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Bahrain

Act No. 49 of 2006 amending some provisions of the Act on Trade Unions promulgated by Legislative Decree No. 33 of 2002

The Monarch of the Kingdom of Bahrain,
Hamad Ben 'Eissa Al Khalifa,

After reviewing the Constitution, and

The Penal Code promulgated by Legislative Decree No. 15 of 1976 and amendments made thereto, and

The Labour Code in the private sector promulgated by Legislative Decree No. 23 of 1976 and amendments made thereto, and

The Act on Trade Unions promulgated by Legislative Decree No. 33 of 2002,

The Majlis Al Shoura (Consultative Council) and the Majlis Al-Nuwab (House of Representatives) hereby adopt this Act, whose text is approved and promulgated as follows:

First Section

Sections 1, 8, 9 and 21 of the Act on Trade Unions promulgated by Legislative Decree No. 33 of 2002 shall be replaced by the following:

Section 1

In applying the provisions of this Act, the words and phrases shall have equivalent meanings, unless the context of the text requires otherwise:

Trade unions: It is a formation, composed of a number of workers at a specific undertaking, specific sector, or specific activity, in accordance with the provisions of this Act.

Trade union federation: It is a formation, which is established in accordance with the provisions of this Act, and is composed of a number of trade unions.

Trade union organization: It is a formation, which is established so as to defend the interests of workers, and their rights. This includes trade unions, and trade union federations.

Ministry: The Ministry is the Ministry, which is competent in labour matters in the private sector.

Competent Minister: He/she is the Minister competent in labour matters in the private sector.

Section 8

1. Two or more trade unions shall be authorized to establish a trade union federation, amongst themselves. The trade union federation shall be established, and shall be open for membership, with the acceptance of the majority of the trade union general assembly members.
2. The trade union shall not be authorized to be a member of more than one federation.
3. At the level of the Kingdom, in international fora, and in collective bargaining with employers and their organizations, the workers of the Kingdom of Bahrain shall be represented by the trade union federation, which is the most representative of workers, as to the number of workers, members of the federation. The competent Minister shall promulgate an order by virtue of which, the name of the union federation representing the workers of the Kingdom of Bahrain shall be determined.

Section 9

The Trade Union Federation shall undertake the following tasks:

- a. Formulate the general policies and the trade union charter of honour for workers within trade unions, which are members of the Federation.
- b. Support collaboration between trade unions, members of the federation, and each of the Ministries and employers and their organizations.
- c. Establish and manage worker social and cultural centres.
- d. Participate in formulating worker strategies with competent bodies, and promote social dialogue with relevant bodies.
- e. Participate in councils, and committees working on matters of labour and employment.
- f. Authorize trade unions, members of the Federation, to become a member of Arab, and international federations, and worker organizations, and notify the Ministry thereof.
- g. Authorize representatives of trade unions, members of the Federation to attend conferences outside the Kingdom of Bahrain.
- h. Fix the maximum limit of membership fees, and annual contributions for the membership of trade unions, members of the federation.
- i. Examine the arrest of executive board members of trade unions, members of the Federation.
- j. Examine the matters referred to the executive boards of trade unions, members of the Federation.
- k. Adopt the regulations of trade union accountability of the members of the executive board of the Federation and the executive boards of trade unions, members of the Federation.

- l. Adopt the administrative and financial internal statutes, which regulate the work of the Federation.
- m. Formulate guidelines for all administrative and financial internal statutes, which regulate the work of the trade unions, members of the Federation.

Section 21

1. Striking is a peaceful and legitimate means for defending workers' economic and social interests. Trade union organizations shall declare and regulate strikes.
2. Striking shall be 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 of 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 ongoing through conciliation and arbitration.
 - d. Prohibit striking at strategic undertakings, which may threaten national security, or disrupt the flow of daily life for citizens.

The Prime Minister shall issue an order, which determines the strategic undertakings from which striking shall be prohibited.

3. Arbitration and conciliation shall be mandatory in collective conflicts, which occur at the abovementioned strategic undertakings, after failure in a peaceful resolution between workers and employers.

Section 2

The following section replaces section 5 (c) of the Act on Trade Unions, promulgated by Legislative Decree No. 33 of 2002:

Section 5 (c): Procedures for membership of a trade union and dismissal of members, value of membership due; value of contribution paid by members; and the cases and conditions for exemption.

Section 3

1. The Minister competent in labour matters in the private sector shall be replaced by "the Minister of Social Affairs and Labour" mentioned in section 4 of Legislative Decree No. 33 of 2002, promulgating the Act on Trade Unions.
2. The phrase "trade union federation" shall be replaced by "Confederation of Bahrain's Trade Unions" under sections 6 and 19 of chapter one, book two, of the Act on Trade Unions promulgated by Legislative Decree No. 33 of 2002.
3. The phrase "trade union federation of which a trade union is a member" will be replaced by "the Confederation of Bahrain's Trade Unions" mentioned in

section 12 (f) and by the word “ federation” specified in section 18 of the Act on Trade Unions, promulgated by Legislative Decree No. 33 of 2002.

Section 4

A last paragraph shall be added to section 3 of the Act On Trade Unions promulgated by Legislative Decree No. 33 of 2002, which reads as follows:

Section 3 (last paragraph)

The court shall oblige employers to pay workers a compensation, which is equivalent to a minimum of two months’ wages, and a maximum of six months’ wages, once discrimination against a worker by an employer is confirmed, on grounds of the worker’s union activities.

Section 5

The Prime Minister and the Ministers, each according to his/her competence- shall put to effect the provisions of this Act. It shall enter into force as of the day, which follows the date of its publication in the Official Gazette.

H. E. Hamad Ben ‘Eissa Al Khalifa

Monarch of the Kingdom of Bahrain

Published at El Refa’a palace
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