
Female Migrant Agricultural Workers in Israel and Gender- Based Violations of Labor Rights

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Introduction

With the increasing feminization of labor migration, women hold the majority of migrant work permits in Israel. However, this overrepresentation of migrant women in Israel is mostly reflective of the caregiving sector. In contrast, the population of migrant agricultural workers comprises a small number of women compared to men; as agricultural work requires hard physical labor, it is a male dominated industry with a much smaller female presence. There are approximately 22,000 migrant workers employed in the agriculture sector in Israel, the vast majority from Thailand. Out of that figure, around 2,000 – roughly 10% – are female migrant agriculture workers.

Like the migrant labor force in the agricultural sector in general, most of these women are Thai. Many of the particularities of their situation in Israel place these Thai women at increased risk of confronting various labor violations, such as illegal work conditions, forced labor, debt bondage, coercive work arrangements, sexual harassment and trafficking. This is due to a variety of factors, which will be explored in this report, followed by recommendations for the Israeli authorities to locate and protect victims, as well as to prevent violations in the future.

Issues Facing Thai Workers

This section will identify specific problematic aspects of migration for Thai agricultural migrant workers in Israel, such as the conditions of their recruitment, recruitment fees, language barriers, geographical isolation, and de-facto binding.¹ Later, the report will explore gendered implications of these issues which can make for a more difficult and hostile experience for Thai women.

In the agriculture sector, until July 2012, employers were granted licenses to recruit workers; however, in fact, manpower agencies

recruited workers from Thailand and assigned them to employers. In order to employ a migrant worker, the employer had to first file an application with the Ministry of Agriculture. After review of the application, the Ministry would then suggest a specific number of workers for the farm. Upon receipt of this recommendation, the employer would pay the Population and Immigration Authority (PIBA) fees of 580 NIS for every worker and may then contact an agriculture manpower agency to recruit the number of workers approved by the Ministry of Agriculture and PIBA.

The exorbitant illegal recruitment fees that Thais paid to intermediary and manpower agencies reached up to 40,000 NIS on average. In order to pay such excessive fees, many migrant workers took out loans which took on average two years to pay back. With such a financial burden, workers who suffered from intolerable work and living conditions often decided not to file complaints in fear of losing their employment.

Starting July of 2012, a bilateral agreement between Israel and Thailand was signed in order to improve the recruitment process. The Thailand-Israel Cooperation on the Placement of Workers (TIC) eliminates the middle man and reduces recruitment fees. TIC is newly executed and a small fraction of current Thai workers in Israel entered under these conditions. Although the fees are now much lower with the new implementation of TIC, it is important to note that the majority of Thai migrants arrived pre-TIC and are still suffering from the previous recruitment process and high brokerage fees. Debt bondage and hesitancy in reporting violations, in other words, remains a recurring and serious issue among Thai workers in Israel.

Despite having the ability to change employers, workers depend on intermediary and manpower agencies to locate places of employment and thus they are often de-facto bound to their original employer. Considering the complicated bureaucratic process that is involved in changing employers, it is difficult if not near impossible to know which

employers are hiring, or how to contact them.

Thai migrant workers are dispersed all throughout Israel, located mostly in Moshavim (agricultural communities) and Kibbutzim in the peripheral areas of the country. If they are being exploited or abused, this makes it extremely difficult to reach authorities or leave the workplace, and violations are likewise "invisible" to authorities and the Israeli public at large. In regions not within close proximity of Israel's center, migrant workers are cut off from accessing organizations that advocate for their rights, thus limiting their ability to gain knowledge, organize, or form social networks to support and empower one another.

With little ability to communicate fully in English or Hebrew, many Thai migrant workers are unaware of their rights and their basic terms of employment and are fully dependent on translators working for employers, manpower agencies, and state authorities. This type of communication and geographical isolation only adds to their vulnerability as a group.

Gender-Specific Violations Experienced by Thai Women

Even though the recruitment process involves two governmental ministries, recruitment agencies, and employers in determining how many migrant workers each farmer needs and which workers he will employ, the process is completely gender insensitive. By not taking into consideration the ratio of women to men at a workplace, all parties involved in the recruitment process are responsible for the potential endangerment of women placed among a large group of men. In the experience of Kav LaOved, these situations have led to gender-based violations such as sexual harassment and assault. Because Thai workers reside in the agricultural areas where they work, some women are vulnerable to violations 24 hours a day, 7 days a week. The

following section describes why Thai women are made vulnerable in their employment situations.

Lack of Knowledge about Rights

A worker's knowledge about their rights is a powerful tool both for preventing violations and identifying them as violations once they have occurred. Unfortunately, Thai migrants and especially Thai women are not informed of their rights and all of the services that are available to them to seek justice. As a consequence, often Thai women are oblivious to the fact that what they are experiencing is indeed illegal and there is no reason they should continue to live and work in these circumstances. In addition to the issues outlined above, Thai women especially are often demanded by their employers and supervisors to do work that is not included in their contract. This can range from domestic work (cleaning, cooking, etc.) to giving massages and even sex work, often due to stereotyping and sexualization of women and possibly that of Thai culture. Many women are unaware these requests are illegal, and those who are aware choose not to complain due to reasons such as debt bondage and language barriers.

Confiscation of Passports

Many employers in Israel confiscate the passports and other legal documents of their migrant workers, another practice most Thai women do not know is against the law. Regardless of whether their intent is malicious or innocent, it is illegal and a direct violation on the rights of migrant workers. More specifically, employers are depriving these women of their freedom of movement. Not having possession of their forms of identification makes it practically impossible to escape the abuse they are experiencing on a daily basis. Because migrant workers are always being scrutinized by the immigration police and

other authorities in Israel, if a woman was to leave her employer and be found outside her workplace without documentation, she could possibly be labeled – and thus processed – as an illegal worker. With no command of Hebrew or English, she would have an extremely difficult time proving her legality and explaining why she is traveling without proper documentation.

G is a 23 year old woman who came to Israel three years ago to work on a Moshav with her husband. After her husband completed his five year visa, he and G ended their relationship and he left Israel. G's employer, claiming he had no use for her without her husband, decided to fire her. Because G still owed money for her brokerage fees and had 2 years left on her visa, she chose to stay in Israel. A friend of G's from a different Moshav informed G that she could work for her employer. Upon arrival at the Moshav, G's new employer confiscated her passport and told her she had to live with her friend and her friend's husband. In her new living arrangement, G was both harassed and sexually assaulted by her friend's husband, and when G ran away to another Moshav, she was chased by the husband with a knife. G eventually found a boyfriend at the new Moshav, which she saw as a necessity for her protection. Although she no longer works or lives with her attacker, G still fears for her life when she is in an area where he might see her. However, G has not reported the problem to her current employer, for fear that going to the police might endanger her ability to pay back the loans that she took out to come to Israel.

Inadequate Housing

According to Israeli employment regulations, employers are required to provide their workers with healthcare and adequate accommodation. However, when it comes to women working in the agricultural sector, the authorities have left the term “adequate” up for the interpretation of the employers². By doing so, the authorities are enabling employers to place women in unacceptable conditions, such as rooms with no

locks on their doors or communal co-ed bathrooms (see p. 12). These conditions, which simply do not exist in other Israeli workplaces, can be both physically and/or sexually threatening to the safety and well-being of these workers.

W came to Israel in June 2013. Upon arrival to the farm where she was placed, she discovered that she was the only woman among 9 other male workers. As a result, W had to share a toilet and shower with the other men. Moreover, W's employer demanded that, in addition to agricultural work, that sh clean three other houses in the moshav (which is illegal according to the terms of her visa). W called Kav LaOved asking for help, which then contacted her manpower agency who moved her to a new employer. At her new place of work, W learned that she would be living and working with another woman, and also sharing a bed and room with her. W was sexually harassed both by the other woman and by male workers. W, however, was afraid to contact her manpower agency because she did not want to be moved to another moshav where it could be worse.

Forced Reliance on Male Protection

Although Thai couples are not allowed to come to Israel together, for some women having a male Thai boyfriend once in Israel provides a feeling of protection against being sexually harassed and threatened by her male co-workers. A prevalent theme identified by Kav LaOved is how Thai women enter this type of relationship as a means for survival rather than love or companionship. Once in the relationship, women may find themselves abused or harassed by their "boyfriends," leading to further disempowerment and vulnerability. On a routine field trip visiting workers, Kav LaOved identified such cases among three women working for three different employers on the same moshav. The women have been working in Israel between two and five years.

F came to Israel five years ago. She is currently the only women working with five other men, one of them being her nephew with whom she lives with in a split trailer. F originally came to Israel to accompany her boyfriend who had worked on the moshav for a few years before she was able to gain employment and join him. Due to his earlier arrival date, her boyfriend returned to Thailand when his visa ended. F feels that if she could not live or work with her boyfriend or nephew, there is no way she would work in Israel. She believes that she could fall victim to abuse by her male co-workers if she didn't have a close male relative to protect her. She has heard instances in which women, who do not have male companionship, are approached for sex. F claims that without her boyfriend or nephew, she would also have to encounter the same sexual advancements by her co-workers.

By living and working with her nephew, F does not fear that her employer or other Israeli men will approach her in that way, but she still suffers from labor exploitation at the hands of her employer. Although her work visa only grants her to do agricultural work, her employer frequently requests her to do cleaning and domestic work around his home. Even though F is aware that this type of labor is prohibited, she feels obligated to meet her employer's demands and cannot refuse him even though it is illegal.

Sexual Assault by Israeli Men

Not only are Thai women living in fear of their co-workers, but some are in danger of sexual assault by Israeli men, who prey on their vulnerable and powerless situation. There are Thai women who are experiencing sexual assault/violence at the hands of their employers and members of their families, supervisors, and other Israeli men who live nearby on the Moshav or Kibbutz. Thai women who are also forced to clean their employer's homes are also made vulnerable, due to the intimate working environment (such as the case of Y, described on page 14). Considering that women victimized by their employers/supervisors are living and working in the same place as them, the assaulters

continue to have full access to the women. As described above, the lack of adequate housing and privacy increases their vulnerability. In these situations, Israeli employers possess a great deal of power over workers, resulting in some of them overusing and abusing their power in a criminal way. More, the same factors that inhibit female migrant agricultural workers from reporting all sorts of labor violations – lack of language in which to communicate and high brokerage fees – also inhibit them from reporting the criminal acts of their employers or supervisors.

At a Moshav in the Sharon area of Israel, five female migrant workers reported harassment from their supervisor. Four of the women were from Thailand while one was Vietnamese. The supervisor had been working for the employer for fifteen years before a complaint was ever made against him; however, it was only in recent years that the employer had hired women to work for him. The women who reported these crimes were living and working on the Moshav, ranging between two to three years. Over the course of their time at the Moshav, the supervisor had sexually harassed all of the women verbally and physically and requested sexual services from three of the women. One of the women reported that during one work day when she was sick and in her room, the supervisor repeatedly knocked on her door asking for sex. The supervisor also offered money to two of the three women whom he requested sex from. Although these women were continuously victimized over the years by their supervisor, they all made the decision to not report this treatment to their employer or any other authorities.

The workers remained silent until they could not take anymore. During one of their work shifts in the fields, the supervisor grabbed one of the women and forced her to touch his genitalia. It was this incident that caused all of the workers to band together in protest of their supervisor to their employer. After revealing what was occurring for the last several years, the employer fired the supervisor and took

all of the workers to the police to report what had happened to them.

Trafficking of Thai Migrant Women

Not all trafficking occurs in the same way, and can be broken into the sub-categories of human, sexual, and labor trafficking. Trafficking is recognized as a crime against humanity³. According to the definition provided by the UN Trafficking Protocol:

'Trafficking in persons' shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs⁴.

Migrant workers all over the world, even those who are legal and documented, are extremely vulnerable to these crimes but very few cases are identified as trafficking due to blurred definitions and lack of investigation⁵. Regarding the agriculture industry in Israel, Thai women do arrive in Israel under legal circumstances. However, the lack of policy as well as the events that happen before and after relocation can be defined as trafficking for some women. This includes debt bondage, restriction of movement, and the confiscation of passports. After arrival, migrant workers who receive little to no days off, have their salary withheld or receive less than the minimum wage, live and work in inhumane environments, and experience physical and sexual intimidation or violence can be considered victims of trafficking⁶.

According to a 2011 Counter Trafficking and Assistance to Vulnerable Migrants report by the IOM:

The line between labor exploitation and sexual exploitation is often very thin, as women, brought in as guest workers, have been forced into prostitution as well as sexually abused by their employers. Sexual exploitation occurs frequently in precarious working conditions where workers are isolated and have no or restricted freedom of movement.

This describes precisely the situation of some Thai female migrant workers, who are at risk of falling into the dangerous area between sexual and labor trafficking. Thai women are located in communities far away from cities and are not within reach of contacting authorities. If they somehow are able to contact the police, they are not provided with translators who can help them file a report; with no assistance, women often have to return to the same hostile environment they came from. There are currently no regulations on how to deal with this sensitive situation nor are there immediate emergency accommodations for these women to seek refuge. Instead they must wait to be relocated to another employer, and for some, this means continuing to suffer under abusive, even slave-like, conditions.

Government Failures

Israel is a signatory to the Migration for Employment Convention, which addresses the rights of migrants, conditions of employment and livelihood, and policies relating to immigration and emigration⁷. Moreover, Israeli law declares that all migrant workers are to receive the very same rights Israeli citizens are entitled to such as minimum wage and hours of work standards. However, the following chapter outlines various government failures which allow violations of the rights of Thai women to go undetected and/or unaddressed.

Lack of Regulations

There must be regulations that forbid situations where a migrant woman is negligently placed in a dangerous situation such as living and working alone amongst a large number of males with no separate living or bathing facilities. It is important to note that Israel has set laws regarding gender and employment to prevent and address sexual harassment and other forms of gendered discrimination, such as separate bathrooms where both men and women are employed⁸. However, none of these standards or regulations are mentioned in the assurance of fair conditions in the Foreign Workers Law⁹. With terms of employment unlike any other sector, it is imperative that the authorities improve their policy towards migrant workers by adding specific clauses that clearly address the reality of female migrant agricultural workers. Bearing in mind that Article 6 of the International Labour Organization's Convention 97 – of which Israel is a signatory – outlines that migrant workers should receive equal accommodation that is no less favorable than that which applies to its own nationals¹⁰, Israel's casual approach to housing for migrant workers and lack of specific regulations reflects a degree of ignorance, if not apathy, to the gendered violations facing Thai migrant women¹¹. No matter where a woman works or lives, she has the right to safety. Current Israeli regulations ensure this safety, for example, to Israeli women working in high-tech, but not to Thai women working in the fields.

Lack of Investigations

The Israeli Ministry of Justice codified certain criteria they validate as trafficking of migrant workers. The criteria include working for the majority of the hours of the day, being cut off from outside sources of support, withholding passports, very low wages, false imprisonment,

and the use of fraud, violence, force, or other means of pressure¹². Initially SAAR (an acronym for trafficking, exploitation and forced labor and fraud in Hebrew) was created in 2009, a police unit with jurisdiction in handling crimes of trafficking. Unfortunately, in July of 2011 SAAR was dismantled. Subsequently a unit was established at the Department of Supervision of Labor Laws in the Ministry of Industry, Trade, and Labor to oversee the rights of migrant workers. Although on the surface Israel has been quick to respond in counteracting trafficking of migrant workers, they are not properly inspecting or investigating employers and working and living conditions, which could identify currently undetected labor and sexual trafficking violations. To date, twelve inspectors are employed in the unit to safeguard the rights of all migrant workers in Israel, which amounts to a few hundred thousand¹³. The inspectors are not allocated to any one sector and have not been sufficient in inspecting the work conditions in any of the sectors¹⁴.

Lack of Appropriate Police Response

It is impossible to identify all cases of trafficking that occur in Israel without total cooperation by the police authorities. The current police procedures in handling cases that involve the trafficking of women are irresponsible and subpar. As earlier explained, it is virtually impossible for most Thai women to even contact or reach a police station. As evident in the case of Y below, the police refused to accommodate the victim by going to her, instead demanding that she find a way to reach them by either telephone or physically, both of which were impossible for the victim who instead continued to be at risk. By refusing to make exceptions to standard procedure for exceptional cases like female agricultural workers, the human rights of these women are completely disregarded by those who are employed to protect them. Additionally,

for those women who are able to reach a police station, there is no guarantee that the police will promptly supply her with a translator so she may report what has happened to her. If by chance there is someone to translate for her, there are no standards that require the translator to be female. Considering the nature of the crimes these women are suffering from, the victims are likely to feel uncomfortable confiding in a male translator. With the lack of appropriate guidelines to handle these cases the police are ignoring the sensitivity and magnitude of the situation.

Y was one of only two women amongst 40 male workers. When Y's roommate's visa ended, she was left alone. Y's employer took her out of the housing situation (which had no lock or privacy) and moved her into the storage room at the back of the grocery store on the moshav, where she slept on a mattress on the floor with no bathroom and no lock on the door. Y's employer told her that her new job was to clean his house and the houses of all his family members on the moshav, which was an illegal violation of the work permit. She cleaned a total of seven houses every day, and was paid only 16 shekels per hour, far below minimum wage. The employer's father took advantage of Y's visits to his house and began harassing, touching, and kissing her. Her employer's son began coming to her room every single day telling her that the moment his wife left for vacation, he expected Y to sleep with him. Unable to reach the police, Y called Kav LaOved to report her story. Kav LaOved contacted the police on Y's behalf but they refused to go to Y to help her, insisting that she must contact them herself or find a way to arrive to a police station. Y was eventually able to find another job with the help of Kav LaOved and her manpower agency.

Lack of Emergency Shelter

In many cases, Thai women experience abuse and exploitation until it becomes too extreme to handle, and then they contact the authorities or Kav LaOved. When the situation does eventually escalate out of

control, Thai women have nowhere to seek immediate refuge. Shelters are an ideal solution for victims of trafficking since they provide women with both security and services to help them deal with their situation¹⁵. Although a shelter for victims of trafficking does exist in Israel, it is almost impossible for Thai women to gain entry to the shelter. The Maagan Shelter for Women Victims of Trafficking was created in 2008 to help:

Women and their children who are the victims of trafficking for prostitution, slavery and forced labor, and who require physical and psychological protection, therapeutic, legal and supportive treatment and accompaniment toward their rehabilitation and their return to an appropriate alternative circle of work, or ahead of their return to their country of origin.

The policy of the Ministry of Social Services states that women and their children gain entry into the shelter by way of referrals from the Ministry of Social Services, the Ministry of Industry, Trade and Labor, and the Ministry of Interior, as well as through PIBA, the police, and non-governmental organizations. In order to be referred to the shelter, the police and other authorities must confirm that the person is a victim of trafficking. This is where a problem arises for Thai migrant women: although they technically qualify for the shelter, it is highly unlikely that they will be identified as victims of trafficking. With no proper routine investigation by authorities of migrant workers' living and working conditions, the only chance a migrant woman has to be identified as a victim of trafficking is to go to the police and file a complaint herself or wait for a third party, such as Kav LaOved, to arrive at her work place during a field visit in order to witness/report these violations. This current situation makes it very difficult for a Thai woman to gain entry and in the meantime, she may stay at the workplace and her safety will continue to be jeopardized.

Inadequacy of Current Anti Sex Trafficking Institution

An anti-sex trafficking institution is an organized and formal structure that outlines necessary measures to be taken to combat sex trafficking. Although Israel already has an acting anti-sex trafficking institution, it does not address the specific circumstances surrounding Thai women in relation to labor trafficking. Through its gender mainstreaming policy, the International Organization of Migration has charted actions that are recommended for setting an innocuous and empowering atmosphere for migrant women. Israel, however, is still taking a gender-blind approach to migrant worker policies and regulations, which results in overlooking sexual and labor trafficking cases, which are disguised as working relations.

The various behaviors that are expected of an appropriate anti-trafficking institution are detection, prevention, protection, crisis management, consequence management, and response¹⁶. The different actors that are expected to implement this are welfare and social services, police, immigration authorities, NGOs, private citizens, legislators, states, and international organizations. The next section will conclude the report by presenting active steps the government can take to ensure adequate protection of the rights and well-being of female Thai migrant workers.

Conclusions

While the TIC bilateral agreement has improved the conditions under which Thai women workers are brought into Israel, it is not enough to protect current or future female Thai migrant workers in Israel. In addition to awareness raising of the law and workers' rights, which Kav LaOved actively promotes, behaviors of detection, prevention, protection, crisis management, consequence management, and response must be endorsed by the Israeli authorities¹⁷. More specifically, a targeted and comprehensive effort will require all stakeholders involved, from employers to governmental bodies to civil society actors, to take the following steps:

- » Before they arrive to Israel, all Thai women must be made aware of their rights, as well as the potential behaviors of their employers and co-workers that are inappropriate and illegal.
- » All women must be provided with information and materials on how to contact organizations, the police, and authorities who can help them.
- » Recruitment practices must take into consideration the ratio of men to women present in the workplace before assigning female workers to employers.
- » Israeli labor authorities must implement regulations and standards that provide women with safe living and working environments.
- » Israeli authorities must develop a more accurate and frequent system of inspecting the working and living conditions in the agricultural sector.
- » The police must be equipped with female Thai translators who can provide victims with a voice, without feeling uncomfortable or influenced by the translator.
- » Israeli institutions must provide immediate emergency shelter for victims.

Footnotes

- 1 "Agriculture – Kav LaOved." קו לעובד | קו לעובד הנה עמותה ללא כוונת רווח שמטרתה להגן על עמותת קו לעובד | קו לעובד הישראלי. N.p., n.d. Web. 7 Aug. 2013. <<http://www.kavlaoved.org/en/areasofac>>
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Kav LaOved (Worker's Hotline) is an independent non-profit, non-governmental organization committed to the defense of workers' rights and the enforcement of Israeli labor law designed to protect every worker in Israel, irrespective of nationality, religion, gender, and legal status.

Modes of Action

Individual assistance to workers via public reception hours, the telephone hotline, the website and social media, field visits and more

Legal and procedural support by advising and representing workers

Public advocacy through development of position papers, attendance in parliamentary committees, ongoing dialogue with various government ministries, and principled petitions to Israeli labor courts

Cooperative partnership with state authorities, monitoring current policies, encouraging effective enforcement over employers, and supervising the granting of employment licenses and work permits

Education and community outreach by raising awareness of worker's rights to individual workers and society at large through workshops, lectures, research, reports and media

Partnerships with a wide range of Israeli and international organizations, unions, and institutions

✓ 17 לעובד
Worker's Hotline
✓ عنوان العامل

www.kavlaoved.org.il/en



Friends of Kav LaOved –
Worker's Hotline

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