



BAHRAIN

Decent Work Check 2019

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

Major Legislation on Employment and Labour

1. Constitution of the State of Bahrain 1973
2. Private Sector Labour Law 2012
3. Ministerial Order No. 8 of 2013 Regulating Occupational Safety and Health in Establishments
4. Decree No. 2 of 1994 to provide for the accession of the State of Bahrain to Arab Labour Convention No. 7 of 1977 and Recommendation number 1 of 1977 concerning occupational safety and health
5. Ministerial Order No. 74 of 2007 with respect to inspection on entities subject to the provisions of the Law Regulating the Labour Market
6. Act of Social Insurance 1976
7. Legislative Decree no. (78) Of the Year 2006 with respect to Insurance against Unemployment
8. Bahrain Penal Code 1976
9. Education Act 2005
10. Ministerial Order No. 19 of 2013 concerning the Collective Labour Agreement
11. Legislative Decree No. 33 of 2002 with respect to Trade Unions as amended by Law No. 49 of 2006

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Bahrain has not ratified any of the above Conventions.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Private Sector Labour Law 2012

Minimum Wage

There is no separate minimum wage legislation in the Country; neither there is any indication as to the criteria for managing the same. The Labour Law while discussing the pay for apprentices requires employers that the “wage or reward in the final phase shall not be less than the minimum wage for similar work in the occupation, trade or handicraft for which he has been trained”. Bahrain has a minimum wage for the public sector. A minimum wage of BHD 300 was set for the Bahraini private sector workers and pensioners in January 2014 under a parliament approved bill. The bill also recommended for setting up a fund to supplement the salaries and pensions of those receiving less than BHD 300 per month. There is no clear information whether the said bill was approved by the Shura Council.

Officers of the Ministry of Labour and Social Development, who are delegated the inspection duties, are empowered to undertake inspections and ensure the enforcement of provisions of the Law. For such duties, the inspectors have the access to the work sites, examine the records related to workers and to seek the necessary information, data and documents. Violation of minimum wage and wage payment provisions of the labour law is punishable with a fine ranging from 200 to 500 Bahraini Dinars.

Sources: §16, 177, and 188 of the Private Sector Labour Law 2012

Regular Pay

Under the Labour Law for the Private Sector 2012, the term wage is defined as:

All what the worker receives in return for his work of any kind whatsoever, whether fixed or variable, in cash or in kind, including the basic wage and its accessories such as gratuities, allowances, grants, rewards, commissions, and other benefits.

The worker’s wage is determined in accordance with the individual or collective labour contract or the work regulations at the establishment. In case the wage is not determined in such manners, the worker is entitled to a wage calculated for the work of the same nature. Where no such wage exists, it is calculated in accordance with the business practices retained in the occupation in the relevant sector. If no such practices exist, the competent court will then estimate the wage due to the worker in accordance with the requirements of equity.

Wages can be calculated by the hour, day, and week, month, on a piece-rate or per production. However, they will not be deemed to be calculated on a piece-work or production basis unless expressly specified in the labour contract. The wages and other amounts due to the worker are to be paid in the Bahraini currency (Dinar) and an agreement may be concluded for their payment in a foreign currency. Moreover, wages are to be paid on one of the working days at the workplace, subject to the following:

- 1- Workers appointed with a monthly wage are paid at least once a month;
- 2- If the wage is paid per production and the work completion will take more than two weeks, the worker receives each week an payment in accordance with the completed work, provided the remaining amount is paid during the week following the completion of the entrusted work;
- 3- Other than the above two cases, workers' wages are paid once every week, unless otherwise agreed upon;

On termination of employment, a worker must be immediately paid his wages and all other amounts due to him. However, if the employment is terminated by the worker, the employer is required to pay the dues within a period of seven days from the date worker left his work.

In the event of delay in wage payment, employer has to pay extra compensation. The compensation rate is 6% of the due wages for delay one to six months. The rate increases by 1% for each month above 6 months however the maximum rate is 12% of wages per year.

An employer cannot deduct more than 10 percent of the worker's wage in repayment of any amounts loaned to the worker during the validity period of the contract. Such deductions can be raised to 25 percent in respect of house building loans, subject to the worker's written consent. No interest can be charged on loans or wages paid in advance. If a worker leaves his work before repayment of the loan owed by him, the employer may carry out the off-setting between the amounts borrowed by the worker against the sums due to him by the employer.

The wage due to the worker may not be attached and no portion of it may be assigned or deducted as payment of a debt except to the extent of 25 percent. This proportion may be increased to 50 percent for the payment of alimony. In the event of the payment of multiple debts, alimony will receive first priority, followed by any amounts to be paid to the employer. The validity of the assignment of any portion of the wage, within the above limit, is subject to the worker's written consent.

Sources: §01 and 38-45 of the Private Sector Labour Law 2012

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Bahrain has not ratified the Convention 01 & 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Private Sector Labour Law 2012

Overtime Compensation

According to the Labour Law on Private Sector, a worker may not be effectively employed for more than eight hours per day and forty-eight hours per week. The weekly limit is reduced for Muslim workers to six hours per day and thirty-six hours per week during the month of Ramadan. The Minister for Labour may issue a decision reducing the minimum working hours for certain categories of workers or for certain industries or works if the circumstances and the nature of the work so require.

The working hours may be interrupted by one or more intervals for prayer, meals or rest, whose total is not less than half an hour, taking into consideration that the worker may not work for more than six consecutive hours. Moreover, rest periods are not part of the effective working hours. The Minister reserves the power to issue a decision determining the works or cases which require the continuance of work without a rest period. The Minister may also determine the difficult or arduous works in which the worker is entitled to a rest period calculated as part of the effective working hours.

As mentioned earlier, the worker may not be effectively employed for more than eight hours per day unless otherwise agreed upon, provided the effective working hours do not exceed ten hours per day. The working hours and rest periods are regulated in such a way that no worker will be present at the workplace for more than eleven hours a day calculated from the time of entering the work place until the departure therefrom. The rest periods are calculated as part of the hours during which the worker is present at the workplace in case the work requires him to be present in the workplace.

The employer may employ the worker for additional hours if so required by the circumstances of the work. For such work undertaken, the worker will receive for each additional working hour a wage equivalent to his due wage plus at least 25 percent for hours worked during the day, and at least 50 percent for hours worked during the night. Thus, workers are paid 125% of the normal wage for overtime during day time and 150% of the normal wage during night hours.

Source: §51-54 of the Private Sector Labour Law 2012

Night Work Compensation

Under the Labour Law, work done between 19:00 and 07:00 is classified as night work.

Minors cannot be employed during the night period. As for women, the Minister issues a decision determining the cases, works and occasions in which women may not be employed at night.

There is no provision for night work compensation though there is increased overtime rate if workers are asked to do extra hours during night time.

Source: §1, 26, 30, 50 and 54 of the Private Sector Labour Law 2012

Compensatory Holidays / Rest Days

An employer may require a worker to work on his weekly day of rest or public holiday if so required by the circumstances of the work. In such case, worker has the choice between receiving an additional wage equivalent to 250 percent of his normal wage (wage for the day and an overtime wage equivalent to 150% of such wage) or another day for rest.

No worker may be employed on his weekly day of rest for more than two consecutive times unless by his own written consent.

Source: §57 & 64 of the Private Sector Labour Law 2012

Weekend / Public Holiday Work Compensation

An employer may require a worker to work on his weekly day of rest or public holiday if so required by the circumstances of the work. In such case, worker has the choice between receiving an additional wage equivalent to 250 percent of his normal wage (wage for the day and an overtime wage equivalent to 150% of such wage) or another day for rest.

No worker may be employed on his weekly day of rest for more than two consecutive times unless by his own written consent.

Source: §57 & 64 of the Private Sector Labour Law 2012

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Bahrain has ratified the Convention 14 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Private Sector Labour Law 2012

Paid Vacation / Annual Leave

A worker who has spent at least one year in the service of an employer is entitled to fully paid annual leave of at least thirty working days, with an average of two and a half day for each month. If the period spent in the service of the employer is less than one year, the worker is entitled to a leave corresponding to the period of his work. The worker cannot waive his right to the leave and receive monetary compensation in return except in the event of contract termination before worker could enjoy his/her annual leave.

The employer usually sets the dates of the annual leave in accordance with the requirements and circumstances of the work and the worker takes his leave on the date and for the period set by the employer. In all cases, the worker must enjoy an annual leave of fifteen days, including at least six consecutive days. In addition, the worker may interrupt his work due to a contingent event for a period not exceeding six days per year and for a maximum of two days each time. The said contingent leave is considered part of the annual leave granted to the worker. The employer must settle the balance of the annual leave against the corresponding wages every two years. If the employment relationship is terminated before a worker exhausts the balance of his/her annual leave, he/she is entitled to the wages corresponding such balance.

The worker's right to receive a cash consideration for the balance of the leaves determined by the employer will extinguish if the worker's refusal to take the compensation in cash is evidenced in writing. Annual leave for juvenile workers cannot be subjected to division, reduction or interruption. A worker may schedule his annual leave at the time of his educational exams however he must inform the employer at least 30 days prior to taking the leave.

An employer may withhold a worker's wages if it is proved that worker was engaged by another employer during his/her annual leave.

Source: §58-62 of the Private Sector Labour Law 2012

Pay on Public Holidays

Labour law provides for fully paid public holidays. The public holidays are as follows: First day of Al-Hijra Calendar Year (one day), Ashoora/ Day of Remembrance (two days), the Prophet's (SAW) Birthday (one day) Eid El-Fitr/Feast of the Breaking of Fast (3 days), Eid El-Adha/Feast of Sacrifice (3 days). Dates of holidays of Muslim festivals are subject to sighting of moon and thus are liable to change.

Other public holidays include New Year (January 01), Labour Day (May 01) and National Holidays (December 16 & 17).

If any of the above referred public holidays falls on a Friday or coincides with another public holiday, a compensatory day-off is provided. The employer may employ the worker on any of these days if so required by the circumstances of the work. However, worker has the choice between receiving an additional wage equivalent to 250 percent of his normal wage (wage for the day and an overtime wage equivalent to 150% of such wage) or another day for rest.

Source: §64 of the Private Sector Labour Law 2012

Weekly Rest Days

Every worker has the right to weekly rest period of at least 24 hours. An employer may grant a weekly rest period in excess of 24 hours however it cannot be more than 48 hours per week.

Friday is the principal day of weekly rest. An employer may alter this day to any other day of the week for certain workers, provided that the number of working days does not exceed six days a week.

Source: §57 of the Private Sector Labour Law 2012



04/13 EMPLOYMENT SECURITY

Regulations on employment security:

- Private Sector Labour Law 2012

Written Employment Particulars

A contract of employment must be in writing, in Arabic, and recorded in duplicate, with one copy for each party. If a contract is drawn up in any other language, it must be accompanied by an Arabic version. If a contract refers to an internal regulation, it must be attached to the contract of employment and be signed by both parties to the contract to be admitted in evidence. In the absence of a written contract, the worker alone may establish all his rights by all methods of evidence.

The contract of employment must contain the material details of the parties to the contract especially the following particulars:

1. Employer's name, the address of the business premises and commercial registration number.
2. Worker's name, date of birth, qualifications, position or occupation, residential address, nationality and personal particulars of identification.
3. The nature, type of employment and term of the contract (if it is concluded for a definite term).
4. The wage agreed upon, method and time of payment, and all the cash and in kind benefits agreed upon.
5. Other particulars to be determined by a resolution of the Minister.

Source: §19 and 20 of the Private Sector Labour Law 2012

Fixed Term Contracts

Labour law allows for both definite and indefinite term contracts. A contract is deemed as a contract for a definite term if it is entered into for a fixed period or for performing a certain job.

A contract of employment made for a period of definite duration automatically terminates at the end of that period however labour law allows for its renewal for future terms by an express agreement between the parties. The maximum length of a single fixed term contract including its renewals is 5 years. A contract of employment concluded for the performance of a specific work will terminate upon the completion of such work as agreed. If an employment contract is concluded for completion of a particular work, it may be renewed by an express agreement between the parties thereto for completion of any other work or works.

The contract of employment for a fixed term is deemed to be concluded for an indefinite period in the following events:

- a) If the contract is concluded without fixing its duration;
- b) If it is concluded for a period of more than five years;
- c) If the duration of the original and renewed contract is more than 5 years;

- d) If a contract of employment is made for the completion of a certain work and where it continues for more than 5 years;
- e) If a contract of employment made for completion of a specific work is renewed and where the period of completion of the original work and the works for which the contract is renewed continues for more than 5 years.
- f) If the parties to a contract, made for a definite duration, continue its performance after the expiry of its term without an express agreement to renew it.
- g) If a contract of employment is made for completion of a specific work and its parties continue to implement it following the completion of such work without an express agreement to renew it.

Source: §1 & 96-98 of the Private Sector Labour Law 2012

Probation Period

A worker may be employed under a probationary period if it is expressly specified in the contract of employment. The term of probationary period cannot exceed 3 months. However, a probationary period can be increased up to a maximum of six months in respect of the occupations to be determined by a resolution of the Minister.

Either party to a contract of employment may terminate it during the probationary period if it becomes evident that its continuance is not appropriate, provided that the party terminating the contract gives at least one-day notice to the other party. A worker cannot be engaged on probation more than once by the same employer.

Source: §21 of the Private Sector Labour Law 2012

Notice Requirement

Either party to a contract of employment may terminate it upon giving the other party thirty (30) days' prior notice. The contract remains effective during the notice period and the parties are bound by all the obligations arising therefrom. If the contract is terminated by the employer, agreement may be reached that the notice period will be more than 30 days. If a contract of employment is terminated without complying with the notice period, the party that terminates the contract must pay to the other party compensation for such notice period equivalent to the worker's wage for the entire notice period or the remainder thereof.

Employment contract may be terminated by the employer if the worker lacks competence or if his efficiency is decreasing after giving a 60-day notice to improve performance. If the situation does not improve in this period, employer may terminate the contract after giving 30-day notice. An employment contract may also be terminated by the employer in the case of total or partial closure of the enterprise, reduction of business or replacement of production system that affects the workforce requirement. In this case, the employer must give a 30-day notice to the Ministry of Labour and Social Development regarding the reason for termination of contract before giving notice to

the worker. An employment contract stands terminated in the case of worker's death, total disability and on reaching the retirement age of 60 years (unless otherwise agreed by the parties).

If the termination takes place by the employer, the notice period or the remainder thereof will be reckoned as part of the worker's service period. If termination is one the worker's initiative, the contract must be terminated as from the date of leaving his job duties. If notice of termination of the contract is given by the employer, a worker will be entitled to absent himself from work for a whole day in every week or for 8 hours during the week to look for another job, provided that absence will take place at an appropriate time for the conditions of business and the worker will be entitled to receive his wage for the days or hours of absence.

The contract termination notice must be in writing and the party that wishes to terminate the contract of employment must deliver such notice to the other party or its representative. The effectiveness of the notice period will commence from the date of receiving such notice or refusal to receive it. Lastly, notice to terminate the contract cannot be conditional upon a suspending or termination clause.

A worker is entitled to compensation for the employer's termination of the contract of employment unless the contract's termination is due to a legitimate cause.

If an employer gives notice to the worker for termination of the contract of employment during any leave, the notice period will commence from the day following the end of his leave. Furthermore, the employer cannot terminate the contract of employment during the worker's leave.

Every agreement that exempts an employer from the service of notice or reduction of its period is ineffective. However, if termination of the contract takes place by the worker, an employer may exempt the worker from all or part of the notice period.

A worker may terminate the contract of employment without notice in any of the following events:

1. Assault by the employer or his representative against the worker, during or because of the work, by words or deeds that are punishable by law.
2. An act committed by the employer or his representative that is considered as immoral against the worker or a member of his family.

Termination of the contract in either of the above two events shall be deemed as unfair dismissal by the employer.

A worker may terminate the contract of employment upon giving notice to the employer in any of the following events:

1. Employer's breach of any material obligation provided for by the law, contract of employment or regulations of work in the establishment.
2. Fraud by the employer or his representative towards the worker with respect to the employment terms and conditions where fraud is of such magnitude without which the contract would not have been concluded.

The worker must, before giving notice for termination of the contract of employment, request the employer in writing to remove the aforesaid breach or fraud during a period not exceeding 30 days from the date of submitting the request. If such period expires without meeting the worker's request, he will be entitled upon giving the aforesaid notice to terminate the contract of employment. Such termination will be deemed as a termination of the contract without a lawful excuse by the employer if the worker's claim is proven.

An employer may terminate the contract of employment without notice or compensation in any of the following instances:

1. Submission of false identity or submitted false certificates or testimonials;
2. Causing of a serious material loss to the employer;
3. Failure to comply with occupational safety and health related instructions;
4. Absence from work without legitimate cause, for more than twenty (20) intermittent days or for more than ten consecutive days in one year;
5. failure to perform essential duties under the contract of employment;
6. disclosure of enterprise business secrets;
7. sentenced for a crime or misdemeanor involving dishonor, dishonesty or public morals;
8. working under the influence of alcohol or drugs or if the worker has committed an immoral act at the place of work;
9. assault on employer or manager during the course of employment or for reasons connected therewith; and
10. failure to comply with the legally prescribed rules concerning the exercise of the right to strike.

Source: §99-115 of the Private Sector Labour Law 2012

Severance Pay

Severance pay is regulated under the Labour Law. A worker is entitled, upon the termination of his employment, to a leaving indemnity at the rate of half month's (15 days) wage for each of the first three years of employment and one month's (30 days) wage for each of the following years in service. A worker will be entitled to receive his leaving indemnity for fractions of the year in proportion to the period spent in the employer's service.

Employees terminated are not entitled to notice or compensation in lieu however they are still entitled to leaving indemnity/severance pay.

There are different provisions for those whose employment is terminated without cause or for an unlawful cause.

Source: §111 and 116 of the Private Sector Labour Law 2012

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

Bahrain has not ratified the Convention 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Private Sector Labour Law 2012

Paternity Leave

A worker is entitled to leave for one day on full pay upon the birth of his child. Apart from this, no provisions on paternity leave could be identified within the law.

Source: §63(b) of the Private Sector Labour Law 2012

Parental Leave

No provisions on Parental leave could be identified within the law

Flexible Work Option for Parents / Work-Life Balance

No provisions on flexible work for parents could be identified under the law.

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Bahrain has not ratified the Conventions 103 & 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Private Sector Labour Law 2012

Free Medical Care

No provisions on free medical care for pregnant workers could be identified.

No Harmful Work

No provisions on protecting pregnant women workers from harmful work could be identified from the law.

Maternity Leave

A female worker is entitled to maternity leave on full pay for sixty (60) days. This includes both antenatal and postnatal leave provided she produces a medical certificate attested by a government health centre or one of the clinics approved by the employer stating the expected date of her confinement.

A woman worker may also obtain an additional 15-day leave without pay because of her confinement. It is prohibited to employ a female worker during the forty (40) days following her confinement.

The employer is prohibited from dismissing a female worker or terminating her contract of employment because of marriage or during maternity leave. In addition, a working woman is entitled to obtain leave without pay to provide care for her child who is under six years for a maximum of six (6) months in each case and for three times throughout the period of her service.

Source: §32-34 of the Private Sector Labour Law 2012

Income

The basic maternity leave of 60 days is fully paid leave. This leave is financed by the employer. There is also provision for an unpaid 15-day maternity leave.

Source: §32 of the Private Sector Labour Law 2012

Protection from Dismissals

It is prohibited for an employer to dismiss a female worker or to terminate her contract of employment because of marriage or during maternity leave.

Source: §33 of the Private Sector Labour Law 2012

Right to Return to Same Position

No explicit provisions on the right to return to same position were found within the law. However, since an employer cannot terminate the contract of a worker on maternity leave, the right to return is implicitly provided under the Labour Law.

Source: §33 of the Private Sector Labour Law 2012

Breastfeeding

Labour Law provides for nursing breaks for new mothers. During the first 6 months of child birth, a female worker is entitled to two periods of one hour each to suckle her newly born child. During the next 6 months (until a child is one-year-old), a female worker is entitled to two periods of 30 minutes each for childcare.

A female worker has the right to combine these two periods. The nursing breaks are reckoned as part of the working hours without resulting in any reduction of the wage. An employer will fix the time of the care period according to the female worker's conditions and the interest of business.

Source: §35 of the Private Sector Labour Law 2012

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Bahrain has ratified both the Conventions 81 & 155.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Law in Private Sector 2012
- Ministerial Order No. 8 of 2013 Regulating Occupational Safety and Health in Establishments
- Decree No. 2 of 1994 to provide for the accession of the State of Bahrain to Arab Labour Convention No. 7 of 1977 and Recommendation number 1 of 1977 concerning occupational safety and health
- Ministerial Order No. 74 of 2007 with respect to inspection on entities subject to the provisions of the Law Regulating the Labour Market

Employer Cares

An employer must take the necessary precautions to protect his workers from work environment hazards during working hours and has to meet all the legal requirements on occupational safety and health, particularly the following:

1. To provide and maintain safe working equipment which do not constitute a hazard to the workers' safety and health;
2. To ensure safety in the use, lifting, transporting or storing of goods or materials so that they do not constitute a hazard to workers' safety and health;
3. To educate workers about the hazards of their job and the preventative methods to be observed;
4. To provide proper training to all his workers in their respective occupations;
5. To provide suitable and proper supervision to all operations carried out in the establishment;
6. To provide the necessary information and directives for all workers in all workplaces provided they shall be written in Arabic in addition to other languages understood by the workers to ensure preserving their safety and health.
7. To ensure the safety of the workplaces and safe access thereto.
8. To maintain a safe work environment and proper health facilities.
9. To maintain personal protective equipment that is appropriate for the nature of work.
10. To ensure the availability of first-aid services and medical intervention in urgent cases at the workplace.

An employer will adopt the necessary procedures and precautions to protect persons present at the workplace or close to his workplace and workers of other establishments.

The physical, mental and psychological health of employees will be assessed through regular medical checkups and for the purpose of early detection of health problems. A worker will not be assigned any occupational activity that poses an obvious threat or risk to his health, life and safety.

The employer is required to ensure availability of first-aid services and medical intervention in urgent cases at the workplaces and additionally must properly and effectively evaluate hazards that threaten safety and health of his workers or persons

present at the workplace or close thereto and any evaluation that was previously conducted should be regularly reviewed in the following cases:

1. At least once every three years.
2. Upon the occurrence of an occupational accident.
3. In case of change in the establishment's operations or administration system.
4. If there is a sufficient reason to believe in the unsuitability of the evaluation.
5. Upon the request from the occupational safety inspector from the Ministry of Labour.

The employer can assign the evaluation process to a specialized firm or entity with knowledge on the type of hazards present at the workplaces.

Lastly, each establishment must appoint fulltime officers in occupational safety and health. In high and medium hazard establishments that employ 500 or more workers at one workplace, a specialized occupational safety and health functional staff is to be created in conformity with the establishment's responsibilities, branches and type of business.

Every separate workplace will be deemed as an establishment where one area of business is undertaken and where the number of workers is 500 or more.

Source: §3, 7, 21 and 30; Chapter 2 Article 3, 5, 6 and 11 of the Ministerial Order No.8 of 2013 Regulating Occupational Safety and Health in Establishments; Decree No. 2 of 1994 to provide for the accession of the State of Bahrain to Arab Labour Convention No. 7 of 1977 and Recommendation number 1 of 1977 concerning occupational safety and health; §166 of the Labour Law in Private Sector 2012

Free Protection

An employer will take the necessary precautions to protect his workers from work environment hazards during working hours and must meet all legal requirements on occupational safety and health particularly the following:

1. To provide and maintain safe working equipment which do not constitute a hazard to the workers' safety and health.
2. To maintain personal protective equipment that is appropriate for the nature of work.

The employer cannot charge workers nor deduct any money from their wages in order to provide them with protective facilities and personal protection equipment.

Source: §3-4 (Chapter 2) of the Ministerial Order No. 8 of 2013 Regulating Occupational Safety and Health in Establishments

Training

Employers must provide training to all workers on OSH matters, according to guidelines determined by the Ministry of Labour.

An employer will take the necessary precautions to protect his workers from work environment hazards during working hours and shall meet all legal requirements on occupational safety and health which include among others the following:

- educate workers about the hazards of their job and the preventative methods to be observed;
- provide proper training to all his workers on their respective occupation.
- provide the necessary information and directives for all workers in all workplaces provided they shall be written in Arabic in addition to other languages understood by the workers to ensure preserving their safety and health.

Source: §3 (Chapter 2) of the Ministerial Order No. 8 of 2013 Regulating Occupational Safety and Health in Establishments

Labour Inspection System

Authority of Occupational Safety and Health Inspection works under the Ministry of Labour. This Authority consists of inspectors with suitable qualifications and experience who are in charge of carrying out periodical inspections of establishments to verify compliance with the legal OSH provisions.

The Authority of occupational safety and health inspection has the power to:

1. Provide to workers at the establishments the necessary medical and laboratory tests for verifying the adequacy of the working conditions and their effect on workers' health;
2. Take samples of the substances used or handled in industrial operations which may have a harmful effect on the workers' safety and health or on the working environment for their analysis;
3. Use the devices and equipment necessary for the analysis of the causes of occupational accidents;
4. Peruse the results of the technical and administrative reports about serious accidents at the establishment and their causes.

Labour Inspectors are civil servants and have the power to enter the workplace at any time during day or night, peruse the registers of the workers, and request the data, information and documents necessary for the execution of the inspection works and impose financial penalties if appropriate.

Minister in charge of the Commercial Register, based on the report of the labour inspection Authority may order the partial or total administrative closing of the establishment in the case of imminent danger.

Source: §173, 174 and 177 of the Labour Law in Private Sector 2012; § 9-10 of the Ministerial Order No. 74 of 2007 with respect to inspection on entities subject to the provisions of the Law Regulating the Labour Market

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Bahrain has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Private Sector Labour Law 2012

Income

A worker who has completed three continuous months in the employer's service has the right to paid sick leave in case of sickness certified by one of the government health centres or a clinic recognized by the employer. The total sick leave entitlement is 55 days of which first fifteen days are on full pay, twenty days on half pay and the last twenty days without pay.

The entitlement of a worker to sick leave on full or half pay may be accumulated for a period not exceeding 240 days. Lastly, a worker who is sick can make use of his annual leave balance in addition to the sick leaves to which he/she is entitled.

Source: §65 and 66 of the Private Sector Labour Law 2012

Medical Care

No provisions on free medical care during sickness could be identified within the law.

Job Security

An employer cannot terminate the contract of employment due to the worker's illness unless the worker exhausts the balance of his annual and sick leave entitlements. (55 days sick leave and 30 days annual leave). In the event of exhaustion of the leaves, the employer will be required to give the worker notice of his desire to terminate the contract fifteen days before the date of the worker's exhaustion of his leave entitlements. If the worker recovers before the expiry of such period, the employer is barred from terminating the contract due to the worker's illness.

Source: §117 of the Private Sector Labour Law 2012

Disability / Work Injury Benefit

The legal provisions on work injuries are found in the Act of Social Insurance and for those not covered by it, under the Labour Law on the Private Sector.

Under the Act of Social Insurance, employed persons in establishments with one or more employees are covered. However, household workers, casual employees, family labour, self-employed persons, and agricultural workers are excluded. It is also worth mentioning that there is special system for public-sector employees.

The Source of Funding under the Act is through the employer, who provides 3% of the employee's monthly earnings. The maximum monthly earnings used to calculate contributions are 4,000 dinars.

For Temporary Disability Benefits, 100% of the insured worker's contributory daily wage is paid from the day after the injury until recovery or certification of permanent disability (payment for the first day of injury is made by the employer). The contributory wage is the insured's total monthly wage received in January of each year. A medical committee assesses the degree of disability. The Social Insurance Organization may request periodic medical examinations during the first four years of disability. The insured worker may also request a medical re-examination during this period.

As for Permanent Disability Benefits, for an assessed degree of disability of 100%, 80% of the insured worker's last monthly earnings are paid. A supplement of 15% of the pension is paid if the pension is less than 50 dinars a month; 10% if the pension is at least 50 dinars.

The minimum pension is 200 dinars a month or 88% of the insured's contributory wage, whichever is greater. The contributory wage is the insured's monthly wage received in January of each year.

In case of Partial disability, a percentage of the full pension is paid according to the assessed degree of disability. For a loss of working capacity of less than 30%, a lump sum of 36 times the monthly permanent disability pension multiplied by the assessed degree of disability is paid. Benefits are increased by 3% every January.

The survivor's benefits paid to the spouse are 80% of the deceased worker's last monthly earnings. A supplement of 15% of the pension is paid if the pension is less than 50 dinars a month; 10% if the pension is at least 50 dinars.

If a widow remarries or dies after the death of her insured or pensioner spouse, her share is redistributed to the remaining eligible survivors according to a schedule in law. If she remarries and is subsequently divorced or widowed, the pension may be reinstated. 37.5% of the permanent disability pension the deceased received or was entitled to receive is paid to a widower with a disability; 62.5% if there is no eligible orphan; 75% if there are no other eligible survivors.

For orphans, 50% of the permanent disability pension the deceased worker received or was entitled to receive is split equally among the children (sons up to age 22, age limit is raised to 26 for full-time students, no limit if disabled). A daughter's pension ceases on marriage (or if personal earnings are at least equal to the pension) but is reinstated if she is subsequently divorced or widowed. If there is no other eligible survivor, 100% of the permanent disability pension the deceased received or was entitled to receive is paid.

For those people who are not covered by the Act on Social insurance, the regime is governed by the Private Sector Labour Law 2012 which creates a medical commission in

order to aid an employer and worker in determining various issues related to the work injuries. The medical commission performs various tasks, including the following;

1. Determining whether or not a worker has suffered an occupational disease;
2. Disability of the injured worker and estimating the degree of disability;
3. Completion of the injured worker's treatment; and
4. Settlement of the dispute concerning the determination of the period and injured worker's treatment costs.

An injured worker is paid his wage during the period of his treatment. Should such period of treatment exceed six months, the employer pays 50% of the wage until the workers recovers or until his inability to work is established.

A worker, who is injured during employment, has the right to receive compensation for the injury according to the schedule to be issued by an order of the Minister. However, no compensation or medical care is provided where there is a self-inflicted injury; there is an occurrence of the injury because of the worker's gross and deliberate misbehaviour, which will include every act done by an injured worker under the influence of intoxicating materials or narcotic drugs; and where the worker violates the employer's instructions concerning occupational safety and health. If a worker dies as a result of an employment injury, compensation will be apportioned in accordance with the rules of Sharia inheritance.

Source: §3,4,15, 17-19, 22, 23,25, 47, 48, 49, 52,53, 55-62 and 75-86 of the Act on Social Insurance 1976; §87-94 Private Sector Labour Law 2012

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Bahrain has not ratified the Conventions 102, 121, 128, 130 & 168.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Act of Social Insurance 1976
- Legislative Decree no. (78) Of the Year 2006 with respect to Insurance against Unemployment

Pension Rights

The legal provisions on pension rights are found in the Act of Social Insurance.

Under the Act, employed Bahraini citizens working in establishments with at least one employee or in one of the Gulf Cooperation Council countries (Kuwait, Oman, Qatar, Saudi Arabia, or United Arab Emirates) are covered. There is also voluntary coverage for persons with at least five years of previous compulsory social security coverage, self-employed persons, and other Bahraini citizens working abroad. However household workers, certain groups of agricultural employees, casual workers, temporary noncitizen workers and other groups specified by law are excluded from the act.

The source of funding under the Act for pensions comes from a variety of sources. The insured person pays 6% of total monthly earnings and this contribution is 15% of declared monthly income for the voluntarily insured. Employer contributes 9% of the employee's monthly earnings. The maximum monthly earnings used to calculate contributions are 4,000 dinars.

The qualifying requirements for Old-age pension are that men must attain an age of 60 and women an age of 55 with at least 10 years of coverage. Early pension can also start from any age with at least 20 years of coverage for men and 15 years of coverage for women. Usual employment must cease. However, pensioners may work in a new job as long as the combined income (pension plus earnings) does not exceed the insured's average earnings in the last two years. There is also a compensation for prolonged service if the insured had more than 40 years of contributions. In order to qualify for old age settlement, the minimum age for men is 60 and 55 for women respectively. In addition, the persons claiming old age settlement must show that they are not able to meet the contribution requirements for the old-age pension.

Old age pension is 2% of the insured's average monthly earnings in the last two years multiplied by the number of years of contributions is paid. The maximum contribution period used to calculate the pension is 40. The minimum pension is the insured's average contributory wage during the last two years or 200 dinars a month, whichever is less. The maximum pension is 80% of the insured's average earnings plus an additional 10% of the pension. For early pension, the pension is reduced by 20% if the insured person retires before age 45, by 15% if aged 45 to 49, or by 10% if aged 50 to 54.

Where a compensation for prolonged service has to be paid, a lump sum of 11% of the insured's average earnings in the last two years will be given for each contribution year exceeding 40 years. Lastly, for the purposes of an old-age settlement, a lump sum amount is paid based on the following formula: 15% of the insured person's average

monthly earnings in the last two years multiplied by 12 times the number of years of contributions plus 5% interest from the date contributions cease until the date the settlement is first paid.

Source: §33-40 of the Act of Social Insurance 1976

Dependents' / Survivors' Benefit

The legal provisions on survivor benefits are found in the Act of Social Insurance.

In order to qualify for the receiving of survivor benefits, it is imperative that the insured must have received or was entitled to receive an old-age or disability pension at the time of death or had at least six consecutive months of contributions immediately before death or 12 non-consecutive months of contributions with three months immediately before death. The pension is also paid if the insured person dies within one year of ceasing contributions, regardless of age. Eligible survivors include a widow, a widower with a disability, orphans (sons up to age 22, 26 years for full time students, no limit if disabled), and the deceased's dependent parents, brothers, and sisters. No pension is paid to orphans if personal earnings are at least equal to the survivor pension. The survivor pension for widows, daughters, or sister's ceases on marriage but may be reinstated if the survivor subsequently divorces or is widowed. If a widow remarries or dies after the death of her insured or pensioner spouse, or if any of the survivors' pensions cease for any reason, the pension is redistributed to the remaining eligible survivors. The compensation for prolonged service is paid to the survivors if the deceased had more than 40 years of contributions. Similarly, a survivor settlement is also paid where the deceased did not qualify for an old-age or disability pension at the time of death.

The spouse is entitled to receive 37.5% of the old-age or disability pension the deceased worker received or was entitled to receive. This percentage increases to 62.5% if there is no eligible orphan and 75% if there are no other eligible survivors. For orphans, 50% of the old-age or disability pension the deceased received or was entitled to receive is split equally among the insured's eligible children. If there are no other eligible survivors, full old-age or disability pension the deceased worker received or was entitled to receive is paid to a full orphan.

The minimum pension is 44% of the deceased's average earnings in the last year of contributions or 200 dinars a month, whichever is greater. The minimum pension for each surviving family member is 35 dinars a month. The maximum pension is 80% of the deceased's average earnings in the last year of contributions plus an additional 10% of the pension. Instead of an additional 10%, the pensioner may choose a lump sum of 3% of the monthly average earnings in the last two years multiplied by 12 times the number of years of coverage.

Source: §38-45 of the Act on Social Insurance 1976

Unemployment Benefits

The legal provision on unemployment benefits is found under the 2006 law on unemployment insurance.

Under the law, Legal residents of Bahrain, civil servants (regardless of nationality), private-sector employees (regardless of nationality), and first-time job seekers (Bahraini citizens only) are covered. Self-employed persons however are excluded.

The Source of Funds for the Unemployment Benefits comes from three main sources: the insured person, employer and government pay 01% each of the employee's monthly wage as contribution for the unemployment insurance fund. The maximum monthly earnings used to calculate contributions for private-sector employees are 4,000 dinars.

In order to qualify for unemployment benefits, the concerned person must be younger than the retirement age, must have at least 12 consecutive months of employment for the first benefit claim; 12 months of employment during the last 18 months for the second benefit claim; 18 months during the last 24 months for the third benefit claim; and 36 months during the last 48 months for each subsequent claim. In addition, he/she must be registered at an employment office and be capable of and available for work. Unemployment must not be due to voluntary leaving, misconduct, or the refusal of a suitable job offer.

An unemployment aid must be paid to first-time job seekers or insured persons who do not qualify for the unemployment benefit. In order to receive the worker must be aged 17 to retirement age and not be engaged in gainful activity or own a business, and must be capable of and available for work.

The benefits are paid at a rate of 60% of the insured person's average earnings in the last 12 months for up to six months. The minimum unemployment benefit is 150 dinars, while the maximum unemployment benefit is 500 dinars. Under the Unemployment aid, 150 dinars is paid to persons with academic qualifications and 120 dinars to other unemployed persons for up to six months.

Source: §Article 2, 6, 10- 24 of the Legislative Decree no. (78) Of the Year 2006 with respect to Insurance against Unemployment

Invalidity Benefits

The legal provisions on invalidity benefits are found in the Act on Social Insurance.

In order to qualify for invalidity benefits, the insured person must be younger than 60 (55 years for women) when the disability began and had at least six consecutive months of contributions or 12 non-consecutive months of contributions with three months immediately before the disability began. The pension is also paid if the disability began

within one year of ceasing contributions. A disability settlement is also paid where the insured does not meet the contribution requirements for a disability pension.

The invalidity pension is 44% of the insured person's average monthly earnings in the last year of contributions before the disability began or 2% of the insured person's average earnings during the last year of contributions multiplied by the number of years of contributions, whichever is greater. The minimum pension is 44% of the insured person's average monthly earnings in the last year of contributions or 200 dinars, whichever is greater, while the maximum pension is 80% of the insured's average earnings plus an additional 10% of the pension. Instead of an additional 10%, the pensioner may choose a lump sum of 3% of the monthly average earnings in the last two years multiplied by 12 times the number of years of coverage.

With regards to the Disability settlement, a lump sum amount is paid based on the following formula:

15% of the insured person's average monthly earnings in the last two years multiplied by 12 times the number of years of contributions plus 5% interest from the date contributions cease until the date the settlement is first paid.

Source: §37, 38, 41, 42, 43, 44 and 45 of the Act of Social Insurance 1976

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Bahrain has ratified the Convention 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Private Sector Labour Law 2012
- Bahrain Penal Code 1976

Equal Pay

Labour Law prohibits discrimination in the payment of wages for the mere difference of sex, ethnic origin, language, religion or belief. No other specific legal provisions stipulating equal payment for work equal value for women could be found within the law.

Source: §39 of the Private Sector Labour Law 2012

Sexual Harassment

The criminal law and labour law in Bahrain do not specifically recognize the offence of sexual harassment against women and instead contain provisions which suggest indirectly that sexual harassment may indeed be a crime.

Under the Penal Code, there is a prison sentence for a period not exceeding one year or a fine not exceeding BD 100 for any person who commits an act of indecency with a female, even though such act is not committed in public. Secondly, there is also a prison sentence of 3 months or a fine not exceeding BD 20 for any person who commits an indecent act, by words or deeds, in a public road or in a place frequented by others.

Labour law allows a worker to terminate the contract of employment without notice if an immoral act is committed by the employer or his representative against the worker or a member of his family. The Labour Law also allows an employer to terminate the employment contract of a worker without prior notice if a worker has committed an immoral act at the place of work.

Apart from these provisions no further provisions on the prevention of sexual harassment could be found within the law.

Source: §350 and 351 of the Bahrain Penal Code 1976; §105 of the Private Sector Labour Law 2012

Non-Discrimination

Under the constitution, liberty, equality, security, tranquillity, education, social solidarity and equal opportunities for citizens are the pillars of society guaranteed by the State. People are equal in human dignity, and citizens are equal in public rights and duties before the law, without discrimination as to race, origin, language, religion or belief.

Under the labour law, working women are subject to all the provisions governing the employment of workers without discrimination between them where their employment conditions are similar. The labour law further prohibits discrimination in the payment of wages for the mere difference of sex, ethnic origin, language, religion or belief.

Source: §4 & 18 of the Constitution of the State of Bahrain 1973; §29 and 39 of the Private Sector Labour Law 2012

Equal Choice of Profession

Under the Constitution, work is the duty of every citizen necessitated by personal dignity and the public good. Every citizen has the right to work and to choose his type of work in accordance with public order and moral standards. The State has to ensure that work is made available to the citizens and that its terms are equitable.

Under the Labour Law, working women are subject to all the provisions governing the employment of workers without discrimination between them where their employment conditions are similar. However, the Government can issue a resolution determining the events, jobs and events where it is not permitted to employ women during the night and also determine the occupations for which the employment of women is prohibited.

Source: §13 of the Constitution of the State of Bahrain 1973; §29-31 of the Private Sector Labour Law 2012

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Bahrain has ratified both the Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Private Sector Labour Law 2012
- Education Act 2005

Minimum Age for Employment

The law regards any person aged between 15 and 18 a juvenile and prohibits the employment of anyone who is under fifteen years of age.

Under the Education Act 2005, the compulsory education age is 15 years (9 years of compulsory schooling).

Source: §23 and 24 of the Private Sector Labour Law 2012; §1 of the Education Act 2005

Minimum Age for Hazardous Work

As mentioned earlier, the law regards a person aged 15-18 years as a 'juvenile' and prohibits the employment of anyone who is under 15 years.

Juveniles cannot be employed for a period exceeding six hours a day. They are not permitted to remain in the employment premises for more than seven consecutive hours and the hours of work are interrupted by one or more intervals for rest and having a meal, the total of which cannot be less than one hour. Such interval or intervals must be so arranged that juveniles do not have to work for more than four consecutive hours.

Juveniles cannot be employed during the night. Similarly, they cannot be engaged during the weekly days of rest or public holidays.

The employer is required to comply with the following before and after the employment of juveniles:

1. Before Employment, he must ascertain the parent's or guardian's approval of the juvenile's employment.
2. A medical checkup of the juvenile is required to be conducted to confirm his medical fitness for work.
3. A juvenile cannot be employed to undertake hard or hazardous work that may be damaging to the juvenile's health, his safety or moral conduct.
4. The Ministry of Labour is given notice concerning all the details related to the juvenile.
5. After employment, the employer must display in a prominent place in the employment premises a copy containing the provisions related to the employment of juveniles and a statement approved by the Ministry with respect to fixing the working hours, periods of rest and times of the weekly rest.
6. He must draw up a list showing the names of juveniles employed thereby, their ages, job duties and dates of employment and conduct a regular medical check-up upon a juvenile to ensure the continuation of his medical fitness at the times

to be fixed by a resolution of the Minister following consultation with representatives of employers and workers.

Lastly, the Government will issue a resolution determining any other terms, conditions or situations governing the employment of juveniles and determining the difficult and hazardous occupations, industries and jobs for which it is prohibited to employ juveniles to engage in or which are harmful to the juvenile's health, safety or moral behaviour according to the different age groups. Such occupations can be reviewed periodically or whenever necessary. Ministerial Order No. 23 of 2013 prohibits the employment of minors in bars and nightclub and many other hazardous occupations.

Source: §23-28 of the Private Sector Labour Law 2012

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Bahrain has ratified both the Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of the State of Bahrain 1973
- Bahrain Penal Code 1976
- Private Sector Labour Law 2012

Prohibition on Forced and Compulsory Labour

Under the Constitution, work is the duty of every citizen necessitated by personal dignity and the public good. Every citizen has the right to work and to choose his type of work in accordance with public order and moral standards. In doing so, the State has to ensure that work is made available to the citizens and that its terms are equitable.

Forced labour cannot be imposed on anyone except in the circumstances specified by the law for national emergency and with just remuneration, or as an implementation of a judicial decision.

Under the Penal Code, a punishment of imprisonment for a period not exceeding ten years will be inflicted upon every civil servant or officer entrusted with a public service that employs, by forced labour, workers to work for the government or unjustifiably withhold all or some of their wages.

Source: §13 of the Constitution of the State of Bahrain 1973; §198 of the Bahrain Penal Code 1976

Freedom to Change Jobs and Right to Quit

Under the Constitution, work is the duty of every citizen necessitated by personal dignity and the public good. Every citizen will have the right to work and to choose his type of work in accordance with public order and moral standards. In doing so, the State has to ensure that work is made available to the citizens and that its terms are equitable.

A worker who wants to terminate his employment contract must also give his employer a thirty days' prior notice. This period of notice remains the same irrespective of the number of years for which the employee has worked. However, an employer may exempt the worker from all or part of the notice period if he thinks it is appropriate.

Source: §13 of the Constitution of the State of Bahrain 1973; §99 and 103 of the Private Sector Labour Law 2012

Inhumane Working Conditions

Labour law provides for general limits to working hours, i.e., 48 hours per week. A worker's daily hours of work cannot exceed 10 hours which means that law allows 2 hours of overtime work. Thus, the total working hours inclusive of overtime should not exceed 60 hours per week.

Source: §51 and 53 of the Private Sector Labour Law 2012

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize:
Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Bahrain has not ratified both the Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of the State of Bahrain 1973
- Private Sector Labour Law 2012
- Legislative Decree No. 33 of 2002 with respect to Trade Unions as amended by Law No. 49 of 2006
- Ministerial Order No. 19 of 2013 concerning the Collective Labour Agreement

Freedom to Join and Form a Union

Under the constitution freedom to form associations and trade unions on a national basis and for lawful objectives and by peaceful means will be guaranteed in accordance with the conditions and procedures prescribed by the law. No one may be compelled to join or remain in any association or union.

Under the trade union law, workers in any firm or certain business sector or activity, industries, similar trades or trades which are linked with each other, have the right to form their trade union, provided that the establishment of the trade union is not based on sectarian, religious or ethnical basis. Workers who are governed by the civil service systems will have the right to join such trade union.

Source: §27 of the Constitution of the State of Bahrain 1973; §10 of the Legislative Decree No. 33 of 2002 with respect to Trade Unions as amended by Law No. 49 of 2006

Freedom of Collective Bargaining

The labour laws states that collective bargaining is a dialogue and discussions that take place employers and workers through their respective associations and trade unions for the following purposes:

1. Improvement of the working terms and conditions and the employment provisions.
2. Seeking to achieve social and economic development for the establishment's workers.
3. Settlement of collective labour disputes that arise between workers and employers.
4. Regulating the relationship between workers and their organisations and employers and their organisations.

Collective bargaining usually takes place on the establishment's level, on the business, industrial or professional level or on the national level. If bargaining takes place on the establishment's level, bargaining will be between the employer or his representative and the trade union organisation that represents the workers. If it takes place on the business, industrial or professional level, bargaining will be between the concerned organisation that represents employers and the relevant organisation that represents the workers. Lastly, if it takes place on the national level, it will be between the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Workers Trade Unions (GFBWTU).

Each party to collective bargaining has to submit the details and information requested by the other party where such details and information are fundamental to the issues subject to negotiation and in the course of collective bargaining, an employer cannot adopt any decisions or actions related to the topics subject to bargaining except in the case of exigency and urgency, provided that such measures or resolutions are of a temporary nature.

If collective bargaining succeeds, a collective contract of employment will be deemed to be concluded on the basis of the agreement reached. However, if no agreement is reached, either party may request the Government to refer the matter to the competent dispute resolution Authority.

It is worth mentioning that Ministerial Order No. 19 of 2013 concerning the Collective Labour Agreement provides a model collective labour agreement to be used as a guide by the parties to collective negotiations and bargaining.

Source: §137-141 of the Private Sector Labour Law 2012; Ministerial Order No. 19 of 2013 concerning the Collective Labour Agreement

Right to Strike

Workers have the right to strike in defence of their interests according to the guidelines determined by law. A worker's exercise of such right leads to suspension of employment contract during the period of strike. Strike is a peaceful and legitimate means for defending workers' economic and social interests. Trade union organizations declare and regulate strikes. Strike is legitimate when the following conditions are fulfilled:

- a. Approval by the majority of the members of the extraordinary general assembly of the trade union on declaring a strike;
- b. Notification to an employer of the workers' determination to work stoppage, at least fifteen days before striking;
- c. Refrain from work stoppage whilst the conflict is still on going through conciliation and arbitration;
- d. Prohibit striking at strategic undertakings, which may threaten national security, or disrupt the flow of daily life for citizens.

An employer cannot terminate the contract of employment without notice or compensation normally, however where there is a worker's failure to comply with the legally prescribed rules concerning the exercise of the right to strike, he is empowered to terminate the said worker.

Government may issue an order, which determines the strategic undertakings from which striking is to be prohibited. Conciliation and arbitration are mandatory in collective conflicts, after failure in a peaceful resolution between workers and employers.

Source: §Private Sector Labour Law 2012; §21 of the Legislative Decree No. 33 of 2002 with respect to Trade Unions as amended by Law No. 49 of 2006



DECENT WORK QUESTIONNAIRE

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Check

Decent Work Check Bahrain is a product of WageIndicator.org



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Bahrain scored 37 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.