to assure that workers illegally or unfairly dismissed as a result of the political events in the country in February/March 2011 were reinstated in both the civil service and the state-invested major companies of the private sector, and (ii) the cooperative national tripartite committee process chaired by the Ministry of Labour that was launched in December to resolve remaining reinstatements in the private and public sectors following the proposal put forward by the Government of Bahrain at the November 2011 ILO Governing Body meeting.

18. A delegation from the International Labour Office that visited Bahrain from February 29 to March 11 2012, was helpful in facilitating the March 11, 2012 agreement, and also offered to provide relevant technical assistance to the parties going forward.

19. It was understood that the tripartite agreement reached was the basis for further cooperation of the Parties on any remaining reinstatement concerns. The agreement recognizes that all workers in the state-invested enterprises, including all members of enterprise trade union boards who were dismissed, were reinstated or in the process of reinstatement.



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20. To advance the work under the Tripartite Agreement, two teams were established. A technical team of the MOL, GFBTU and BCCI to exchange information on what workers were still seeking reinstatement, the facts of those cases, and action taken on such cases. This work was designed to maximize the level of common agreement and coherence as to the workers covered under the scope of the agreement and their status. A legal team led by MOL was also established to address any legal issues that arose with regard to any of the workers being reviewed by the tripartite technical team.

21. Regular meetings were held to follow up the work of the MOU, and weekly meetings were also held on a bilateral basis between the Minister of Labour and the General Secretary of the GFBTU. (appendix No:2)

22. The agreement committed the Parties to reconcile the final figures for other private sector workers and workers in the public sector, although it was agreed that most government workers were back at work. Some additional cases cited by the GFBTU involving civil service workers and workers employed by other government agencies not under the Civil Service Law remained to be considered under the terms of the March 11 tripartite agreement. The Parties also agreed to resolve the remaining cases and to secure reinstatements where possible, and otherwise provide compensation and re-employment opportunities as appropriate.

23. It took somewhat longer than originally forecast for the GFBTU to present its final lists of names of workers that may have been within the mandate of the review effort.

24. With regard to public sector employees, the GFBTU ultimately provided a list of 131 names that they claimed had not been reinstated or otherwise resolved. Some 63 of those workers had been reinstated, and all other cases fully explained as to their status to both the GFBTU and the ILO technical mission that visited Bahrain from October 8-10, 2012. . (appendix No:3)

25. The only remaining issue to be resolved is 21 temporary workers that were on one year term contracts that were dismissed three months into those contracts. They have been offered an extension of nine months to complete those contracts, but are asking for permanent civil service positions rather than annual contracts. But permanent civil service positions must be posted and competitively bid under the required procedures and these workers cannot be reinstated to a better status than they enjoyed previously. The contract extension offer remains on the table, and has been accepted by some workers in a similar position.

26. Consequently, the Government of Bahrain is of the view that all cases in the public sector, 100%,



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have been addressed and resolutions offered. Any other matters or concerns that arise going forward should and must be dealt with under the normal procedures of the civil service law, regulations and administrative courts intended to handle any such grievances.

27. With regard to private sector employees, virtually all cases in the major companies (those companies that accounted for the GFBTU officers and membership impacted by the dismissals) are resolved or have bona fide offers of resolution. Of the 1765 workers impacted in the major companies sector, only a handful, or less than 1 percent, are subject to litigation or otherwise have no offer of resolution from the company. Those cases must now be handled within the judicial process for the appropriate decision.

28. In one major company there are 45 workers who have not yet accepted offers of reinstatement because of disputes over whether the positions being offered are equivalent to their prior positions. The Government of Bahrain has reviewed the position descriptions and believes they are equivalent and should be accepted. The Government has continued to encourage that these workers accept going back to work while any disputes about the positions be further negotiated in good faith. So far the workers have not done so. To try to resolve the matter, the Government has encouraged that the company hire an international job classification expert to again review the position descriptions and to follow the conclusions and recommendations of that expert should there be any different conclusion on the equivalence of the positions determined by such an expert. At the same time, if the workers continue to refuse the offers of reinstatement, their recourse is to the courts of Bahrain.

29. The most difficult and complicated part of the process has been with regard to the small and medium enterprise sector. Some 91 percent of the some 697 cases registered have been resolved through reinstatement, re-employment or other agreed resolution - but 63 cases remain. As a practical matter some of the enterprises where these people were employed no longer exist or have down-sized for economic reasons. At the same time while the Ministry of Labour has offered re-employment support through its placement programs, these workers have not yet decided that an acceptable job has been identified for them. It is now the case, however, that there is no further opportunity to have them re-employed in their prior positions and the legal authority to determine whether their dismissal was legal and if they have any recourse against the prior employer is again with the courts of Bahrain. There is no further action the Government can undertake for these 63 cases other than support for re-employment. Any other relief should be with the courts.

30. A final category of workers that were raised subsequent to the March 2012 Tripartite Agreement by the GFBTU are trainees under a government-sponsored program called Tamkeen. These are trainees placed for six month to two year periods in both private sector jobs and government agen-



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cies. The GFBTU provided a subsequent list of 155 Tamkeen trainees that were dismissed from their placements subsequent to February/March 2011. The Government has succeeded in resolving 100% of these cases, replacing 127 of these trainees into their former enterprise or agency, and the additional 28 into other placements.

31. Overall, the Government of Bahrain has successfully resolved some 98 percent of the almost 5000 cases of suspensions and dismissal cases that were registered through the Government's procedures and in dialogue with the GFBTU. This is an extraordinary achievement. But the scope of action available to the Government of Bahrain is now exhausted. A small number of cases are in litigation (only the courts have the legal authority to rule on whether a dismissal was illegal and to order the relief for any such dismissal), and any other worker has the right to pursue remedies with the courts. At the same time the Ministry of Labour will continue to offer all available assistance to re-employ any worker that still seeks employment. Other possible disputes about job equivalence or other grievances should be handled as routine labour disputes under the normal public sector and private labour law procedures.

32. ILO technical team visited Bahrain, from October 8-10, 2012, during which the team acknowledged that Bahrain has achieved significant progress, and provided some suggestions to the management of the companies regarding resolving the remaining cases through equitable settlements. The Ministry of Labour followed-up such issues and our efforts resulted in reinstating the majority of the pending cases. Such results shall be sent to the ILO before the end of October 2012.

33. There is simply no reason to maintain the question of whether to consider the Article 26 Complaint on the agenda of the Governing Body. The Government of Bahrain has taken extraordinary efforts to reinstate, re-employ or otherwise reconcile with workers that were dismissed during the political events of February/March 2011 -- even though they failed to appear at their jobs or violated their obligations as civil servants. This same spirit of reconciliation should now be applied by those that filed the Complaint. It should be withdrawn -- and a path of cooperative and constructive dialogue pursued going forward.



BACKGROUND: THE GOVERNMENT'S RESPONSE TO THE EVENTS OF FEBRUARY/MARCH 2011

34. Beginning on February 14, 2011, the Kingdom of Bahrain experienced demonstrations calling for political changes. These demonstrations did not take place in compliance with the legal permitting process and disrupted normal activities in the capital of Manama. They were also accompanied by acts of vandalism and violence.

35. Several important steps have been taken by the government since that time to address the consequences of the February-March period, and also the causes. The future peace and stability of the nation depends upon an effective process to do so, and clearly all parties in Bahraini society must be willing to engage in the dialogue and the consensus-building necessary for success.

36. Since March 2011, the Government of Bahrain has taken the initiative to advance both reconciliation and further political reform. His Majesty King Hamad bin Isa Al Khalifa has lent his authority and support to this agenda, and made a number of important public statements, including his Ramadan address of August 28, 2011, affirming the need for reconciliation, further political reform and equal treatment under the law. The steps already taken include (1) judicial accountability for those that committed crimes during the attempt to overthrow the government, including members of the security forces who might have committed violations against protesters or detainees, (2) a National Dialogue process that resulted in recommendations for additional political and social reforms, and (3) the appointment of the Bahrain Independent Commission of Inquiry (BICI), chaired by Professor Cherif Bassiouni, which on November 23, 2011 issued a full and independent report and recommendations on all of the events in Bahrain.

37. On the same day the BICI report was issued, His Majesty King Hamad Bin Isa Al Khalifa accepted without reservation the report and all its recommendations, and a process was established to implement them. The process has involved intensive work by virtually the entire senior level of Bahrain's Government coordinated by His Highness Shaikh Muhammad bin Mubarak Al Khalifa, Deputy Prime Minister, and has been overseen by the special national committee established to oversee the implementation of the BICI recommendations under the chairmanship of His Excellency Ali bin Saleh Al-Saleh, the Chairman of the Shura Council. The commitment was made by the government to make progress on the implementation of all recommendations by the end of February 2012, and the national commission formally reported on the status of the implementation of the recommendations on March 20, 2012. A further follow-up report was published in June 2012.



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38. Among the recommendations contained in the BICI report were two elements related to the dismissal of workers as a result of the February/March 2011 events. Recommendation No (1723) of the BICI report has two subparagraphs (a) and (b) related to the reinstatement of dismissed workers. Paragraph 1723(a) recommends actions: "To ensure the remaining dismissed employees have not been dismissed because of their exercise of their right to freedom of expression, opinion, association, or assembly." Paragraph 1723(b) likewise recommends the government: "To use all its powers to ensure that public corporations and other employers who dismissed employees for failure to appear for work at the time of the demonstrations treat them in a way that is at least equal to that provided by the GOB to civil servants."

39. The actions taken by the government, in cooperation with the GFBTU and the BCCI, exceed the scope of the recommendations contained in the BICI report. With regard to the 180 completed dismissals in the civil service noted in the BICI report, a circular was subsequently issued by His Excellency Shaikh Khalid bin Abdullah Al Khalifa, Deputy Prime Minister and Vice President of the Civil Service Council on December 20, 2011 which required "All government entities governed by the Civil Service Law to reinstate all the (180) employees who were dismissed based on disciplinary decisions on the background of the recent events, as of the first of January 2012." This directive was implemented by the CSB, and all 180 dismissals were withdrawn before January 1, 2012.

40. Moreover, all disciplinary investigations that had been opened involving some 1870 additional members of the civil service that could have resulted in their dismissals were terminated under the directive that they were to receive no more than a two-week suspension for violations that were committed during the relevant period.

41. In addition, a number of steps have been taken by the government to resolve the private sector dismissal issues. As indicated, the first response was on April 30, 2011, when His Royal Highness Prince Khalifa Bin Salman Al Khalifa, the Prime Minister, established a special committee to review the issue of worker dismissals, and to establish whether the dismissals related to the events of February and March 2011 were in accordance with the Labour Law for the Private Sector, Decree Law No. 23 of 1976.

42. The Committee convened for the first time on May 2, 2011. It was chaired by the Minister of Labour, and other members of the Prime Minister's Committee included the (i) President of the Civil Service Bureau, (ii) the Under-Secretary of the Ministry of Justice and Islamic Affairs and (iii) the President of the Legislation and Legal Opinions Office. The committee publicly announced its work and solicited all workers who believed their dismissal related to the events of February and March to file a request for review with the committee. The work of the committee was announced on radio and television and in the print media, and the Ministry of Labour consulted regularly with the GFBTU on its work.



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43. The Committee adopted criteria for the review based upon the provisions contained in the Labour Law relating to the dismissal of employees for unexcused absences from work, and also taking into consideration whether there were separate allegations of criminal conduct by the employees. These criteria were generally based upon those established in Chapter 14 of the Labour Law.

44. The Prime Minister's Committee established a universe of 2,462 workers who were dismissed during the relevant period. The review process was largely completed by early July 2011.

45. The majority of the dismissals were at large enterprises, such as Bahraini Petroleum Company (BAPCO), Bahraini Telecommunications Company (BATELCO), Arab Shipbuilding and Repair Yard (ASRY), Gulf Air, Aluminium Bahrain (ALBA), Bahrain Airport Services (BAS), Bahrain National Gas Company (BANAGAS) and the Gulf Aluminium Rolling Mill Company (GARMCO).

46. On July 2, 2011 His Royal Highness the Prime Minister issued a finding urging the reinstatement of all employees the committee had determined were not dismissed in accordance with the legal notice requirements.

47. Immediately thereafter, on July 5, 2011 the Minister of Labour sent written letters to companies, and follow-up letters on July 18, instructing them that the workers dismissed should be reinstated within ten days. A number of reinstatements occurred in the period from July. At the same time, there was no specific legal authority upon which the Minister of Labour could order the reinstatements. Under the Labour Law for the Private Sector the recourse for a worker wrongfully dismissed is through the courts, and many wrongful dismissal cases were filed. . (appendix No:4)

48. The Minister of Labour also made additional outreach efforts with the private sector after the August 28, 2011 Ramadan speech of His Majesty King Hamad ibn Isa Al Khalifa encouraging that workers dismissed for crimes against the King, and not for other reasons, be reinstated. On September 11, 2011 the Minister wrote to the Bahrain Chamber of Commerce and Industry asking them to undertake efforts with their member companies to address reinstatements based upon the guidance from His Majesty the King.

49. In addition, efforts were made by Deputy Prime Minister Sheikh Khalid bin Abdullah Al Khalifa to also encourage the state-invested companies to move forward on the reinstatements. The Deputy Prime Minister held a meeting with the companies on October 19, 2011 to reaffirm the policy of the government in favor of finalizing the reinstatements of the workers determined to have been ille-



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gally dismissed by the special committee of the Prime Minister, chaired by the Minister of Labour.

50. By mid-August more than 500 workers had been reinstated, and by mid-October some 820 workers had been reinstated. In other cases, private employers continued to resist certain reinstatements since they view the actions of the workers that stopped coming to work in February and March, often in circumstances that put vital company operations at risk, as a grave breach of the relationship between employee and employer.

51. The government then determined on October 23, 2011 that the Minister of Labour would undertake one additional round of conciliation efforts with each company with workers still on dismissal that the Prime Minister's Committee determined to have a claim for reinstatement based upon the termination process used. In those cases where such efforts were not successful, the Minister of Labour would refer those cases to the courts which has the legal authority to resolve them under the Labour Law.

52. At this time, it may also be the case that companies were waiting to see the results and findings from the BICI report before taking final decision on reinstatements. Given the recommendations from the BICI report issued on November 23, 2011 the Minister of Labour again wrote to companies on November 29 noting the need for reinstatements, and the commitments of His Majesty the King and His Royal Highness the Prime Minister that all BICI recommendations be fully implemented.

53. The process and deadline for implementing the BICI recommendations further accelerated the high level attention given to the remaining reinstatements. Substantial progress had been made over the prior months, and by the end of 2011 more than 900 workers had been reinstated, but a number of cases remained, and concerns about the conditions placed on some of the reinstatements and movement on certain trade union enterprise union board members remained significant issues.

54. Consequently, on February 9, 2012, H.E. Sheikh Khalid bin Abdullah Al Khalifa, Deputy Prime Minister, wrote a further communication to all of the state-invested enterprises instructing them that all reinstatements should be finalized within one week, by February 16, and that workers should be reinstated on the prior contracts without new conditions. In addition, Deputy Prime Minister Sheikh Khalid and other officials of the government under the leadership of His Highness Sheikh Muhammad bin Mubarak Al Khalifa, Deputy Prime Minister, continued to work diligently on clearing any remaining obstacles in the way of individual reinstatements. For example, H.E. Sheikh Khalid bin Abdullah Al Khalifa, Deputy Prime Minister, wrote to the Office of Public Prosecution formally asking whether a criminal case was still pending against 38 workers - and was able to get a formal verification that



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the case had been dropped so that their reinstatements could proceed . (appendix No:5)

55. All of these efforts led to a public accounting by the government on February 28 to the national commission overseeing the implementation of the BICI report recommendations that 97 percent of the cases in the state-invested sector has been resolved, and 96 percent of the private sector cases were addressed through reinstatement, reemployment or otherwise determining no further governmental action was necessary.

56. Thereafter, the progress announced was memorialized in the tripartite agreement of March 11, and additional cooperative progress made with the GFBTU in narrowing any remaining differences on individual cases. In the intervening period since the March agreement, the GFBTU presented further names for review by the Ministry of Labour, including some 155 persons under the Government's Tamkeen program that places trainees in public and private enterprises for period of six months to two years. The Government has now gotten all of these trainees back into the prior placements or in new placements , Tamkeen cases are not employed persons but trainees on two years training contracts, their salaries are fully subsidized by the Government)

57. Also since March, the GFBTU developed a list of 131 additional names related to the public sector that have been fully vetted and resolved by the Government. Some 63 of the workers from this list were verified to be reinstated, while some others were dismissed for violations unrelated to the political events, voluntarily retired, had contracts that expired, or have received a final court conviction that requires their separation from the civil service. Only 21 workers on annual contracts have not yet accepted the reinstatement offers to return to work on the same basis as they were dismissed, claiming they want permanent civil service positions. Such positions can only be provided under the competitive procedures of the Civil Service, and cannot be guaranteed as part of the reinstatements to the term contracts.

58. Although it was agreed with the GFBTU in March Tripartite Agreement that 100 percent of the cases in the state-invested sector have been reinstated or were in the process of reinstatement, a handful of cases have not resulted in reinstatements because of litigation, and in one case offers to 45 workers for reinstatement have not been accepted by them and a resolution has not been reached with five other workers. Nevertheless, the reinstatements or other resolution in this sector still reaches 99 percent of all cases and all GFBTU union officials.

59. With regard to the remaining private sector, the GFBTU also submitted some 37 additional cases



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that were not on the list in March. These cases have also been vetted by the Ministry of Labour. It is the Government's position that all but 99 of 697 cases have been resolved. While the GFBTU claims that 147 of 734 cases remain. The Ministry of Labour has explained to the GFBTU that there a number of cases on their list are unrelated to the political events of February/March 2011, involve people that have now started their own businesses, or workers who are only seeking compensation in court and not reinstatement.

RECENT EVENTS AND WORKER RIGHTS IN BAHRAIN

60. The government of Bahrain has worked over the last decade to put in place a legal regime that protects worker rights and has allowed for the development of an independent and important trade union movement. The Trade Union Law of 2002 provides the necessary legal framework to protect the rights of workers to organize independent trade unions, and the growth of the GFBTU since that time as a respected independent trade union movement is confirmation of the operation of the law in practice.

61. While the efforts to develop a legal regime in compliance with all ILO norms remain a work in process, there have been tangible results. Indeed, in recognition of these positive developments in March 2008 Bahrain was selected as the first country in the region to enter an agreement with the ILO to implement a National Program for Decent Work. Moreover, Bahrain was the first country in the region to make modifications to the sponsorship system to better assure protections of migrant workers and facilitate their movement between employers. It is also the first country in the region to implement an unemployment insurance program to support both the Bahraini and non Bahraini workforce. As recently as early 2011 a number of these achievements were lauded by both the International Labour Organization and the international trade union movement.

62. Since March 2011, there has been no effort or policy by the Government of Bahrain to roll back trade union rights or any labour protections. On the contrary, the efforts of the government to further protect the rights of vulnerable workers such as domestic workers or the rights of the disabled to enter the workplace remain robust and on-going.

63. Indeed, in the letter addressed to His Highness Sheikh Muhammad bin Mubarak Al Khalifa, Deputy Prime Minister, by the General Secretary of the GFBTU Salman AlMahfoodh on March 13, 2012, the commitment of the government to worker and trade union rights is specifically cited by the GFBTU General Secretary.



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64. Most recently, in September 2012, Bahrain passed additional improvements to the labour law that for the first time provide full labour protections for domestic workers. The new labour law also provides enhanced protections for women workers, including enhanced maternity benefits, and better protections for child workers.

THE WORKER DELEGATES COMPLAINT AT THE ILC

65. The complaint filed at the June International Labour Conference by certain worker delegates alleging violations of Bahrain's obligations under Convention 111 on Discrimination (Employment and Occupation) should not result in any action by the Governing Body. Indeed, the government of Bahrain is fully committed to assuring that it complies with the obligations of Convention 111. The Committee of Experts has provided observations in 2009 and 2010 about some improvements in the legal framework, including in the labour law, that Bahrain could take to make more explicit legal protections for certain groups from employment discrimination, including the modifications to the sponsorship system which was enacted.

66. Under the March 11, 2012 Tripartite Agreement the parties, including the government of Bahrain, have already welcomed technical assistance from the ILO on potential further legal reforms and institutional capacity for the effective implementation of Convention 111. The Government of Bahrain continues to anticipate such technical assistance being provided by the ILO.

67. Meanwhile, the allegations made in the complaint to the ILC with regard to opinion, belief or trade union status have never been considered by the Committee of Experts or the regular supervisory procedures of the ILO. There is simply no basis in fact or precedent to suggest the issues raised should be the basis of the most serious supervisory mechanism of the ILO, an investigation by a Commission of Inquiry. Indeed, the reality is that all of the trade union executive board members of the major state-invested enterprises have been reinstated to their positions.

68. In reviewing the facts the government of Bahrain recognizes the underlying concern that motivated the complaint of the worker delegates were worker dismissals that occurred in the context of the political movement to overthrow the government. But the specifics of the complaint as to the events in Bahrain and the government's policy and actions with regard to such dismissals are plainly wrong. The government of Bahrain has worked consistently and transparently to address the dismissal issues, and it has been essentially resolved as reflected in the March 11 tripartite agreement.



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69. Indeed, under the terms of the Special Committee appointed in April 2011 by the His Royal Highness, the Prime Minister, long before the March 11 tripartite agreement, the government of Bahrain reviewed the facts of each worker dismissed in the private sector to conciliate and mediate in their reinstatement, and to support them in re-employment, as appropriate. The Ministry of Labour also sought to assure that all eligible workers received their unemployment insurance benefits. Moreover, the government has also taken initiatives to resolve any cases identified for review of workers in the public sector that were dismissed for alleged violations of their civil service law obligations.

70. The worker complaint alleges that the dismissals are a violation of Convention 111 because they were made on the basis of a "workers opinion, belief and trade union affiliation." The complaint gives a distorted context in which these dismissals occurred. The complaint is built upon the following incorrect foundation statement:

71. Following a series of peaceful demonstrations in the months of February and March, demanding economic and social changes and expressing support for ongoing democratization and reform, a large number of union members, trade unionists and leaders have been dismissed. All those directly, or indirectly, supporting the demonstrations have also been affected and suffered various forms of sanctions at work. (Text of Worker Delegate Complaint filed at June 2011 ILC)

72. There are various inaccuracies conveyed in this premise for the complaint which the government of Bahrain has documented for any objective observer. First, while no doubt many who came to protest during this period were peaceful, there were many others that were not. Indeed, despite the government position that peaceful demonstrations would be permitted to continue without any interference, elements of the movement advocated and participated in acts of violence, including the murder of police and innocent migrant workers, large scale vandalism, and intimidation of peaceful citizens by roving bands. (appendix No:6)

73. In short, the breakdown of public safety and security caused by such elements that were associated with this movement were what necessitated action by the security forces of the country to restore civil order and public security. The toleration of national chaos was simply not a responsible option. The restoration of public safety was accomplished with limited loss of life and injury, and despite continuing small-scale confrontations with security forces by youths that commit serious acts of vandalism and violence against the police, there has been relative calm and limited violence since March 2011.



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74. Second, no doubt many who came to protest were "demanding economic and social changes" and "expressing support for ongoing democratization and reform," as characterized in the complaint, and if that was all that was being demanded it is unlikely that the growing violence described above would have required the police action taken by the government. The fact is that important elements of the movement on the streets began demanding the overthrow of the government and the death of the royal family. And the increasing acts of violence associated with such demands and the unwillingness of important leadership elements of the protest movement to engage in political dialogue with high-level government representatives made clear that in the context of the "Arab Spring" there were those that very much believed the overthrow of the government would be achieved.

75. In addition, the general strike called by the GFBTU was done not only in contradiction to the provisions of Article 21 of the Trade Union Law of 2002 that govern the conditions for legal strikes in Bahrain, but also without regard to the GFBTU's own internal procedures for calling strikes. Even putting to the side these fundamental violations of the obligations of the GFBTU leadership with regard to the procedures to follow with regard to calling a strike - the strike action was also done with absolutely no notice to the employers of the companies impacted by it, which also violates a fundamental obligation in the right to strike. . (appendix No:7)

76. Furthermore, the GFBTU actually called for a general strike on two separate occasions during the political events of February/March 2011. The first strike threat was made by the GFBTU in protest of the government's action to end the demonstrations at the GCC Roundabout that had begun on February 14 without any permit according to the law and which continued in violation of the legal requirements for holding protests.

77. The GFBTU called for a strike to begin on February 20. That same date, the Minister of Labour issued a letter warning to the GFBTU that the proposed strike was in violation of the requirements of Bahraini law to hold a legal strike. The GFBTU ended up calling off that strike presumably because the government announced that Bahrainis would be allowed to peacefully protest at the Roundabout, and such protests resumed on February 17.

78. However, on March 13 as the crisis escalated and the efforts of the government to establish a political track for negotiation were rejected by leaders of the protest movement, the GFBTU a second time called a general strike this time effective immediately. Meanwhile, beginning on March 15 the government consistent with the Bahraini constitution invoked a state of national safety for a 90-day period so as to re-establish the rule of law and public safety, and the effort to overthrow the government ultimately failed.



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79. The strike initiated by the GFBTU was continued until March 20. Some number of workers followed the strike call by the GFBTU, and employers began to terminate workers who simply did not come to work and who had not obtained permission not to do so. It was in this context that the dismissals at issue occurred.

80. It must be acknowledged that the Bahrain Independent Commission of Inquiry (BICI) reached the judgment that the strike was "within the bounds of the law." The rationale provided by BICI in para. 1448, is that the strike was related "at least in part, to concerns for the safety and mistreatment of workers, calls for improvement in the socio-economic conditions of their members and their families, and assurances against retaliation against participating members," consistent with the purposes outlined in Article 20 of the Trade Union Law of 2002.

81. Furthermore, the BICI determined, as the government itself had done through the conclusions of the Special Committee, that the dismissals in the private sector did not meet the procedural requirements of the Labour Law for the Private Sector. Similarly, BICI found the Civil Service dismissals procedurally defective. Regardless of the basis of that finding, all such dismissals in the civil service were reversed and those workers reinstated no later than January 1, 2012.

82. Most importantly for the ILO proceedings, the BICI report in para. 1453 suggests that there was discrimination in these dismissals implicating the obligations of Convention 111- but not discrimination related to trade union status as alleged in the pending worker complaint filed at the ILC in June 2011, but discrimination related to religious sect.

83. Again regardless of the potential rebuttal to any particular finding or conclusion, what is most important in this matter is that the government embraced all of the recommendations of BICI, including those with regard to the dismissals. Indeed, as already indicated, the efforts by the government on the reinstatements actually go beyond the BICI recommendations. The policy and approach of the government, as initiated by the review process in April, as emphasized by His Majesty the King in August, and as implemented for the civil service and the state-invested enterprises in 2011, is that all workers dismissed in the context of the February/March 2011 events should be reinstated absent being subject to a criminal proceeding. This policy and position is also reflected in the tripartite agreement signed on March 11, 2012.

84. Consequently, there is simply no basis in fact or precedent for the Governing Body to take any action on the pending Article 26 complaint other than to decide there is no purpose to be served in further reviewing a matter which has already been fully reviewed by the government of Bahrain and



by a fully independent Commission of Inquiry. Furthermore, and most importantly, the substantive concern behind the complaint has also been resolved through the reinstatements of almost all workers dismissed, and re-employment and other support being provided to those where reinstatement has not been possible.

THE PENDING COMPLAINT SHOULD BE WITHDRAWN OR REJECTED

85. While there is clearly no basis to seek to proceed with the pending Article 26 complaint, as the complaint remains pending for decision of the Governing Body it is necessary for the government to address the specific allegations in the complaint on the failure of the government to meet its obligations on non-discrimination under Convention 111. The specific allegations in the complaint to be addressed, include the following:

1. The Government has failed to meet its constitutional obligation towards non-discrimination and, despite ratification of Convention No. 111, discrimination in employment and occupation has been sanctioned on an increasing scale in both the private and public sectors.
2. The process of reprisals against workers was initiated by official authorities requesting the submission of reports on absences from work and of threatening to use legal action and measures ranging from pay cuts to termination of employment. This process has been further emulated by the private sector.
3. Large-scale dismissals from employment have taken place on such grounds as workers' opinion, belief and trade union affiliation, after lists were drawn up to screen them systematically. Some 2,000 workers have thus been dismissed including many on the basis of videos and photos identifying participants and demonstrations as grounds for dismissal.
4. Mechanisms were set up to look into complaints against dismissals in both the public and private sectors with no guarantees of redress for established abuses by employers and Government.
5. Doctors and health-care workers have similarly been dismissed and/or affected in their professional lives on the sole grounds of treating victims of acts of brutality during demonstrations.
6. The same joint committee of major companies that announced the formation of committees to investigate dismissals in response to the Prime Minister's earlier call, is now publicly threatening trade union leaders with criminal and civil prosecution in case they do not resign. The management of one company, Gulf Aluminium Rolling Mill Company - GARMCO, wrote a letter telling dismissed workers that their relationship with the Company ended with the decision to dismiss them, leaving them with the limited right to address the Company on individual and personal grievances.
7. New hiring processes are taking place with explicitly stated preference for specific workers on



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such grounds as opinion, belief, trade union affiliation and national extraction.

8. Workers and new recruits are being requested to sign also political allegiance and pledges restricting their rights at work, including the right to strike and the right to certain benefits, as a pre-condition for their continued employment.

9. In at least one instance (the board of the General Organization for Social Assurance), workers' representatives on a tripartite body have been excluded from taking part in board meetings on the basis of their trade union affiliation.

(Text of Worker Delegate Complaint Filed at June 2011 ILC)

RESPONSE TO SPECIFIC ALLEGATIONS OF THE COMPLAINT

86. This document addresses the specific allegations in the complaint in the context of the overall response of the government of Bahrain as to what has occurred with regard to worker dismissals and the actions taken by the government in that regard.

87. Allegation One:

a) The Government has failed to meet its constitutional obligation towards non-discrimination and, despite ratification of Convention No. 111, discrimination in employment and occupation has been sanctioned on an increasing scale in both the private and public sectors.

b) This is a general statement, lacking specifics. The ILO Committee of Experts has commented on the compliance of Bahrain with the obligations of C. 111 on several occasions, and as recently as 2010. The comments of the Committee suggested no such trend in Bahrain, and largely raised issues that involve gender equality and access for women to training and vocational education opportunities and requested further information about measures taken under Bahrain's National Strategy for the Advancement of Women. The Committee also asked for additional information about equality of opportunity on the grounds other than gender enumerated in the convention, and enforcement and statistical data collection mechanisms in Bahrain. No concerns were expressed about "an increasing scale" of discrimination being sanctioned in the private and public sectors. Bahrain has also never been asked to appear before the Committee on the Application of Standards of the International Labour Conference.



c) These allegations relate to the work place dismissals that occurred in the context of the political crisis that swept the country in February/March 2011, when a lot of workers did not comply with their obligations to come to work either by choice or because their ability to do so was severely impacted because of the political situation in the country that included road blocks and transportation interruptions. At the same time, it must be acknowledged that the report of the BICI does find that there was a disparate experience in the dismissals of workers based on sect indicating a form of discrimination implicating Convention 111, but this issue has never been considered by any supervisory mechanism of the ILO, nor have there been any ILO findings in this regard.

88. Allegations two and three link the lay-offs in Bahrain to alleged political opinion or trade union status discrimination:

a) The process of reprisals against workers was initiated by official authorities requesting the submission of reports on absences from work and of threatening to use legal action and measures ranging from pay cuts to termination of employment. This process has been further emulated by the private sector.

b) Large-scale dismissals from employment have taken place on such grounds as workers' opinion, belief and trade union affiliation, after lists were drawn up to screen them systematically. Some 2,000 workers have thus been dismissed including many on the basis of videos and photos identifying participants and demonstrations as grounds for dismissal.

c) These allegations appear to either intentionally or inadvertently merge together two separate issues. First, is the fact that certain public sector employees decided to absent themselves from work to participate in demonstrations and strike against the government. Failing to come to work without permitted leave is a violation of the Civil Services Law in Bahrain, as it would be in any country, and any decision of public employees to fail to come to work is an action that subjects such employees to disciplinary procedures and potential dismissal. No government would tolerate public employees failing to come to work in violation of the law.

d) The disciplinary procedures used by the government with regard to such workers were consistent with the Civil Services Law. Nevertheless, the government of Bahrain, at the urging of the political leadership of His Majesty the King and His Royal Highness the Prime Minister, took extraordinary measures to first limit dismissals from the public service despite the number of employees that committed violations of illegal work stoppages that make them liable for such loss of employment, and



then ultimately to reverse the 180 dismissals that did occur.

e) A similar experience occurred in a number of firms in the private sector. Some workers failed to come to work in favor of attending demonstrations or otherwise engaging in strike action which was not initiated pursuant to the legal requirements of the Trade Union law in Bahrain. A number of companies took action to terminate such employees. With regard to such workers, however, the government almost immediately established a special committee to review every such case to assess whether such dismissals complied with the requirements of the Labour Code. Finding that most dismissals did not follow the procedural requirements, between July 2011 and February 2012 the government undertook a successful effort to encourage the reinstatement of most workers in the private sector who were dismissed, even though the law does not provide for a legal right of reinstatement for most workers other than trade union officials - the applicable legal relief is actually for a court to assess the required level of compensation for an illegal dismissal.

89. Allegation four:

a) Mechanisms were set up to look into complaints against dismissals in both the public and private sectors with no guarantees of redress for established abuses by employers and Government.

b) The statement here is correct that mechanisms were established to look into the issue of dismissals in both the public and private sector. Indeed, these mechanisms were designed to establish precisely what the allegation says they are not - to assure that any abuse in terms of dismissal would be corrected - and that is precisely what happened in Bahrain. In fact, the government set up procedures to assure that the law is appropriately applied and that workers who were not dismissed according to the established legal procedures are able to be reinstated. At the same time, the underlying premise of the allegation is again incorrect. The general abuse that occurred is the failure of workers to come to their places of employment and to engage in strikes or illegal work stoppages not permitted under the Labour Law for the Private Sector or the Civil Service Law.

c) H.M the King gave a Ramadan address to the nation on August 28, 2011 emphasizing the importance of reconciliation and calling for those that had only committed offenses against him, and not other criminal acts, to be forgiven and not to be dismissed from their employment or otherwise punished. This message was well-received and supported by the GFBTU, as it was by different segments of Bahraini society.

d) Moreover, the conclusions and recommendation of the BICI report, and the government's full ac-



ceptance of them, also gave additional momentum and a committed timeline by the end of February for the reinstatement process in the private sector (across-the-board reinstatements for all those dismissed in the civil service were effective as of January 1, 2012). This could be accomplished most clearly in the state-invested enterprises, which involved two-thirds of the workers impacted, where the government had the ability to encourage the reinstatements. The government also effectively addressed almost all other affected workers in the private sector by the end of February through achieving reinstatements, re-employment or other resolution.

MEDICAL PERSONNEL

90. Allegation five:

a) Doctors and health-care workers have similarly been dismissed and/or affected in their professional lives on the sole grounds of treating victims of acts of brutality during demonstrations.

b) There is no basis for the allegation that medical personnel are being dismissed or are being prosecuted for simply treating patients. Some medical personnel committed serious criminal acts. Others breached their ethical obligations as medical professionals. These facts are also substantiated in the BICI report.

c) By February 18, 2011 the Salmaniya Medical Complex, had been effectively taken over by the protesters and was being used to coordinate their activities as an annex to the GCC Roundabout. Soon thereafter, the facility entrances were blocked with ambulances and other equipment and the protesters exerted control over who would get access to the hospital.

d) There was no longer effective control over major parts of the hospital facility by its administration or any security - rather it was now run by the protesters and the medical personnel that were in sympathy with their objectives.

e) There was no police presence -- because of threats of violence towards police officers and the government was trying to avoid any provocations or additional violence. The protesters and medical personnel sympathetic to them also began to block access points to the emergency room, including by welding doors. Access to medical care was arbitrarily blocked, emergency calls ignored



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and political rallies held at the hospital. Medical records were manipulated and patient injuries were mischaracterized. Other medical personnel not trusted by those supporting the protesters, including foreign nurses, were threatened and intimidated. Because of the loss of control over the facility, the government had to make alternative arrangements to open private hospitals or the military hospital to patients that otherwise should have received treatment at Salmaniya.

f) Certain protesters and sympathetic medical personnel also began to stage anti-government rallies in front of the Ministry of Health every morning, blocking the access to the building.

g) Probably the most extraordinary is the allegation of some type of poison gas being used by the police or security forces on the demonstrators. Any such use of chemical agents by the police or security forces would have jeopardized their own safety and probably would have impacted large numbers of civilians given the close proximity of these demonstrations to major population centers in downtown Manama.

h) Similar fabrications for media purposes were also made with regard to the type and number of injuries suffered by protesters. In other instances, claims were made that people that died from natural causes actually died from protest related injuries.

i) Only as part of the decision to restore public order in mid-March was the government able to return normal administrative functioning to the hospital to serve the medical needs of all citizens and to provide security for patients to enter the hospital without intimidation.

j) At no time did the government act to prevent any parties from receiving medical attention. The opposite was the case. The government took measures to re-establish security control over the hospital so that all citizens could be treated.

k) The results of a subsequent official investigation by the Ministries of Justice and Health concluded that in addition to protesters taking control of the gates and access to the hospital, the following criminal actions took place during the period between February 18, 2011 and the reassertion of police control on March 16, 2011:

l) Some patients were either refused treatment or received limited treatment based on their religious sect.

m) Some security personnel and foreign workers were kidnapped and detained at the hospital.



- n) The hospital was used to store weapons, including several firearms, bladed weapons, and incendiary devices, such as Molotov cocktails.
- o) Several physicians made untrue statements as to the number of injured and the nature of their injuries in an attempt to inflate them for media purposes.
- p) Some physicians caused or aggravated injuries to make the situation seem more sensational for media purposes.
- q) Some physicians performed surgeries that were neither necessary nor appropriate and allowed selected press to film such operations again to try to dramatize events for media purposes.
- r) As the investigation found, certain medical personnel sympathetic to the movement committed various crimes for which they are now being prosecuted. The 48 doctors and other medical personnel who are being prosecuted are a relatively very small number as compared to the overall staff at Salmaniya, indicating that most medical personnel, regardless of their political views, carried out their professional medical responsibilities. Twenty of them are being prosecuted on charges that include illegal occupation of the hospital, weapons charges, theft of medicine and medical equipment, and incitement to overthrow the regime. The other 28 face lesser charges. Ultimately, of the twenty that faced more serious charges the Office of Public Prosecution has decided to stop the criminal charges against 15 of the 20, in favor of recommending those 15 be subjected to medical disciplinary boards, but not criminal charges.
- s) Given that Salmaniya is the main hospital center for the entire country, with a number of critical capacities centrally located there, such as chemotherapy and dialysis, the actions by certain medical personnel were extremely serious and put at risk many people who were either blocked from being treated or were too intimidated by the environment at the hospital to dare go there. The importance of Salmaniya is underscored by the fact that of the 9,000 medical personnel that work within the Ministry of Health medical services system, some 5,000 are at Salmaniya, with the remaining 4,000 at the other 23 health centers and other facilities across the country.

91. Allegation 6:

- a) The same joint committee of major companies that announced the formation of committees to investigate dismissals in response to the Prime Minister's earlier call, is now publicly threatening trade union leaders with criminal and civil prosecution in case they do not resign. The management



of one company, Gulf Aluminium Rolling Mill Company - GARMCO, wrote a letter telling dismissed workers that their relationship with the Company ended with the decision to dismiss them, leaving them with the limited right to address the Company on individual and personal grievances.

b) Much of this allegation is also unsubstantiated and incorrect. The Prime Minister made no such call for major companies to establish committees to investigate dismissals. Quite the opposite, the Prime Minister established a special committee chaired by the Minister of Labour to undertake the review described in detail above which has already resulted in the reinstatement of hundreds of workers. The threat in the letter by the joint committee of major companies to seek damages against the union leadership for the losses incurred through the illegal strike was in fact made. However, this was discouraged by the government, and there has been no action taken to move forward on this threat, and none is expected.

92. Allegation seven:

a) New hiring processes are taking place with explicitly stated preference for specific workers on such grounds as opinion, belief, trade union affiliation and national extraction.

b) The Ministry of Labour has not received complaints that new hiring processes are occurring on the basis alleged. Here, again, without any substantiated allegation it is not possible for the government to respond. Such discrimination would violate Bahrain's obligations under Convention 111, articles of Bahrain's Constitution and provisions of the Labour Law. At the same time, the government of Bahrain has made a request to the ILO to provide technical assistance to the government under the national Decent Work Programme on potential additions to the legal regime to assure that it effectively implements the obligations of Convention 111, and this request was also repeated as part of the tripartite agreement signed on March 11, 2012.

93. Allegation eight:

a) Workers and new recruits are being requested to sign also political allegiance and pledges restricting their rights at work, including the right to strike and the right to certain benefits, as a pre-condition for their continued employment.

b) Any requirement for a worker to sign any such a pledge is inconsistent with the legal rights of workers and would be null and void under the law of Bahrain. The government of Bahrain has is-



sued a directive that makes that clear and encourages any firm that has developed such a pledge to withdraw it.

94. **Allegation nine:**

a) In at least one instance (the board of the General Organization for Social Assurance), workers' representatives on a tripartite body have been excluded from taking part in board meetings on the basis of their trade union affiliation.

b) The government is aware of the complaint made by the GFBTU about the exclusion of two specific GFBTU members from these board meetings. The issue is that the board membership is periodically renewed, and during the latest renewal since the two workers are on dismissal from their prior company, it was not clear they could legally represent works on this board so the designation was left open. This matter is now being litigated by the GFBTU in court. The government will abide by whatever decision the court makes in this matter. In the meantime, if these workers are fully reinstated in may be possible to resolve this matter without further court proceedings.

c) The final allegation in the complaint is that "all attempts by trade unions to reinstate social dialogue have been shamefully rejected by the Government." This is simply and categorically untrue. The GFBTU continues to meet regularly with the Minister of Labour under the established social dialogue committee that has been functioning for many years in Bahrain. That dialogue remains robust, and they meet on a weekly basis.

d) The GFBTU was also invited to participate in the National Dialogue initiated by H.M the King in July 2011, and the GFBTU was able to fully participate in that process. The GFBTU was the designated union representative on the tripartite committee to address dismissals established in December, and also is a signatory with the Minister of Labour of the March 11, 2012 agreement.

e) Moreover, the General Secretary of the GFBTU as recently as March 20, 2012 was present at an event with the entire government and other leaders of Bahrain, when His Majesty the King received the report from the Chairman of the Committee on the implementation of the BICI recommendations. The General Secretary of the GFBTU had the opportunity to speak directly to H.M. the King at that meeting.

f) The following day, on March 21, 2012, His Majesty the King met with the Executive Board of the GFBTU to make clear that the legitimacy of the GFBTU is respected and supported by the Govern-



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ment and to encourage the work being done to resolve the dismissal cases.

g) Officers of the GFBTU also met with His Highness the Deputy Prime Minister Sheikh Mohammad bin Mubarak Al-Khalifa on May 22, 2012, to again confer on the status of the dismissal cases towards bringing a final resolution to the matter. Any suggestion that the GFBTU is unable to interact with officials of the government is simply groundless.

Anexo II

Federación General de Sindicatos de Bahrein (GFBTU)

Estimado Sr. Ryder,

Director General

Oficina Internacional del Trabajo,

31 de octubre de 2012

Adjunto le enviamos el informe de la Federación General de Sindicatos de Bahrein (GFBTU) acerca de la queja, presentada en virtud del artículo 26 de la Constitución de la Organización Internacional del Trabajo, contra el Reino de Bahrein por incumplimiento del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111). El informe contiene cuadros con las últimas informaciones actualizadas sobre los trabajadores y empleados que hasta la fecha se encuentran en situación de despido y cuyo número se eleva a aproximadamente 750 personas que viven en la pobreza, la discriminación y la opresión.

La GFBTU sigue considerando que el Gobierno no ha cumplido su compromiso de aplicar de manera plena y efectiva el acuerdo tripartito que adoptó el Consejo de Administración en su reunión de marzo de 2012. Asimismo, el Gobierno tampoco ha cumplido el compromiso de celebrar reuniones periódicas en el marco del comité tripartito con arreglo a lo estipulado en la decisión adoptada por el Consejo de Administración en su reunión de marzo de 2012.

Por lo tanto, la GFBTU considera que sigue habiendo razones para mantener la queja, en particular, el hecho de que persisten las violaciones del Convenio núm. 111.

La GFBTU desea recalcar que los informes enviados por el Gobierno del Reino de Bahrein reflejan únicamente sus opiniones dado que se han elaborado sin celebrar consultas con las partes interesadas. En efecto, el Gobierno, que preside el comité tripartito, no ha asumido su responsabilidad de dar seguimiento a la aplicación del acuerdo y preparar informes periódicos sobre los progresos alcanzados.

Por consiguiente, la GFBTU, a efectos de que sus opiniones queden debidamente reflejadas, desea solicitar que el presente informe se incluya como anexo al documento de la Oficina y que se distribuya a los miembros de la Mesa del Consejo de Administración para puedan tomarlo en consideración al examinar la queja durante la reunión de noviembre de 2012 del Consejo de Administración.

La GFBTU también estima que el hecho de haber denegado a la delegación de la OIT la posibilidad de asistir al congreso de la GFBTU celebrado en Bahrein (en cuyo orden del día figuraba un punto sobre el acuerdo tripartito), al igual que la continua campaña mediática contra la OIT y su personal, constituyen una violación de la decisión del Consejo de Administración (marzo de 2012), en la cual se recalcó el derecho de la GFBTU de pedir asistencia técnica a la OIT para velar por la aplicación efectiva del acuerdo tripartito.

Habida cuenta de lo anterior, la GFBTU pide a la OIT que haga todo lo posible para presionar al Gobierno a fin de que aplique de manera plena y efectiva el acuerdo tripartito, y acceda al establecimiento de un diálogo verdadero y equitativo a nivel nacional entre el Gobierno y la GFBTU, que es la organización más representativa de los trabajadores, así como entre la dirección de las empresas y los sindicatos empresariales de la GFBTU a fin de promover relaciones laborales adecuadas, la paz social y la estabilidad.

Aprovecho la ocasión para transmitirle el testimonio de mi más atenta consideración.

Informe de la Federación General de Sindicatos de Bahrein (GFBTU) relativo a la queja presentada en virtud del artículo 26 de la Constitución de la OIT por la GFBTU contra el Reino de Bahrein por incumplimiento del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111)

I. Cuestiones de incumplimiento y discriminación:

- El número de personas despedidas, según la lista comprobada de la GFBTU, es de 750 trabajadores y empleados que siguen en situación de despido y aún no han sido reintegrados en sus puestos de trabajo, es decir, en sus puestos originales. El 99 por ciento de estas personas son **CHIÍES**. Por otra parte, no se han alcanzado progresos en relación con la cuestión de los salarios correspondientes al período de despido, los derechos de seguridad social, los cambios de empleo, ni con la cuestión de la discriminación contra los trabajadores que han sido reintegrados. No se ha resuelto ninguno de estos problemas.
- La GFBTU desea recalcar que es peligroso y preocupante pensar que el caso de las personas despedidas — por motivos relacionados con sus opiniones, el ejercicio de la libertad de expresión, o por sus opiniones políticas, creencias ideológicas y convicciones culturales — sólo se limita a los despidos que se dieron durante los acontecimientos de 2011. Los despidos no se han detenido nunca desde entonces, y se han estado justificando con diferentes pretextos, pero siempre afectan al mismo tipo de personas. Se han citado diferentes razones para justificar los nuevos despidos, en particular, razones de seguridad, reestructuraciones, reducciones de personal, infracciones administrativas, etc., pero ninguno de esos casos tiene fundamento cuando se examinan detenidamente los hechos y las tendencias. Esto refleja lo que está ocurriendo en los lugares de trabajo tanto en el sector privado como en el sector público.
- Durante la última reunión del comité tripartito, celebrada el 21 de octubre de 2012, el representante del Gobierno ante el comité se negó a tratar cualquier tema que no fuera su insistente demanda para obtener que la GFBTU avalara las altas cifras y porcentajes de personas que según el Gobierno habían sido reintegradas en sus puestos en comparación con el número total de personas despedidas. El Gobierno quería pasar por alto que no se trata sólo de una cuestión de altos porcentajes, sino de un número importante de trabajadores y familias a quienes se les deniega su derecho a la dignidad y a tener una vida decente, y que viven en condiciones de pobreza y represión. De hecho, el representante del Gobierno dijo que al comité tripartito sólo le interesan los porcentajes y no otras cuestiones relacionadas con la dignidad del pueblo ni la discriminación que se ejerce contra ese mismo pueblo. Propuso que estas cuestiones fueran examinadas en el comité bilateral por el Gobierno y la GFBTU, con lo cual cuestionó el propósito para el cual se estableció el comité tripartito.
- A pesar de la bella retórica que utiliza el Gobierno en el plano internacional, en el plano nacional los hechos no muestran ninguna voluntad de su parte para resolver estos problemas. En efecto, se siguen aplicando políticas discriminatorias contra los derechos de las personas que han sido reintegradas en sus puestos de trabajo y contra una categoría importante de trabajadores en el sector público y en el sector privado.
- La tendencia regresiva que se ha registrado en el proceso de reintegración en los puestos de trabajo empezó ya en el mes de mayo de 2012, coincidió con una serie de amenazas de crear un sindicato «alternativo» y prosiguió después de la formación de

la llamada Federación Libre de Sindicatos de Trabajadores de Bahrein (BLUFF), una federación que crearon el Gobierno y varios empleadores con criterios confesionales. Esta federación carece de independencia, representatividad, credibilidad y legitimidad. De hecho, la BLUFF fue creada después de que la GFBTU se negara a aceptar una propuesta del Gobierno según la cual si la GFBTU aceptaba abandonar el caso de los despidos, el Gobierno no cumpliría sus amenazas de crear otro sindicato, es decir, la BLUFF.

- El proceso principal inicial de reintegraciones de abril de 2012, que comenzó tras el envío de la primera misión de la OIT a Bahrein en febrero de 2012, se detuvo desde entonces, y no se han hecho verdaderos esfuerzos para poner fin de manera plena y efectiva a la cuestión de las personas despedidas, con inclusión de los temas relacionados con sus otros derechos como los salarios, la seguridad social y la discriminación en los lugares de trabajo.
- Nuestra petición de que se solucione de manera plena y efectiva la cuestión de los despidos, así como la cuestión de la discriminación en el empleo y la ocupación se basa en el artículo 18 de la Constitución de Bahrein, en virtud de la cual «Todas las personas son iguales en su dignidad humana y todos los ciudadanos son iguales ante la ley en materia de derechos y deberes públicos y no hay discriminación entre ellos por motivos de sexo, origen, idioma, religión o credo». Además, cabe mencionar que Bahrein ratificó el Convenio núm. 111 de la OIT en 2000. Sin embargo, desafortunadamente, el Gobierno de Bahrein dista mucho de proporcionar garantías reales para promover la no discriminación en el empleo y la ocupación entre los trabajadores. Conviene mencionar en este contexto que el Consejo de Administración de la OIT ya ha formulado recomendaciones al Gobierno de Bahrein para que las tenga en cuenta.
- Esa demanda se presentó después de los lamentables incidentes que tuvieron lugar el 14 de febrero de 2011 en Bahrein, cuando los trabajadores de los sectores público y privado fueron objeto de despidos masivos que afectaron a 4 400 trabajadores y empleados, según la Comisión de Encuesta Independiente Bassiouni, que documentó e informó sobre la vulneración de derechos humanos a raíz de dichos incidentes. Con respecto a la terminación de los contratos de trabajo, la Comisión formuló las siguientes recomendaciones:
 - 1723 A): se deberán tomar las medidas necesarias para cerciorarse de que ninguno de los despidos se haya producido con motivo del ejercicio del derecho a la libertad de expresión, reunión y asociación
 - 1723 B): el Gobierno deberá utilizar todos sus poderes y prerrogativas para garantizar que los trabajadores de las empresas privadas y otros empleadores que hayan sido despedidos por ausentarse del trabajo durante las manifestaciones reciban un trato al menos equivalente al que el Estado dispensa a los empleados de los servicios públicos.
- Además, el Gobierno de Bahrein ha sido objeto de una queja presentada a la OIT en junio de 2011 por 12 organizaciones de trabajadores relativa al incumplimiento del Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111), que ha sido ratificado por el Gobierno de Bahrein. A raíz de ello, el Gobierno, representado por su Ministro de Trabajo, firmó el 11 de marzo de 2012 un acuerdo tripartito patrocinado por la OIT en el que se comprometía a reintegrar con carácter incondicional a todos los trabajadores despedidos o suspendidos de empleo, a más tardar el 1.º de abril de 2012. Cuando la readmisión no fuera posible, se deberá ofrecer a los trabajadores despedidos un puesto de trabajo cuyo grado, estatuto y salario sean equiparables a los del puesto que ocupaba. Además, en virtud del

acuerdo, el Gobierno se compromete a cerrar el expediente para finales de mayo de 2012. Sin embargo, hasta la fecha, no hay constancia de que el Ministerio de Trabajo y el Gobierno hayan respetado sus compromisos, y por consiguiente no se ha dado una solución plena y efectiva para los hechos que motivaron la queja.

Compromisos del Gobierno de Bahrein y comentarios de la GFBTU

En el cuadro siguiente figuran todos los compromisos contraídos por el Gobierno de Bahrein en virtud del acuerdo tripartito firmado el 11 de marzo de 2012 y su grado de aplicación a 7 de octubre de 2012.

	Compromiso	Comentarios de la GFBTU
1	El Gobierno se comprometió a reintegrar a 1 520 trabajadores despedidos de las empresas público-privadas.	91 trabajadores siguen en situación de despido y 18 están detenidos.
2	El Gobierno y la Cámara de Comercio e Industria de Bahrein se comprometieron a hacer lo posible por que se reintegrara a los trabajadores despedidos del sector público en sus puestos de trabajo o a ofrecer un empleo a aquellos que no pudieran reincorporarse a su anterior trabajo.	426 trabajadores siguen en situación de despido.
3	El Gobierno se comprometió a revisar todas las causas referentes a funcionarios públicos y a cerciorarse de que éstas cumplan con las normas nacionales e internacionales.	a) Los trabajadores absueltos no han sido reintegrados en sus puestos; b) Los trabajadores reintegrados en el sector público están suspendidos de empleo o están siendo investigados; c) Se han pospuesto en repetidas ocasiones los juicios a los trabajadores cuya acusación se ha rebajado de delito grave a delito menor.
4	Reintegración de todos los trabajadores despedidos cuyos casos no cumplan con las normas citadas y pago de todos los salarios y prestaciones atrasados.	Con excepción de los trabajadores despedidos de la Universidad de Bahrein en el sector público y la Cámara de Comercio en el sector privado, ninguno de los trabajadores despedidos ha percibido los salarios correspondientes al período de despido.
5	El Gobierno se comprometió a que todos los trabajadores reintegrados en el sector público se reincorporaran al puesto de trabajo que desempeñaban con anterioridad al despido o suspensión. Cuando no fuera posible, se deberá ofrecer a los trabajadores despedidos un puesto de trabajo cuyo grado, salario, subsidios y prestaciones sean equiparables a los del puesto que ocupaba, incluido el subsidio de transporte en caso necesario.	Algunos trabajadores no han sido reintegrados a pesar de que los puestos que ocupaban estaban vacantes, como es el caso en el Ministerio de Salud, la Comisión de Medios de Comunicación y el Ministerio de Educación.
6	El Gobierno se comprometió a eliminar todos los documentos relativos a los acontecimientos de 2011 de los expedientes de los funcionarios públicos.	No se han eliminado dichos documentos y no se han dado órdenes para eliminarlos de los expedientes de los funcionarios públicos, por lo que se ha privado a los trabajadores reintegrados de la posibilidad de optar a ascensos, primas, incrementos salariales anuales y seguros sociales durante el período de despido.
7	Todas las empresas público-privadas se comprometieron a reintegrar a todos los trabajadores despedidos y a presentar planes relativos al procedimiento de readmisión a más tardar el 20 de marzo de 2012.	No se ha producido.
8	La readmisión de todos los trabajadores despedidos en todos los	No se ha producido.

	Compromiso	Comentarios de la GFBTU
	lugares de trabajo finalizará a más tardar el 30 de mayo de 2012.	
9	Eliminación de todos los documentos relativos a los acontecimientos de 2011 de los expedientes de los trabajadores reintegrados del sector privado.	No se han eliminado dichos documentos y no se han dado órdenes para eliminarlos de los expedientes de los trabajadores del sector privado, por lo que se ha privado a los trabajadores reintegrados de la posibilidad de optar a ascensos, primas, incrementos salariales anuales y seguros sociales durante el período de despido.
10	Todas las partes se comprometieron a retirar todas las demandas judiciales presentadas.	Los trabajadores se comprometieron a retirar todas las demandas y se notificó verbalmente a la GFBTU la retirada de las denuncias presentadas por las empresas.
11	Las tres partes signatarias se comprometieron a cerciorarse de que el proceso de readmisión de los trabajadores se desarrollara sin incidentes y a reestablecer la seguridad social.	Las readmisiones no se desarrollaron sin incidentes y muchos trabajadores siguen sufriendo las consecuencias del proceso de readmisión.
12	El Gobierno se comprometió a estudiar la posibilidad de ratificar los Convenios núms. 87 y 98.	No se dispone de información al respecto.
13	La Comisión tripartita deberá proseguir sus labores para asegurarse de que todos los trabajadores despedidos sean reintegrados en sus puestos.	La Comisión sólo ha celebrado dos reuniones desde la firma del acuerdo tripartito. Muchos trabajadores no han sido reintegrados a pesar de que los puestos que ocupaban estaban vacantes, por ejemplo en el área de los recursos humanos.

A la luz de todo lo anterior, la GFBTU considera que siguen vigentes los motivos para la queja, habida cuenta de que ésta tiene por objeto la discriminación en el empleo y la ocupación, de conformidad con el Convenio núm. 111 de la OIT. A continuación figuran los detalles de los alegatos:

1. Aluminum Bahrain (ALBA):

- Algunos trabajadores han sido despedidos de nuevo.
- Se deniegan ascensos a los trabajadores readmitidos o a los trabajadores afiliados de origen chií.
- A pesar de la decisión de la empresa de reintegrar en sus puestos a los trabajadores que habían firmado los acuerdos promovidos por la OIT en marzo de 2012, la empresa pidió a los trabajadores despedidos que firmaran nuevos acuerdos en los que se establecían condiciones distintas. Según la empresa, la OIT había aprobado dichas condiciones en su última visita de octubre de 2012.
- Todos los trabajadores chiíes de los departamentos de seguridad, recursos humanos e informática fueron sustituidos por trabajadores suníes.
- La empresa adoptó una nueva política de empleo que la facultaba, durante el período de despido, a contratar a un nutrido grupo de nuevos trabajadores, únicamente suníes, sin respetar la normativa relativa a la necesidad de efectuar pruebas y llevar a cabo una evaluación de las calificaciones y la experiencia, u otros requisitos.

2. Bahrain Airport Services (BAS):

- La dirección de la aviación civil sigue negándose a conceder al presidente del sindicato y a algunos trabajadores despedidos permiso para trabajar en el aeropuerto.

- Los trabajadores reintegrados no percibieron el ajuste de puesto, el incremento salarial anual ni las primas correspondientes al año 2012.

3. The Bahrain Petroleum Company (BAPCO):

- Los trabajadores de los servicios médicos y del departamento de marketing fueron sustituidos por trabajadores migrantes o por trabajadores de origen suní, mientras que los trabajadores chiíes fueron transferidos a otros departamentos.
- Se deniegan ascensos o incrementos salariales a los trabajadores reintegrados.

4. Ministerio de Obras Públicas:

- El Ministerio canceló por lo menos dos misiones de becarios de ingeniería civil cuyos estudios sufraga el Ministerio.

5. Ministerio de Salud:

- Varios miembros del personal médico fueron juzgados por haber ofrecido tratamiento médico por razones humanitarias a los manifestantes. Se les condenó a penas de entre tres meses y cinco años y fueron despedidos de la Asociación Médica de Bahrein. La dirección administrativa de la Asociación fue sustituida por un equipo gubernamental mediante la injerencia del Gobierno en sus elecciones.
- Los miembros del personal médico que fueron absueltos no se reincorporaron en sus puestos de trabajo, sino que fueron investigados de nuevo en el Consejo de la Administración Pública y fueron suspendidos de su empleo durante tres meses sin percibir remuneración alguna y sin saber cuál sería su destino una vez finalizado el período de suspensión.
- Los trabajadores del Departamento de Recursos Humanos fueron trasladados a otros departamentos que no se adecuaban a sus calificaciones y experiencia, o marginados sin realizar ningún tipo de trabajo. Todos ellos eran chiíes.
- Aquellos trabajadores respecto de los cuales se consideró que habían renunciado implícitamente a su trabajo y que esperaban poder reintegrarse en el mismo gracias a las negociaciones con el Gobierno, fueron despedidos o no fueron readmitidos, a pesar de que existía un acuerdo para reintegrarlos.

6. Ministerio de Educación:

- Aquellos trabajadores respecto de los cuales se consideró que habían renunciado implícitamente a su trabajo – se les obligó a ausentarse de su trabajo debido al período de seguridad nacional – no fueron readmitidos, a pesar del acuerdo existente con el Ministerio de Trabajo para reintegrarlos.
- La mayoría de los trabajadores que fueron reintegrados en sus puestos de trabajo no tuvieron derecho a incentivos.
- Se cambiaron los lugares de trabajo de algunos directores y supervisores.
- Se está hostigando a los maestros chiíes en sus lugares de trabajo con provocaciones de carácter confesional.

7. Autoridad responsable de la información:

- Se reintegró a los trabajadores despedidos con contratos de duración indeterminada, artistas y funcionarios, pero no en los puestos de trabajo que ocupaban anteriormente, sino en trabajos marginales.
- No se reincorporó a todos los trabajadores despedidos de la autoridad responsable de la información con contratos de duración determinada (algunos trabajadores eran titulares de contratos de duración indeterminada antes de su despido), y solamente se les ofreció trabajar durante el período restante del contrato.
- Se investiga repetidamente a los trabajadores reintegrados en sus puestos de trabajo por sus actividades en foros y en los medios de comunicación sociales.

8. Ministerio de Cultura:

- Se readmitió a los seis trabajadores despedidos, pero éstos no pudieron ocupar ni sus oficinas ni sus cargos anteriores.

9. Autoridad municipal:

- No se reintegró a todos los trabajadores despedidos con contratos de duración indeterminada en sus lugares de trabajo.
- Se readmitió a algunos de los trabajadores despedidos con contratos de duración determinada, pero éstos fueron despedidos de nuevo con la excusa del vencimiento de sus contratos, a pesar de que algunos de ellos llevaban más de seis años trabajando con contratos de duración determinada.

10. Gulf Air:

- La empresa tiene en el punto de mira a los trabajadores despedidos que ocupaban altos cargos y no los está readmitiendo por razones confesionales.
- Los trabajadores readmitidos del departamento de reservas no recibieron la autorización de la dirección de la aviación civil, que les impidió incorporarse a sus lugares de trabajo dentro del aeropuerto.
- Existe un serio temor a que, con la reestructuración de la empresa, se despida a un grupo de trabajadores readmitidos, en algunos casos también por razones confesionales.
- Se ha marginado y despedido a un físico chií cuyo trabajo consistía en controlar a los pilotos porque no recibió autorización de la dirección de la aviación civil para desempeñar sus funciones.

11. GARMCO:

- En algunos de los puestos de trabajo restablecidos en el área de recursos humanos, los empleados anteriores fueron remplazados por jubilados sobre la base de criterios confesionales.
- Mientras que no se reintegra a los trabajadores despedidos en sus puestos de trabajo anteriores con el pretexto de que no hay puestos vacantes, la empresa anuncia vacantes para los mismos puestos y emplea a trabajadores migrantes y suníes para sustituirlos.

- Los trabajadores detenidos recientemente fueron despedidos una vez más después de haber sido readmitidos, y ello a pesar de haber sido absueltos por el Ministerio del Interior de los delitos que se les imputaban.

12. Barhain Telecommunication Company (BATELCO):

- Pese a la readmisión de los trabajadores con contratos de duración indeterminada, la empresa parece decidida a deshacerse de los chiíes mediante acuerdos calificados de amistosos y a través de ofertas para sustituirlos por trabajadores suníes.
- Los contratos de los trabajadores reintegrados con contratos de duración determinada y que poseen contratos de formación con TAMKEEN fueron modificados por el Ministerio de Trabajo con condiciones más precarias.

13. Grupo para el sector de la siderurgia:

- Todos los trabajadores que fueron objeto de despido tenían contratos de corta duración y pertenecían a un grupo religioso determinado.
- Pese a la promesa hecha por la empresa al Ministerio de Trabajo de readmitir a los trabajadores despedidos en el grupo, la empresa está empleando a un nuevo grupo de trabajadores que pertenecen a un grupo confesional determinado.

14. Sector de la construcción:

- A pesar de que en este sector no hubo tantos despidos como en otros, debido a que la mayoría de los empleadores son chiíes, se está negando a estos contratistas chiíes la participación en las licitaciones públicas. El Estado les impuso implícitamente deshacerse de los trabajadores chiíes, especialmente de aquellos que ocupan cargos intermedios y de los trabajadores mejor remunerados.

15. Otros ejemplos de violaciones:

- Exceptuando a los trabajadores readmitidos de la Universidad de Bahrein y de la Cámara de Comercio e Industria de Bahrein, los demás trabajadores reintegrados no percibieron sus salarios.
- La mayoría de los trabajadores readmitidos no percibieron prestaciones de seguro social durante el período de despido.
- Todavía no se ha readmitido a 400 trabajadores de los 4 500 trabajadores despedidos y suspendidos.
- Los nuevos empleos en las grandes empresas y el sector público excluyen totalmente a los trabajadores chiíes del empleo.
- Los trabajadores despedidos que buscaron trabajo fuera de Bahrein, en los Estados del Golfo, también fueron excluidos por motivos desconocidos, pero que tienen que ver probablemente con la discriminación de que son objeto por razones confesionales en Bahrein.
- Los medios de comunicación siguen hostigando a los trabajadores despedidos y les acusan de sabotear la economía, de perjudicar al país y de traicionar los intereses de Bahrein, lo que los hace vulnerables al desempleo.

- A pesar de que el Gobierno prometió que trataría de conseguir empleos bien remunerados para los trabajadores despedidos del sector privado en caso de que no fueran reintegrados, de hecho, actualmente el mercado de trabajo de Bahrein no ofrece salarios adecuados a los trabajadores despedidos, ya que sus salarios aumentaron debido a sus largos años de experiencia.

Cuadros de despidos y reincorporaciones hasta el 7 de octubre de 2012

Empresas de titularidad exclusivamente privada (pequeñas y medianas empresas)

El número total de trabajadores despedidos de PYME según registro de la Federación General de Sindicatos de Bahrein (GFBTU) se elevaba a **640 casos**, de los cuales **214 fueron resueltos**. Los **426** casos restantes se clasifican de la manera siguiente:

Situación	Número	Observaciones
Personas que trabajan en otro sitio, pero que desean regresar a sus antiguos empleos	132	Debido a un sueldo bajo o a la diferencia en el tipo de trabajo
Aquellos para los que el Ministerio solicita el cierre de expediente porque no puede contactarlos	72	La GFBTU solicita que sus expedientes queden abiertos hasta el cierre del expediente de los despedidos en su conjunto
Aquellos de los que el Ministerio dice que tienen contratos de duración determinada y que lo que solicitan es una indemnización por el tiempo restante del contrato	11	Sus contratos fueron rescindidos de forma injustificada, a sabiendas de que sus empresas son rentables y contratan a trabajadores migrantes pertenecientes a una secta determinada.
Aquellos a los que el Ministerio desea excluir porque tienen registros comerciales activos	12	La mayoría están dispuestos a cancelar sus registros si son reincorporados. La mayor parte de los registros mencionados no son de una actividad rentable.
Aquellos a los que el Ministerio quiere excluir porque fueron despedidos después del mes de septiembre de 2011 o porque sus nombres fueron incluidos recientemente	25	Todo indica que, de entre todos los trabajadores, fueron ellos los únicos afectados debido a su pertenencia a una secta.
Aquellos a los que el Ministerio quiere excluir porque no tienen ninguna relación con los acontecimientos	19	La GFBTU opina que su despido tuvo que ver con los acontecimientos
Los trabajadores que fueron despedidos de manera ilegal debido a los acontecimientos y cuyos casos no se han resuelto	145	En 95 casos se llegó a un acuerdo entre el Ministerio y la GFBTU
Aquellos a los que según el Ministerio se les está haciendo un seguimiento y cuya candidatura ha sido propuesta para otros empleos	10	6 de ellos confirmaron que no estaban dispuestos a regresar
Total	426	

Empresas público-privadas

El número total de trabajadores despedidos en las grandes empresas se elevaba a 1 520 casos (según el acuerdo tripartito), y quedaban los siguientes casos pendientes:

Nombre de la parte	Suspendidos	Despedidos	senoicavresbO
ALBA		60	Según los datos documentados por la GFBTU, quedan 60 casos, de los cuales 10 no han sido convocados para la firma del acuerdo de reincorporación y 49 han firmado la conciliación, pero no han sido reincorporados ni perciben un salario, y uno ha sido despedido tras su reincorporación
BABCO	14	6	Hay 6 casos en los que los trabajadores no han sido convocados, y 14 trabajadores suspendidos que no han regresado a sus empleos
GULF AIR		11	Se han registrado 3 casos de aprendices, y un caso de despido en base a acusaciones infundadas, así como 8 que todavía están esperando sus pases de acceso.
BAS		10	5 trabajadores han firmado el acuerdo de reincorporación, pero sus permisos de acceso al aeropuerto no han sido expedidos y no perciben sus salarios, y 5 trabajadores todavía no han sido convocados para firmar
JARMCO		6	En prisión
Total	18	91	

Anexo III: Sector público

El número de trabajadores despedidos en el sector público y cuasi-público se elevaba a 311 trabajadores despedidos y 560 suspendidos, según los datos de la GFBTU (mencionados en el acuerdo tripartito). Quedaban pendientes los siguientes casos:

Nombre de la parte	Número de casos					Observaciones
	Suspendidos	Temporales	Despedidos	Despedidos por segunda vez	Total	
Entidades cuasi-estatales	2	8	35	-	45	Casos pendientes de resolución
Estado	37	30	4	33	104	Casos pendientes de resolución

Anexo IV: los despedidos de la lista de TAMKEEN (1912)

El número de despedidos entre los aprendices de la lista de TAMKEEN (1912) se elevaba a 154 casos, distribuidos entre el sector público y la gran empresa, según los datos de la GFBTU; quedaban pendientes los siguientes casos:

Nombre de la parte	Registrados por la GFBTU	Observaciones
BATELCO	16	Negativa a firmar
Ministerio de Salud	36	Despedidos pese a las reclamaciones del Gobierno
Ministerio de Finanzas	6	Siguen en situación de despido
Autoridad responsable de la información	3	Todavía despedidos

Nombre de la parte	Registrados por la GFBTU	Observaciones
Gulf Air	3	El Gobierno sostiene que no tiene la responsabilidad de reintegrarlos
Autoridad municipal	1	Sigue en situación de despido
Tamkeen	1	Todavía no ha sido reintegrado
Total	56	

Violación de los derechos sindicales establecidos en los Convenios núms. 87 y 98

A continuación se enumeran otras violaciones de derechos sindicales, especialmente de los establecidos en el Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87) y en el Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98).

1. El decreto núm. 35 se empleó para constituir sindicatos respaldados por los empleadores en BAPCO, BATELCO, GULF AIR, BAFCO y otras empresas, con el fin de oponerse a los sindicatos ya constituidos.
2. El Gobierno apoyó el congreso fundacional del sindicato Federación Libre de Sindicatos de Trabajadores de Bahrein (BLUFF) en julio de 2012. Asimismo, pocas horas después, el Primer Ministro expresó su apoyo a la clara intención del Gobierno de disolver la GFBTU.
3. El Gobierno atendió la solicitud formulada (a través de una entrevista en la televisión) por la BLUFF con el respaldo indirecto del Gobierno de denegar el visado a los invitados al Segundo Congreso General de la GFBTU, celebrado en octubre de 2012.
4. Algunas empresas, como Rolling Aluminum, pidieron directamente a los trabajadores migrantes que se dieran de baja de los sindicatos integrados en la GFBTU y se afiliaran a BLUFF. Este alegato se basa en testimonios de trabajadores migrantes.
5. Los ataques contra la GFBTU por parte de la BLUFF y los escritores y periodistas afines al Gobierno a través de los medios de comunicación son constantes. La acusan de traición y perjuicio a los intereses del país y piden su disolución.
6. Todos los grupos parlamentarios sin excepción se posicionaron contra la GFBTU y la acusaron de politización y traición. Solicitaron su disolución y enjuiciamiento.
7. Todos los periódicos, excepto uno, se niegan a publicar declaraciones o noticias de la GFBTU, a menos de que se trate de ataques contra ella.
8. La negociación colectiva con los empleadores se ha interrumpido en la mayoría de los sindicatos. Más aún, se han cerrado algunos locales de sindicatos en BAS y BAFCO, por ejemplo, y en otras empresas se ha paralizado la deducción de las cotizaciones de afiliación. Además, algunas empresas han interrumpido el contacto con la GFBTU y sus sindicatos, incluso para elegir a personas que podrían ser homenajeadas con ocasión del Día Internacional del Trabajo.
9. Se han dejado sin efecto los acuerdos suscritos con la GFBTU respecto de los mecanismos de negociación colectiva y la representación en las comisiones paritarias.

10. Tras la retirada de anteriores demandas judiciales presentadas contra sindicalistas de BAPCO, estos fueron citados nuevamente a comparecer ante la justicia. Esto significa que existe la posibilidad de hacer comparecer ante la justicia a sindicalistas de otras empresas que hayan sido objeto de demandas similares.

Agradecemos su cooperación y valoramos sus esfuerzos sinceros por dar efecto a las normas y principios de la Organización Internacional del Trabajo.

Anexo III

ADMN7263/2012

6 de noviembre de 2012

Estimado Sr. Guy Rider,
Director General de la Oficina Internacional del Trabajo,
4 route des Morillons CH- 1211 Ginebra 22 Suiza

Estimado Sr. Ryder:

Ante todo, la Cámara de Comercio e Industria de Bahrein se siente honrada de poder expresar su respeto y aprecio a la OIT por el apoyo que ha brindado a los empleadores de todo el mundo en general y a los de Bahrein en particular para abordar las diversas cuestiones tripartitas.

Inestabilidad en Bahrein:

Los disturbios que sacudieron el Reino de Bahrein en febrero de 2011, como ustedes saben, afectaron negativamente a la economía nacional. Las actividades de los sectores financiero, comercial y empresarial se vieron paralizadas, lo cual perjudicó a la productividad. Algunas empresas cerraron de manera temporal o permanente y otras se trasladaron a países vecinos. Se puso fin a muchos acuerdos porque las empresas se vieron en la imposibilidad de cumplir sus obligaciones. La economía de Bahrein todavía no se ha recuperado de los efectos negativos de la crisis.

Informe:

Les adjuntamos el informe en el que se exponen brevemente las pérdidas que han sufrido algunas de las principales empresas, a raíz de los disturbios sin precedentes que afectaron al país.

Federación General de Sindicatos de Bahrein (GFBTU) – derechos de los trabajadores:

La mayoría de las principales empresas de Bahrein reconoce el derecho de los trabajadores a declararse en huelga para proteger sus derechos legítimos como se estipula en el artículo 33 de los Estatutos de 2012 de la GFBTU. Asimismo es un honor para nuestro Reino que Su Majestad el Rey Hamad Bin Isa A1 Khalifa promueva el bienestar y el progreso de los trabajadores.

En virtud del artículo 1 de los Estatutos de GFBTU, los trabajadores tienen derecho a declararse en huelga según las condiciones que en él se especifican. En el artículo 20 se estipula que los trabajadores no pueden inmiscuirse en cuestiones políticas. Según las principales empresas, la huelga de febrero de 2011 constituyó una violación de los Estatutos de la GBTU por lo que no fue legal.

El conflicto confesional en el entorno laboral tuvo graves repercusiones en la productividad de las empresas y paralizó la economía de Bahrein. Ocasionó importantes pérdidas financieras y morales. En suma, afectó al tripartismo, incluidos los trabajadores calificados y competentes, creando una situación desfavorable para el mismo. Desearíamos informarles también de que de los 1 463 trabajadores que estaban contratados en las principales empresas del Reino de Bahrein 1 320 se han reincorporado a sus puestos de trabajo.

Comprensión de los empleadores y readmisión:

Los socios tripartitos hicieron todo lo posible por mitigar las repercusiones adversas de estos disturbios. A pesar del excedente de mano de obra contratada para cubrir la falta de personal durante los disturbios, el 98 por ciento de los trabajadores despedidos fueron readmitidos. El 2 por ciento restante, lo cual es muy poco, puede comprender a aquellos que fueron enjuiciados por la violencia de sus actos o con respecto a los cuales todavía no

han finalizado las investigaciones, según los casos. Cabe destacar el hecho de que las empresas estuviesen dispuestas a soportar la carga financiera a largo plazo que suponen los gastos operativos adicionales debidos al excedente de mano de obra contratada.

Estimamos que con este logro del comité tripartito, obtenido con la colaboración del Gobierno y del sector privado, la cuestión puede considerarse zanjada.

Esperamos poder seguir contando con su apoyo.

Un cordial saludo

A handwritten signature in dark ink, appearing to be 'Esam', written in a cursive style.

Dr. Esam AbdTrtlSn Fakhro

Presidente de la Cámara de Comercio e Industria de Bahrein