



REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS ¹

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International
Labour
Organization

This factsheet looks only at workers covered by the Labour Law (Law No. 36/2012 promulgating the Labour Law for the Private Sector), including domestic workers, but does not include migrant workers under the Labour Registration Program, as it is unclear if such workers are covered under the Labour Law. Brief information about the Labour Registration Program is provided below the table and can be found at the website of the Labour Market Regulatory Authority.

PRIVATE SECTOR WORKERS

DOMESTIC WORKERS

*(other than domestic workers
and flexi-permit holders*)*

KEY LEGISLATION	Law No. 36/2012 promulgating the Labour Law for the Private Sector. Domestic workers can only benefit from certain provisions. ²	
RECRUITMENT		
RECRUITMENT FEES	Charging recruitment fees to workers is not explicitly prohibited by law.	
PASSPORT CONFISCATION	It is prohibited for employers to confiscate passports. ³	
WORKING CONDITIONS		
CONTRACT	<p>The employment contract must be drafted in Arabic and in two original copies, one for each party. If there is a version in another language, it has to be attached to its Arabic version.</p> <p>Employers who do not comply may be subject to a 200–500 Bahraini dinar (US\$530–1,326) penalty.</p>	<p>A standard contract must be signed between the recruitment agency, the domestic worker and the employer, and a second contract must be signed between the domestic worker and the employer. The template is available here.</p> <p>Employers who do not comply with the above-mentioned provisions are subject to a 200–500 dinar (US\$530–1,326) penalty.</p>
MINIMUM WAGE	<p>Not applicable.⁴</p> <p>Wage discrimination between male and female workers in the same job shall be prohibited if the conditions of their employment are similar.⁵</p>	Not applicable.

¹ The information in this factsheet is made available for general information purposes only. The information included does not, and is not intended to, constitute legal advice. No obligations or rights can be derived from the information provided. This factsheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and is based on publicly available information.

² These provisions relate to some benefits regarding the employment contract, wages, end of service benefits and exemption from judicial fees, among others. In 2018, the Government added a new provision (which also applies to domestic workers): “Discrimination among workers subject to the provisions of this Law on the basis of gender, origin, language, religion or creed shall be prohibited” (Labour Law, article 2).

³ Bahrain Penal Code, article 395.

⁴ The minimum wage only applies to Bahraini nationals in the public sector, and is currently 300 dinar (US\$796).

⁵ Bahrain Decision No. 52/2020 on Prohibition of Wage Discrimination between Male and Female Workers; Bahrain Law No. 36/2012, article 39.

<p>WORKING HOURS</p>	<p><i>The Rule</i> Eight hours per day or 48 hours per week.⁶</p> <p><i>Exceptions</i> Working hours may be increased to up to 11 hours per day, including breaks.⁷ They can in exceptional circumstances be increased to 12 hours per day for workers who carry out “intermittent jobs” as designated by a resolution of the Minister (in such cases working hours should not be more than 12 hours in each day).⁸ Working hours can also be decreased by the Minister.⁹</p> <p>Workers are entitled to at least a half hour break per day for prayer, meals or rest after 6 hours of consecutive work.¹⁰</p>	<p>Not specified by law.</p>
<p>REST PERIODS</p>	<p>One day per week, Friday unless otherwise agreed.</p> <p>An employer may require a worker to work on their weekly day of rest or on a public holiday. In this case, the worker may choose either to receive an additional wage equivalent to 150 per cent of the normal wage or to have an additional rest day.</p>	<p>Not specified by law.</p>
<p>OVERTIME</p>	<p>Overtime provisions range from 125 per cent of the hourly rate for hours worked during the day and 150 per cent the hourly rate for hours worked at night.</p>	<p>Not specified by law.</p>
<p>PAYMENT OF WAGES</p>	<p>Workers on a monthly wage must be paid at least once a month.¹¹ Employers have only fully met their obligation of paying wages once they are fully paid to the worker in accordance with the Wages Protection Scheme,¹² except in the case of domestic workers who are not included in the Scheme (although employers of domestic workers can voluntarily opt-in).</p>	
<p>ANNUAL LEAVE AND SICK LEAVE</p>	<p>Annual leave – 30 days.</p> <p>Sick leave – An employee who has worked for three consecutive months with an employer is entitled to 15 days of sick leave at full pay, 20 days of sick leave on half pay, and 20 days of sick leave without pay per year.¹³</p>	<p>Annual leave – 30 days.</p> <p>Sick leave – not specified.</p>
<p>OTHER REQUIREMENTS</p>	<p>Working outdoors/in open areas is banned between 12.00 p.m. and 4.00 p.m. from 1 July to 31 August, except for oil and gas workers engaged in emergency maintenance.¹⁴</p> <p>Employers shall provide their workers with suitable means of transportation to and from the workplace, as determined by the Minister.¹⁵ An employer who employs individuals in rural areas shall provide them with the appropriate meals and suitable accommodation, as determined by the Minister.¹⁶</p>	<p>Although not specified by law, the Labour Market Regulatory Authority (LMRA) standard contract/obligation pledge form (for direct recruitment) specifies that the employer must provide the domestic worker with a decent residence, respect for privacy, food and clothing, occupational safety and health, and medical care, and also enable the domestic worker to communicate with their family periodically and regularly.</p>

6 During Ramadan, it is a requirement that Muslim workers work no more than 6 hours per day and 36 hours per week.

7 Bahrain Law No. 36/2012, article 53(b).

8 Bahrain Law No. 36/2012, article 53(c).

9 Bahrain Law No. 36/2012, article 56.

10 The Minister may specify in a decision those workers who may continue working without a break, and specify the types of hard/difficult or exhausting labour wherein the worker is allowed breaks that are counted as being part of the working hours (Bahrain Law No. 36/2012, article 52(b)).

11 Where payment of wages is delayed by the employer for a period of less than 6 months, the employer must compensate the worker at the rate of 6 per cent per annum and up to a maximum of 12 per cent for longer periods of delay.

12 Bahrain Decision No. 68/2019 Regarding the Wages Protection Scheme.

13 Bahrain Law No. 36/2012, article 65.

14 Ministerial Resolution No. 3/2013, article 1.

15 Bahrain Law No. 36/2012, article 10.

16 Bahrain Law No. 36/2012, article 11.

		An optional insurance policy is available to employers, covering death or serious injury to the worker, or to recruit a new worker if the previous worker “leaves work in violation of the Work Permit”.
END OF SERVICE GRATUITY	<p><i>During the first three years of service</i> Half a month’s wage for each year of service.</p> <p><i>For more than three years of service</i> One month’s wage for each year of service.</p> <p>All end of service gratuity calculations are made pro rata.</p>	
FREEDOM OF ASSOCIATION		
ABILITY TO JOIN TRADE UNION	All workers can join an existing trade union federation and in principle can form their own trade union provided that the establishment of the trade union shall not be based on sectarian, religious or ethnic basis and workers who are governed by the civil service systems shall have the right to join such trade union. ¹⁷	
GRIEVANCES AND DISPUTE RESOLUTION		
LODGING COMPLAINTS/ RESOLVING DISPUTES	<p><i>Conciliation</i> Problems or disputes that arise between workers and employers may be brought to the Individual Labour Disputes Settlement Authority at the Ministry of Labour and Social Development (MOLSD). Any settlement that is reached between the parties shall be written in a document that is signed by each of the parties and the competent officer and will be fully enforceable.¹⁸</p> <p><i>Judicial remedy</i> A worker can submit a case through the LMRA’s Grievances and Protection Department,¹⁹ which includes translation services and assistance in compiling the documents required to submit the complaint. Once registered, complaints will be sent electronically to Bahrain’s Justice, Islamic Affairs and Endowments Ministry; however, it will then be up to the migrant worker to liaise directly with the court (via an “e-key”), and they must be physically present for all hearings unless they have given power of attorney to a lawyer. A hearing must be scheduled within the two months consequent to the filing of the claim. If the claim is appealed, it proceeds to the High Civil Court (in this case, claims take approximately 12 months to complete).</p> <p>It is possible to directly resort to the judicial remedy without having previously sought a settlement through the MOLSD.</p> <p>A worker’s claim for compensation for termination of the employment contract has to be made within 30 days from the date of termination of the contract. This time limit is extended to three months from the completion of proceedings where parties have submitted the dispute to the Individual Labour Disputes Settlement Authority.²⁰</p> <p>No fees are required to file a case, but fees may required for other court-related processes. Arabic is the official language of judicial proceedings. Collective disputes are also permitted, under a separate procedure.</p>	
SHELTERS AND PROTECTION SERVICES	The LMRA’s Expatriate Protection Unit (EPU) runs a shelter for male and female trafficking victims. Alleged victims must meet set criteria. Services provided include food, clothing, medical care, religious support, psychosocial counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain.	

17 Workers Trade Union Law No. 33/2002, article 10.

18 Bahrain Law No. 36/2012, article 119.

19 Based on a memorandum of understanding between the LMRA and the Ministry of Justice, Islamic Affairs and Endowments. Migrant workers who do not have copies of the documents required to file complaints, such as their IDs or their contracts, will be able to retrieve them through the LMRA’s database.

20 Bahrain Law No. 36/2012, article 135.

SPONSORSHIP

SPONSORSHIP AND CHANGING EMPLOYERS	<p><i>With permission of employer</i> Anytime.</p> <p><i>Without permission of employer</i> Only after the completion of one year of service.</p> <p>Workers have the obligation to notify the first employer of their decision to terminate their contract by registered mail.²¹</p>	<p><i>With permission of employer</i> Anytime.</p> <p><i>Without permission of employer</i> Only with the permission of the LMRA.</p>
LEAVING THE COUNTRY	No exit permit is required.	

**Flexi-permit holders*

In December 2022, the Minister of Labour issued a number of resolutions creating the Labour Registration Program, pursuant to which eligible migrant workers can work without a sponsor provided that they are registered with an approved ‘Labour Registration Centre’.

Workers can register for the Program if their work permits expired or were cancelled before the decision was implemented (December 2022) and/or were flexi permit holders. Those outside Bahrain, on tourist visas, or those ‘in violation of their contracts’ or with a criminal or absconding record, are not eligible. Workers must pay a range of fees including admin fees, health insurance, residency extension and ticket insurance which amount to US\$2,330 for 2 years permit and US\$1,400 for 1 year²².

The scheme is overseen by the LMRA but administered by the private sector – with registered companies under the scheme required to register workers into the program, verify that the workers hold the required qualifications and notifying the LMRA of any violations committed by the workers.

Workers are required to use the ‘Service Agreement Portal’ to register their work assignments (‘Service Agreements’). For each job, the worker is required to give details on the service to be performed, the cost and duration, and the employer (‘Service Receiver’) approves on the platform. The worker is advised to receive payment via bank transfer. As with the flexi-permit, it does not appear that workers under the Labour Registration Program are covered by the provisions of the Law in the Private Sector

²¹ Notice period for termination of service according to the provisions of the Law or the contract of employment concluded between the two parties, provided that it does not exceed three months from the specified date of transfer.

²² 527BD for 1 year and 879BD for 2 years.