

C.111

Extracts of the Direct Contacts Mission Report

Bahrain, 15-19 September 2018

The Direct Contacts Mission makes the following **RECOMMENDATIONS**:

- (a) That the Government and the GFBTU re-double their efforts to agree upon the number of outstanding cases and then to resolve them in accordance with the Tripartite Agreements. The DCM urges both parties to address the outstanding cases in a constructive, pragmatic and flexible way, without delay, in order to move forward and engage with other pressing issues for the tripartite constituents.
- (b) That the Government and the GFBTU pursue their efforts to maintain and build upon the positive relationship between them.
- (c) That the Government provide a timetable for the legislative reforms directed at giving full effect to the recommendations of the CEACR and ensuring compliance with Convention No. 111 for all workers without delay. These reforms should ensure that:
 - (i) Both the Labour Law and the Civil Service Law contain a comprehensive definition of discrimination which should include direct and indirect discrimination and cover the seven grounds listed in Convention No. 111.
 - (ii) The Labour Law and the Civil Service Law include a comprehensive definition of sexual harassment and ensure that a remedy is available to a worker who has experienced sexual harassment (in addition to sexual harassment being outlawed by the Penal Code).
 - (iii) The Labour Law and the Civil Service Law cover every category of worker, including migrant workers and domestic workers, since Convention No. 111 is not limited in its scope as regards individuals or branches of activities.
 - (iv) The Labour Law and the Civil Service Law protect against discrimination in all forms of employment and occupation including in access to vocational training, employment and occupation and in relation to terms and conditions of employment.
 - (v) Special measures directed at protecting women workers are strictly limited to maternity protection.
- (d) That the Government consult with the social partners on the proposed reforms before their enactment.
- The Mission hopes that the Government will provide any revised proposed reforms to the ILO for technical comments before their enactment so as to avoid the possibility that the reforms are found by the ILO supervisory bodies to be an inadequate implementation of Convention No. 111.

- Noting that Bahrain has ratified the Night Work (Women) Convention (Revised), 1948 (No. 89) and that the Government has expressed a commitment to ensuring that any special measures directed at protecting women workers are strictly limited to maternity protection in the strict sense, the Mission respectfully invites the Government to consider the possibility of ratifying the Night Work Convention, 1990 (No. 171), the most recent international labour standard and denouncing Convention No. 89.
- Finally, the Mission trusts that the Government will keep under review the effectiveness of the flexi permit, in particular for unskilled and low-paid workers whose status is irregular. The Government should consider the position of these workers for whom the cost of a flexi permit is prohibitive