

MEMORANDUM OF UNDERSTANDING
IN THE AREAS OF LABOUR AND OCCUPATIONAL TRAINING BETWEEN THE GOVERNMENT OF NEPAL
AND
THE GOVERNMENT OF THE KINGDOM OF BAHRAIN

Introduction

The Government of the Kingdom of Bahrain and the Government of Nepal (hereinafter referred to as the “Party” or “Parties”), considering the strong ties between the two countries and their strong belief in the importance of the further development of such ties to serve their mutual interests and based on their desire to enhance mutual co-operation in the areas of labour and occupational training on the basis of the principles of equality and mutual interests, in accordance with this Memorandum and the laws applicable in both countries.

The parties agreed as follows:

Article 1

The introduction shall be an integral part of this Memorandum.

Article 2

The Government of the Kingdom of Bahrain authorizes the Ministry of Labour and the Government of Nepal authorizes the Ministry of Labour and Transport Management to sign this Memorandum and to put it into effect.

Article 3

For the purposes of this Memorandum of Understanding:

“Employees” shall mean all expatriate workers employed in the Kingdom of Bahrain under temporary employment contracts for a fixed period of time, following the expiry of which such workers shall leave the Kingdom of Bahrain to Nepal.

Article 4

The parties shall co-operate and exchange expertise between them in the areas of labour and occupational training, benefit from human resources in the two countries and make use of the services of Nepalese Recruitment Agencies specialized in the areas of labour permitted by the Government of Nepal to provide their services to employers in the Kingdom of Bahrain who wish to avail of their services.

Article 5

Contracts shall be entered into between Bahraini employers and Nepalese Recruitment Agencies mentioned in the preceding Article which shall stipulate the basic principles of co-operation between them.

Article 6

A contract shall be entered into between a Bahraini employer and the Nepalese employee, which shall stipulate the rights and obligations of both employer and employee in accordance with the provisions of the laws and regulations applicable in the Kingdom of Bahrain.

Article 7

A contract signed by a Bahraini employer and a Nepalese employee shall include the fundamental details provided for in the Labour Law for the private sector applicable in the Kingdom of Bahrain and it shall mention the name of the employer, his/her establishment, term of the contract, type of work, agreed wage and any other details that both employer and employee deem appropriate to include therein.

Article 8

A Nepalese employee shall have the rights to convert his/her salary to any currency recognized in the Kingdom of Bahrain and to remit to any other country in accordance with the laws and regulations applicable in the Kingdom of Bahrain.

Article 9

A Nepalese Recruitment Agencies shall ensure that the contracted employees are trained properly before their departure to the Kingdom of Bahrain and that they are medically fit in accordance with the laws and regulations applicable in the Kingdom of Bahrain. A Bahraini employer shall have the rights to test the competence and suitability of an employee during the probationary period set forth in the Labour Law for the Private sector. If it is proved that an employee is not suitable in accordance with the requirements of the contract, the Nepalese Recruitment Agencies shall be responsible for replacing him immediately upon receiving notice from the employer.

Article 10

Before the arrival of a Nepalese employee in the Kingdom of Bahrain, a Bahraini employer shall take all the necessary measures related to his/her employment and residence in accordance with the laws and regulations applicable in the Kingdom of Bahrain.

Article 11

The Government of the Kingdom of Bahrain shall provide all possible facilities for the Nepalese Recruitment Agencies registered with the Government of Nepal if they need to establish offices or companies in the Kingdom of Bahrain.

Article 12

In the area of exchange of labour and occupational training, the Parties mutually agreed as follows:

- A. To exchange data, information and statistics related to the labour market; exchange of expertise, research, programmes and studies related to integrating young men and women in the labour market; exchange of visits by officials and experts with a view to exploring the capabilities and resources of either Party and to benefit there from.
- B. To co-operate in the area of occupational training especially in the training plans, methods, studies and research and skill level measurement systems and the methods of the implementation in accordance with needs of the labour market in both countries; to seek the recruitment of skilled technical employees in all fields and benefit from training institutes in both countries.

Article 13

The Parties agreed to set up a joint technical committee to be entrusted with formulating the agreed co-operation programmes and follow up the implementation and the evaluation thereof and solve all problems arising from the implementation of this Memorandum. The Committee shall hold meetings at least once in a year, or whenever there is a need therefore alternately in the capitals of the two countries.

Article 14

All disputes arising from the implementation of a contract signed by a Nepalese Recruitment Agencies and a Bahraini employer shall be settled in an amicable manner. If such settlement is not reached, the parties may agree upon an internal arbitration of referring the matter to a competent court in accordance with the laws and regulations applicable in the Kingdom of Bahrain. All disputes arising from the implementation of a contract signed between a Bahraini employer and a Nepalese employee shall be settled in accordance with procedures set forth in the Labour Law for the Private Sector in the Kingdom of Bahrain.

Article 15

The provisions of this Memorandum shall come into effect for a period of three years commencing one month after the signing thereof by the Parties. The Memorandum shall be automatically renewed for the same period unless either party gives notice to the other in writing of its desire to terminate or amend it at least three months before the expiry date thereof.

Article 16

This Memorandum is made on 29th Day of April 2008 A.D. at Kathmandu, Nepal in three counterparts in Arabic, Nepali and English, each of which shall have the same force and validity. In case of a dispute in connection with the interpretation of any provision of this Memorandum, the committee referred to in Article 13 of this Memorandum shall settle such dispute.

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For the Government of Nepal

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For the Government of the
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