

Current Situation:

Female workers asylum seekers

In the Israeli labor world



Kav LaOved, worker's hotline, December 2014

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Introduction

As of 2014, approximately 47,000 asylum seekers reside in Israel, over 90% of whom are from Eritrea and Sudan. Around 14% of them are women, who are marginalized not only due to their status and nationality, but also due to their gender.

The United Nations High Commission for Refugees (UNHCR) has placed a special emphasis on women refugees and identifies them as a vulnerable group¹. The UNHCR reports that, starting in their home countries, women and children are more vulnerable than men to rape, sexual abuse, STD infection, and so on. The flight from the home country to the receiving country is usually undertaken in an illegal and dangerous manner and brokered by criminal actors. While escaping, women are often raped as an "extra payment" to middlemen.

In destination countries, female asylum seekers often find themselves expected to act as household head and to single-handedly provide for themselves and their children. In various reports and in a research projects published by the UNHCR, extra emphasis is placed on female migrant workers that reside in cities, because they often live in poor, overcrowded, unsanitary conditions which increase their vulnerability. Furthermore, according to UNHCR research, female migrants often feel coerced

¹ UNHCR Handbook for the Protection of Women and Girls, January 2008

into living under self-imposed “house arrest” due to fears stemming from their vulnerable situation, of being detained and/or deported by their host government, of encountering sexual violence from individuals such as landlords, employers, or enforcement officials, and so on.

As workers, female asylum seekers in Israel are more likely to take part in the secondary labor market, which consists of contract labor, low-wage, and often temporary and/or exploitative jobs. All 186 female workers that turned to Kav LaOved (Worker's Hotline) in 2013 for consultations, worked as house-cleaners earning an hourly wage, and more than 57% were employed through this secondary labor market through cleaning contractors. All this is compounded by the obstacles also faced by female workers from other social groups, such as the influence of cultural gender norms, sexual assault, pregnancy, motherhood, and more.

An analysis of Kav LaOved’s data makes clear that one of the most severe violations against female asylum seekers is employment termination due to pregnancy. Though the Women’s Employment Act forbids this practice, these women nonetheless find themselves without income and ineligible for crucial social benefits such as maternity insurance and hospitalization provisions, precisely at the moment when they are most in need of these. An additional difficulty is a sentence appearing on the 2(a)5 residence

permit granted to asylum seekers, which states that “this temporary permit is not a work permit”. Despite this phrasing, there is no legal prohibition on employing asylum seekers, due to the State’s commitment, in a HCJ case brought by Kav La’oved, not to implement the prohibition on employment of asylum seekers who have yet to be summoned to the Holot Facility. Despite the State’s commitment, many employers are deterred by the wording in the permit and choose not to employ asylum seekers due to their fear of sanction for illegal employment².

M. is an asylum seeker from Eritrea who escaped from her homeland because of the dictatorial regime. Upon arrival in Israel, M. turned to the Ministry of the Interior to file an asylum request. M's request was not examined, and like other asylum seekers she was instead given a permit on which it is clearly written "this temporary permit does not constitute a work visa". M. was able to find work at a restaurant in the city where she lives, working 10 hours a day, 7 days a week, without receiving overtime hours or benefits such as annual vacation. After nine months of works, M found out she was pregnant and informed her employer, the restaurant’s owner. The employer chose to fire M, despite his clear knowledge that the Employment of Women Law forbids such an action.

² For more information, see Kav LaOved’s report “Refugees and Workers”, published in June 2013.

Increase in the number of female asylum seekers contacting Kav LaOved, and the organization's activity in providing access to services

The sharp rise in the number of female asylum seekers consulting Kav LaOved is a worrying trend that points to increasing violations of female workers' rights. The most egregious violation is the dismissal of female workers who become pregnant. In 2012, 15 women turned to Kav LaOved following illegal dismissal during pregnancy; in 2013, that number almost doubled to 26 And in 2014, Kav LaOved advised 69 female asylum seekers who were dismissed while pregnant, a number illustrative of the frightening pace at which this trend is spreading.

In order to provide increased access to Kav LaOved's services for female asylum seekers, a project was founded in 2013 targeting female asylum seekers from the Tel Aviv metropolitan area as well as cities in the periphery with concentrations of asylum seekers. The goals of the project were to make it easier for such women to access assistance from Kav LaOved, to raise awareness among this population regarding their rights as women workers, and to map and understand the major issues that female asylum seekers deal with as workers in Israel.

The project included thousands of information pamphlets about the workers' rights of women printed in five languages: Hebrew, English, Arabic, Tigrinya, and French. The information pamphlets were distributed in different cities all over Israel, and particularly in meeting places for female members of the asylum seeker community (stores, pharmacies, family health centers etc.). Eritreans comprise the largest group of asylum seekers in Israel, most of whom only speak Tigrinya. This makes it difficult to effectively communicate with those who come to Kav LaOved. The difficulty in communication with Eritreans inquiring with Kav LaOved is more prominent than that faced with asylum seekers from other countries such as Nigeria and the Ivory Coast, where languages like English and French are common, or among asylum seekers from Sudan who speak Arabic, an official language in Israel.

The difficulties of communicating with Eritrean female asylum seekers in need of assistance from Kav LaOved led the organization to hire a translator and field worker from the Eritrean community, who currently serves the organization in translating and bridging the gap between the staff and volunteers and those who they assist. In addition to this, the field worker gives lectures specifically tailored to the Eritrean community on the topic of worker's rights.

In cooperation with “The Eritrean Women’s Center”, which was founded by female asylum seekers, Kav LaOved has begun giving additional lectures to female members of the Eritrean community on the topic of protecting their rights at work. Kav LaOved has also begun assisting female asylum seekers who are unable to come to reception hours at the center itself to raise issues relating to their employment. During the hours in which the Eritrean Women’s Center is open, women are able to leave their children under the supervision of volunteers during the lectures. This provides an opportunity for these workers to address their work-related issues in a setting where they feel comfortable.

Thus, the sharp rise in the number of female asylum seekers working with Kav LaOved in 2014 may be due not only to a rise in the number of violations against their rights, but also to the work of Kav LaOved, which is providing both increased access to services and increased dissemination of materials.

Survey of Female Asylum Seekers, 2014

During the course of Kav LaOved's activities, in the office and the field, we have conducted a survey of female asylum seekers. The survey helps Kav LaOved better understand the characteristics of the work and lives of female asylum seekers in Israel.

The questionnaire included 41 questions on different issues: general background of the respondent, labor conditions and knowledge of workers' rights, and costs of living in Israel. Women who had inquired with Kav La'oved were interviewed by a Tigrinya, English or French speaker as appropriate. In total, 41 women from different countries answered the survey, as the below chart shows:

<i>Country of Origin</i>	<i>Number of Participants</i>
Eritrea	37
Ethiopia	1
Nigeria	1
Niger	1
Mauritania	1

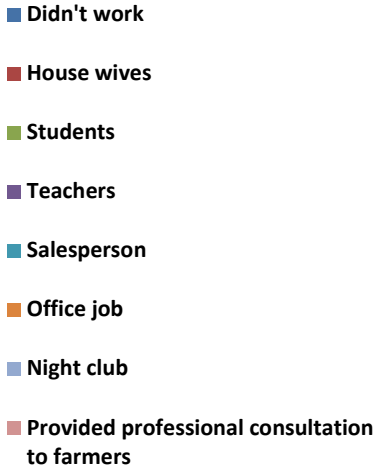
The average age of respondents was 27, with the youngest being 20 and the oldest 46. The respondents have lived in Israel for an average of 3.5 years, with the longest stay in Israel being 7 years. Like the vast majority of asylum seekers in Israel, most hold a 2A5 residence permit, though 2 hold official work visas. All respondents live in the Tel Aviv metropolitan area and reported that they heard about Kav LaOved through community networks and as a result of their relatively high awareness of their rights as female workers.

Analysis of Survey Results

Employment Arrangements:

The characteristics of survey participants are varied. Some are married and have children, and some are unmarried; some came from cities and others from rural areas; some have a high level of education and others never went to school. Nonetheless, all of the respondents reported that they were employed in Israel in temporary jobs, except for one worker that has worked at the same job for 6 years.

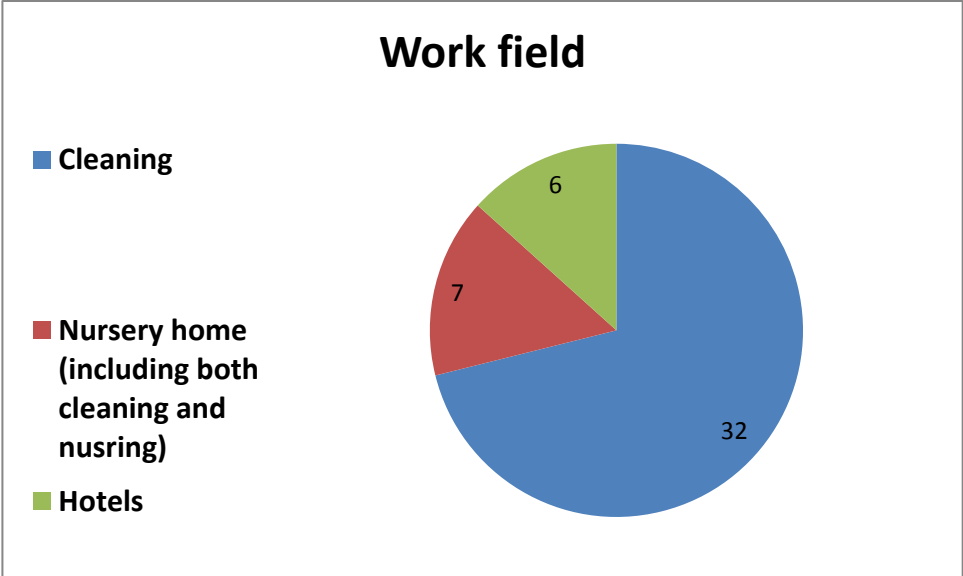
Profession at home country



Education level



All respondents were employed in the cleaning industry - some at private houses, others at hotels, offices, elder homes and restaurants. For 35 out of 41 of the respondents, employment was arranged through manpower agencies. Contract employment is, of course, not limited to the asylum seeker community. Yet because it is a type of work arrangement that preys on the weakest workers of the economy, leaving them without employment security and making it easier for employers to avoid supervision and enforcement of workers' rights, it is therefore no surprise that female asylum seekers are mostly indirectly employed³.



³ For more information, see National Coalition for Direct Employment's report, published in December 2012.

All respondents earned an hourly wage. 78% of them (32 women) reported earning minimum wage⁴. Of the remaining survey participants, five reported hourly earnings of 24-27.7 NIS an hour, and two reported hourly earning of between 35 and 40 NIS an hour (these women are employed in cleaning private houses). One survey participant reported earning only 20 NIS -- well under minimum wage -- for cleaning the stairwell of a building.

Participants in the survey reported working between 5-13 hours a day (this range excludes one female worker who lived at her workplace), with an average of 9.1 hours a day. Survey respondents also reported working between 3-7 days a week, with an average of 5.7 days a week. Only 29 of the women reported that consistently receiving pay slips - three of the remaining women received pay slips for only some of their months of work, and seven of the women did not receive pay slips at all (one respondent did not answer this question).

Access to social benefits

In contrast to Israeli residents, asylum seekers in Israel are not insured through the national health insurance system, and the only way for them to receive health services - not counting volunteer health clinics run by NGOs - is through private health

4 As of July 2014, the minimum wage in Israel stands at 23.12 NIS per hour.

insurance. Insurance arrangements for such workers are the responsibility of employers, as detailed in the Foreign Workers Act. This means that each year thousands of shekels (from migrant workers, asylum seekers, and their employers) are transferred to private insurance companies, and are not used for public health insurance (unlike health taxes that Israeli workers pay).

The privatization of insurance for these workers creates many problems of access to health services for the foreign labor population in Israel, and also raises fundamental ethical issues beyond the scope of this report⁵. In response to the question of whether employers arranged health insurance for the survey participants, 63% responded that their employers had insured them. Of the remaining respondents, seven reported that they are insured but have had issues with their insurance (i.e. were not insured for their entire employment period, were not eligible to receive certain treatments etc.), another seven responded that they are not insured at all, and one woman responded that she does not know whether or not her employer had arranged insurance as mandated by law.

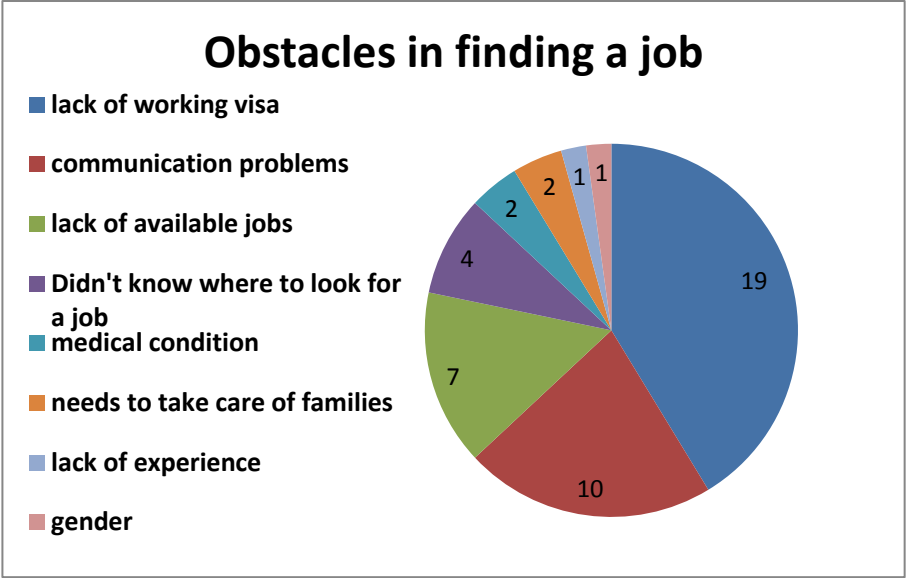
⁵ For more information, see the the Knesset's Research and Information Center's report on medical insurance for foreigners working in Israel (follow up) published in November 2011.

Difficulties in integrating into the workforce

Generally, asylum seekers in Israel experience a range of difficulties integrating into the Israeli workforce. These difficulties are certainly a result of inherent disadvantages faced by asylum seekers - inability to communicate with potential employers, for instance, or the impact of traumatic experiences (many asylum seekers have experienced torture on their way to Israel). Yet there is also unwillingness in Israeli society to work towards integrating asylum seekers into the workforce. Moreover, members of the asylum seeker community experience a multitude of obstacles as a result of the lacking of a legal framework for their employment and the state's refusal to create such a framework. Indeed, this refusal might be the largest obstacle holding asylum seekers back from successfully integrating into the workforce.

These difficulties, of course, affect female asylum seekers who seek employment and a livelihood in Israel. When asked what, in their opinion, are the major obstacles to finding work in Israel, respondents presented a multitude of answers. 19 respondents reported that one major obstacle is indeed the visa they hold; ten respondents brought up issues of language as a central barrier to integration; seven respondents brought up the saturation of the labor market in Israel (i.e. that there are not enough available jobs in Israel and much competition over those that are), and one

respondent claimed that the major obstacle is lack of previous work experience. Four survey respondents responded that they lacked knowledge as to how to search for work in Israel and could not find jobs as a result. Two claimed that unstable work positions were the biggest difficulty in this regard, and two additional respondents claimed that their marriages and the time they spent caring for children were a major obstacle to finding work. In the end, only one participant mentioned that being female made it more difficult for her to find work in Israel⁶.



6 The total number is higher than the number of participants because some of the women mentioned several factors.

Difficulties resulting from lack of transparency in terms of work visas for asylum seekers

When asked if they knew if they were allowed to work in Israel, most respondents did not give a decisive answer. 27 responded that, to their understanding, they are forbidden from working in Israel, as reflected in the wording on the visa which they hold, or because employers told them so. 12, of whom one had a valid work visa, responded that they are allowed to work, and another four asserted that they did not know if they were allowed to work or not. The remaining five women said they had once thought that they were prohibited from working, until they were informed otherwise by NGOs or other organizations.

Notably, one of the workers responded that she is allowed to work only in "jobs that pay little". This answer is representative of the situation of nearly all asylum seekers in Israel, and of how exploitative employers gain from it. On the one hand, the visas held by the majority of asylum seekers clearly state that "this temporary license does not constitute a work license"; on the other hand, the state has resolved (before the High Court of Justice) not to punish working asylum seekers who have not been summoned to Holot (that is to say, the vast majority of asylum seekers).

Due to ambiguous legislation on the matter of asylum seeker employment, employers can evade the responsibility of paying social benefits with relative ease using a number of pretexts and without concern for state intervention. Many employers see refugees as workers to whom the law does not apply, and as a result act arbitrarily, with indifference to whether or not labor law actually applies to them or not.

The State Comptroller's Report, published in May 2014⁷, pointed to the commitment of the State not to enforce the terms of the visa as a major obstacle to resolution of this harsh reality. The report mentions that instead of pursuing real solutions to the issue of asylum seeker employment, the State's decision not to enforce strict compliance to visa and labor laws (thus tolerating informal employment in this sense) has created an environment in which dangerous and exploitative practices can occur. The authorities, in other words, perpetuate precarious and illegal forms of informal employment by choosing not to enforce the law. In the section of the report which deals with the employment of foreigners and their ability to find livelihood in Israel, the Comptroller, in clause 2, writes:

⁷ "Foreigners who may not be deported from "Israel", Annual Report 64c for 2013 and for Accounts of Fiscal Year 2012, 13 May 2014

“The State presented to the High Court of Israel an arrangement [...] At completion of this report [...] foreigners’ ability to live with dignity and to provide for their basic needs still depends on their ability to find wage labor in the context of a temporary arrangement through which the State avoids having to act against employers. This continuing situation is detrimental to the foundational principles of the rule of law, creating a situation in which the law is vague and without teeth, and in which the authorities perpetuate a routine of disrespect for the law through non-enforcement”.

In Clause 4 of his report, the Comptroller stipulates that the State’s behavior does not guarantee asylum seekers a dignified quality of life:

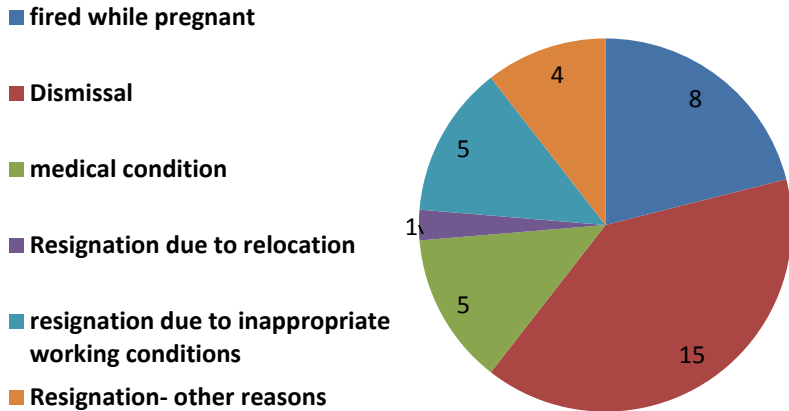
“The arrangement of non-enforcement on employers has been implemented for a number of years in a way that raises a number of different concerns; the Immigration Authority has avoided clarifying and publicizing the arrangement to the public; official documents issued to foreigners are worded in a confusing and misleading way. There are concerns that in the implementation of the arrangement, due to its limitations and its perpetuation over a number of years, the arrangement may damage the ability of some foreigners to enjoy social benefits and an adequate standard

of living [...] In the current situation, the ability of foreigners to defend themselves against hunger and to find livelihoods that provide a basic and dignified existence is impaired in certain cases.”

Indeed, those surveyed reveal detrimental work arrangements that equate to violations of labor and even criminal law. 18 of the respondents came to Kav LaOved following non-payment of their social benefits, 9 sought aid from the organization about issues related to severance pay, 5 claimed they were not paid their wages, 6 sought the aid of the organization following dismissal from work while pregnant, and 3 came to the organization to request help in receiving their National Insurance rights following giving birth. In addition, one respondent came to Kav LaOved because she did not receive pay slips, and another came to the organization because she was not receiving private health insurance⁸.

⁸ The total number is higher than the number of participants because some of the women mentioned several problems that led to their inquiry.

Cause of termination of employment



Low wages and heavy debts

Most survey participants, like others that we at Kav LaOved encounter in the line of work, describe difficult economic realities in which they must work around the clock at low wages and in injurious conditions in order to provide for their families. Moreover, these asylum seekers are burdened by debt incurred by family members so that they could come to Israel, thereby further escalating their dire need for work, even if it entails poor conditions and blatant exploitation.

The overwhelming majority of the Eritrean community in Israel, which numbers around 35,000 individuals, has arrived in Israel since 2006, through the border with Egypt, without permits and without plans beyond the border. In order to cross the Israeli border, asylum seekers used smugglers whose networks span East Africa. One can meet such smugglers in refugee camps in Sudan, Ethiopia, Egypt, and even Eritrea itself. The smugglers transfer the asylum seekers to camps in the Sinai Peninsula, where they stay until their entrance into Israel. At the beginning of the wave of Eritrean asylum seeking in Israel, fees were set in exchange for such smuggling at the rate of \$3,000-5,000. When the number of asylum seekers attempting to enter Israel increased, smugglers began to demand extremely high sums, and in the last few years some of the smugglers requested up to \$40,000 for each individual. In order to receive these sums, which for most Eritreans are simply unattainable, some smugglers kidnap asylum seekers, torture them, and demand that they call their family members to plead that they pay ransom⁹.

This reality, common among asylum seekers that have come to Israel from Eritrea, is also reflected in the findings of our survey. The average sum participants paid in order to get to Israel stood at \$3,962, and ranged from \$1,000 to \$15,000.

27 of the respondents mentioned that they were required to return the ransom fees to relatives and friends. Five have finished

9 For more information, see Physicians for Human Rights and Hotline for Refugees and Migrants's report "Tortured in Sinai, Jailed in Israel", published in October 2012.

paying the debt, and the rest have approximately \$600 left to pay on average. In addition to this debt, all of the interviewees support (beyond themselves) on average 1.3 people in Israel and 4.5 people outside of Israel (family members resident in their home countries or in refugee camps around Africa).

From the experience of Kav LaOved, it is clear that financial compulsion often forces the worker to enter the labor market at nearly any price. This essentially entails exposure to dangerous jobs that are carried out under exploitative or harmful working conditions. This situation is common among migrant workers, who in certain sectors are forced to pay high sums in order to receive work visas, and therefore often find themselves in work arrangements likely to include non-payment of social benefits, long hours without appropriate compensation, unlivable housing conditions, lack of breaks and rest days, and so on. These workers, forced to take out large loans in their home countries, live in constant fear that if they complain about maltreatment, they will lose their visas and be deported with no other means of making back the money. To human rights organizations, this is understood as de facto "binding to the employer"¹⁰.

10 For more information, see Kav LaOved's report "Black Money, Black Labor", published on February 2014

Similarly, staff members at Kav LaOved have met asylum seekers who, upon their arrival in Israel, worked in harmful and exploitative jobs only so that they would be able to return the high sums paid by their families to the smugglers that held them for ransom in torture camps. Though for some of these workers, Kav LaOved was able to suggest legal aid and even shelters intended for victims of slavery and human trafficking, asylum seekers nonetheless acknowledged that the need to pay back the huge sums of money quickly caused them to reject the suggested aid and to continue working in their exploitative jobs. When it comes to women asylum seekers, the situation is likely to be even worse. Organizations that provide psychosocial support to women asylum seekers have reported cases of women whose ransom debts were paid by men in their community and who were then required to provide sexual “compensation” for this debt upon their arrival to Israel.

Summary

The testimonies of female asylum seekers who work in Israel reveal issues similar to those of millions of female refugees around the world, who are exposed to dangers and potential exploitation as a result of their low societal status. In this report, we focused on the theme of employment, as it constitutes the singular source of a living for these women, who receive no support from the state of Israel. The picture arising from the survey reveals that women asylum seekers work overwhelmingly in jobs characterized by the 3 D's - dirty, dangerous, and demeaning - irrespective of their education or professional experience in their home country.

The low wages earned by these workers must also be used to pay off debts and to support the rest of the family - in Israel or abroad. All of this is compounded by the difficult and even traumatic experience of migration that many of these women go through en route, starting with the escape from their home country and continuing through to their arrival in Israel.

Kav LaOved, alongside other human rights organizations, calls on the State of Israel to respect the treaties that touch on the rights of female asylum seekers and to ensure that they are treated with the sensitivity appropriate to their status and experiences. The State must provide female asylum seekers with work visas and access to social services as long as they are unable to return to

their homelands, in order to ensure that their rights, in particular their labor rights, are protected; only thus can the State prevent a situation in which their employment becomes another arena of exploitation and oppression.

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. Since its establishment in 1991, Kav LaOved has helped workers from all sectors realize and uphold their rights.

Kav LaOved’s services target the most disadvantaged workers in Israel, including those employed by contracts and receiving low wages, Arab citizens of Israel, Palestinians, migrant workers, refugees and asylum seekers, and new immigrants.

Kav LaOved operates three branches, employs 24 staff members and 4 national civil service volunteers and enlists the crucial support of over 130 volunteers. In 2014, the organization served over 55,000 workers and secured more than 24 million New Israeli Shekels in total, withheld sums entitled to workers by law.

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