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Labour Market Regulatory Authority

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Order No. (4) of 2014 With regard to Regulation of Work Permits for Domestic Servants and Equivalent

Source: Labour Market Regulatory Authority Management

Chairman of the Board of Directors of the Labour Market Regulatory Authority:

Having pursued Law No. (19) of 2006 With Respect to the Labour Market Regulation, as amended by Law No. (15) of 2011; Labour Law for the Private Sector promulgated by Legislative Degree No. (36) of 2012,
particularly Article (2) thereof; Legislative Decree No. (27) of 2011 With Regard to Re-formation of the Board of Directors of the Labour Market Regulatory Authority; and Upon Submission by the Chief Executive Officer of the Labour Market Regulatory Authority; and After Obtaining the consent of the Board of Directors of the Labour Market Regulatory Authority, Orders as follows:

**Article (1)**

In applying the provisions of this Order and unless the context otherwise requires, the following words and phrases shall have the corresponding meanings:

**Kingdom:** Kingdom of Bahrain.

**Law:** Legislative Law No. (19) of 2006 With Regard to the Labour Market Regulation.

**Authority:** Labour Market Regulatory Authority.

**Employer:** Any natural person employing one or more foreign worker as domestic servant or whomever is in the same category; in return of a salary, in the Kingdom.

**Family of the Employer:** His dependents: spouse, his children, grandchildren, parent, and grandparent.

**Home Servant or Servant:** Any natural person working for the employer or his relatives in return of a salary as a servant or any other person who is in the same category.

**Work Permit or e Permit:** its is a permission issued by the Authority in accordance with the provisions of the Law to the employer permitting him to employ a certain domestic servant or whomever is in the same category in accordance with the conditions indicated in the permit.

**Article (2)**

Without prejudice to the Provisions of Article (39) of 2010 with regard to organisation of production activity conduct from home (The Producing Home), it is considered that the definition of the Domestic Servant Category would include a planter, a home security guard, a babysitter, a driver, a cook - or cooks - who carry out their work for the Employer in particular or for his relatives; with no intention of gaining profit or income in employing them.

**Article (3)**

The Authority shall issue a Work Permit on the following conditions:

1. The Employer or his family should be resided in the Kingdom. However, the application for an expatriate Employer, will subject to the evaluation of the Authority by providing a guarantee, which is (variable) depending on the case - applied.
2. A copy of salary certificate of the Employer; or the income of the Employer: depending on the case.
3. Settlement of the Employer of all fees due, to the Authority.
4. There should be an earnest need - for the Employer - that necessitates the employment of the
Domestic Servant; by evaluating the case and studying the income of the family, the number of individuals in the family, their medical status, and the size of their resident.

5. There should not be a proven criminal case against the Employer, which proves that he had committed towards a Worker or a servant.

6. There should not be a proven case against the Employer or the Servant of a violation, of their fundamental commitments, imposed by the Labour Law and its related rules and regulations, and the Orders to this effect.

7. The servant should be medically fit and clear of any contagious illness.

8. The servant should not have a previous incident of deportation or banishment from the Kingdom for criminal case or because of his violation of the Provisions of the Law or the Orders, issued to this effect.

Article (4)

A. The Employer or his assign shall apply to the Authority for Work Permit by submitting the prescribed application form, prepared for such purpose; or apply electronically.

B. The application for Work Permit should include all necessary information and details indicated in the above application form and supported by the required documents stated therein.

Article (5)

A. The Authority shall verify the application for the Work Permit to ensure that it contains all of the information and the details stated in the prescribed application form of Permit, and satisfaction of the conditions stipulated in the Article (3) of this Order.

B. The Authority shall issue an Order to accept and provide Work Permit upon completion of all information, data and documents and that all of the necessary conditions to issue a Permit are complete.

The acceptance shall be considered as void, should the Employer does not settle the accrued fees within 30 days from the date of acceptance of application.

In case an Order is issued to refuse the requested application for the Work Permit; the reasons for such refusal shall be stated. In all circumstances, the Employer or his assign shall be notified of the issued Order within 3 business days from the date of issuance of this Order. Besides, this notification may be submitted electronically. In accordance the Provisions of Article (33) of the Act, in case of refusal of the application of the Work Permit, the concerned parties may appeal to the Chief Executive Officer of the Authority during 30 days from the date of notifying him about the refusal Order.

Article (6)

A. The Work Permit shall be deemed null and void in the events that the Domestic Servant is outside the Kingdom, and where the Employer does not recruit him within 6 months from the date of issuance of the Permit.

B. Without prejudice to the Provisions of Articles (3) and (4) of this Order, the Employer may ask the Authority to change the nominated servant in whose name the Permit is issued; to change with another one before his arrival to the Kingdom, within the period stated in the previous paragraph, being in consideration with the prevailing practice with regard to cancellation of the previous entrance Visa and replace it with the Servant wanted or required to be replaced.
Article (7)

The Employer, who is permitted to employ a Domestic Servant, shall abide with the following:

1. Employment of the Domestic Servant for the very job, stated in the Work Permit.
2. Ensure that he has obtained finger prints, a photograph and a signature specimen of the Worker and that he has provided it to the Authority on the specified date.
3. Notify the Authority, immediately upon the Servant abandonment of the work.
4. Notify the Authority immediately upon the Employer ascertainment of the Servant being diagnosed with any contagious disease and that he must deported. Such disease would be confined by an Order from the Minister of Health.
5. Notify the Authority after ascertaining of a final sentence is issued against the Servant such as, a penalty for a criminal charge or a penalty for an offence of moral misdemeanor, or for breach of trust, or breach of public moral.

Article (8)

A Servant to whose name a Work Permit is issued shall abide with the following:

1. Refrainment from conducting any work which is not stated in the Work Permit.
2. Provide Authority with both hands finger prints, his photograph and signature specimen after his arrival in the Kingdom for the first time, and within a period not exceeding one month from the effective date of the Permit.
3. He must not abandon the work for a reason other than the ones stipulated by the Labour Law for Public Sector issued under Act No. (36) of 2012 and in particular Chapter 12 thereof.
4. Abstention from carrying out work for another person not authorized for him and his family.

Article (9)

Without prejudice to the provisions of Articles (7) and (8) of this Order, the Work Permit issued in the name of the Servant, within five days, due to the following reasons:

1. At the request of Employer to cancel same.
2. Notifying the Employer of the cancellation, after ascertain that the Servant has abandoned the work with him, in violation to provisions of the Work Permit either by the information, details or documents presented by the Employer or by any other means specified by the Authority.

Article (10)

The Work Permit issued in the name of the Servant shall be valid for two years from the date of his arrival to the Kingdom. It may be renewed for other similar periods, at the request of the Employer to be presented to the Authority by presenting the application form prepared for this purpose, or may be submitted electronically, prior to the expiration of the validity date of the Work Permit by a period not exceeding 180 days. The application for the renewal of the Work Permit shall contain all of the necessary information and the data together with the supporting documents as indicated in the application form of the renewal; and should satisfy the conditions stipulated in Article (3) of this Order.

Article (11)
A. The validity date of the Work Permit shall terminate on the original expiry date or on expiry date of renewal, as the case may be.

B. The Work Permit shall be cancelled before its termination date on occurrence of any stipulated events pursuant to the paragraph (B) of Article (26) of Labour Market Regulatory Act. The Authority, prior to issuance of its Order to cancel the said permit, shall notify the Employer or his representative of its determination to – cancel the Work Permit - and the reasons therefor; and shall specify a grace period for the Employer to respond – to the issue stated in the notification - to be not less than two days from the date of receiving it by the Employer or his representative, as the case may be. If the Authority, after studying the reply finds that there are valid reasons to cancel the work permit, then it would issue its order to this effect and would immediately notify the Employer or his representative accordingly.

The concerned parties may appeal against the permit cancellation order to the Chief Executive Officer in accordance with Article (33) of the Labour Market Regulatory Act. All the notifications and replies mentioned in the preceding paragraph may be sent by post or communicated electronically.

Article (12)

The Chief Executive Officer of the Authority shall implement this Order and shall come into force on the next day from publishing it in the Official Gazette.

Jameel Bin Mohamed Ali Hamadan
Chairman of the Board of Directors
Of The Labour Market Regulatory Authority

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Stakeholders

- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Labour
- Ministry of Health
- Ministry of Industry & Commerce
- Central Information Organization
- Nationality, Passport and Residence Affairs
- Social Insurance Organization
- Bahrain Chamber of Commerce and Industry

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