



קו לעובד /
Worker's Hotline
/ عنوان العامل

Annual Report 2018

What did we do this year?



We assisted **9,602** individual workers from **45** countries through our reception hours.



Through our work, **33,912,784** ILS in withheld wages and benefits were returned to workers.



We facilitated **93** workshops and field visits.



We published **8** reports and position papers and **10** "Know Your Rights" leaflets.



We contributed to **187** media publications in which we exposed the reality of disadvantaged workers in Israel.



We made **8** appearances in the High Court of Justice during which we presented **6** petitions for the protection of workers' rights.



137,336 people visited our website.



Over **100,000** people followed our ten Facebook pages in **6** different languages.



Our organization included **20** staff members, **8** national civic service volunteers and **120** volunteers.



Our **3** branches facilitated **70** weekly public reception hours in **8** languages.



We have done this all with an annual budget of approximately **3,700,000** ILS.

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Kav LaOved (KLO) is a non-profit, non-governmental organization committed to defending the rights of the most disadvantaged workers in the Israeli economy. Since its establishment in 1991, KLO has helped workers who are Israeli citizens, migrant workers, Palestinian workers from both sides of the Green Line, refugees, asylum seekers, and victims of human trafficking exercise their rights. In addition, the organization promotes changes in legislation as well as public awareness of workers' rights.

Bureaucratic Theft

How the State prevents workers from attaining their rights



The year 2018 saw this decade's sharpest rise in the number of migrant and Palestinian workers holding permits to work in Israel. Compared to 2017, the number of migrant workers increased by 11% to total 98,214 while the number of Palestinian workers with work permits rose by 17% to reach approximately 97,000. Although the number of non-Israeli workers is rising, their work conditions are not improving. For example, this year, the average gross salary of an Israeli worker was 10,609 ILS per month, while the average gross salary for a non-Israeli worker was only 6,476 ILS. In addition, non-Israeli workers also face a growing trend of "bureaucratic burdening," which aims to deny them their social rights.

How does "bureaucratic burdening" work? Let us start with an example from the lives of Palestinian workers. For decades, pension fees have been deducted from Palestinian workers' salaries, but the money was never handled as a pension fund. Instead, these sums were managed as some sort of savings account, with no proper guidance for workers about how to retrieve their funds. In fact, most of the money was never returned to workers and instead accumulated somewhere in the State's coffers. Even after KLO submitted a court petition on this matter, insufficient measures were taken to ensure that transparent pension information was provided to workers or that procedures were implemented enabling them to use the money in a manner that would truly serve them as retirement insurance. Thus, workers keep paying for pensions without actually receiving retirement insurance.

Bureaucratic Theft

How the State prevents workers from attaining their rights



Another example of bureaucratic policies that de facto revoke the rights of Palestinian workers is the fact that although they contribute to a paid sick leave fund, very few have been able to access this fund when they need it. For decades, the State has kept bureaucratic impediments in place that inhibit Palestinian workers from accessing their sick leave benefits and has given them almost no information about their eligibility for this benefit. The few who did manage to overcome bureaucratic obstacles and receive their sick pay only secured payment after many months' delay, and then only partially, without justification.

KLO petitioned the High Court of Justice (hereafter HCJ) regarding the poor functioning of this fund. The petition uncovered that the sick leave fund held hundreds of millions of shekels in unpaid benefits for Palestinian workers and the State and other agencies now want to use this money instead of returning the funds to workers as required. Thus, rather than correcting the negligence uncovered by the High Court, the State chose to completely evade its duty to protect workers' rights.

Burdensome and unclear bureaucratic procedures and policies have also infringed on the rights of the approximately 35,000 asylum seekers living in Israel. In May 2017, a new law called the "Deposit Law" was enacted, which required employers to reduce salaries of asylum seekers (referred to as "infiltrators") by 20% and place this deducted amount in a "deposit fund" operated by the State. Asylum

Bureaucratic Theft

How the State prevents workers from attaining their rights

seekers are only able to access their monies in this deposit fund when they leave the country. An additional 16% of their salary is to be paid to the same fund by employers to account for the workers' social benefits (severance pay and pension).

Once again, bureaucratic procedures effectively denied workers access to information about their money, such as whether or not it had been transferred to the deposit fund after being deducted from their salary. The State, which manages hundreds of millions of shekels in benefits and money deducted from the salaries of these low-salary workers, did not create any accessible mechanisms through which asylum-seeking workers could ensure that the deducted fifth of their salary and their earned benefits actually reached the fund.

At the same time, the State rarely took measures against employers who deducted money from asylum seekers' salaries and then failed to transfer the money to the deposit fund or deposited the money only after significant delay. Hundreds of workers have come to us with their paystubs showing deductions, but when we check their deposit accounts, we find that the money is not there: it has been taken by the employer instead. In one case this year, an independent contractor who employed hundreds of asylum seekers ceased operations without transferring the required salary deductions to the deposit fund and the money was lost. In another situation, a cohort of 70 workers only discovered that their salary deductions had not been transferred into their deposit fund accounts after they had left Israel; by then,

Bureaucratic Theft

How the State prevents
workers from attaining
their rights



it was too late to do anything about it.

The lack of information on the one hand, and the lack of enforcement on the other, led to the disappearance of money deducted the salaries of almost half of all asylum seekers working during the first year of the law's enactment. Even when a decision was reached to exempt some populations from the Deposit Law and to grant them a retroactive refund, the refunded money was received only after about half a year. In other words, a law is in place, but it is not enforced, and the workers, who work at jobs no one else wants, pay the price.

Migrant agricultural workers from Thailand also suffer from infringements on their rights. A deposit fund does not exist in this sector although, contrary to the situation of asylum seekers whose future is unclear, it would be helpful for migrant agricultural workers as they plan to return home and the fund would offer a way to better guarantee payment of their benefits. By law, employers must make pension payments for these workers, as is required for Israeli workers. However, this is not done in many cases due to lawlessness and a lack of enforcement in the sector. We witness this theft when calculating social rights eligibility for workers who have finished their employment in Israel and are trying to figure out what they should have been paid for their work as they prepare to collect their benefits and go home. In reviewing their work history, we often see that they have been underpaid and did not receive pension fund payments as required.

Bureaucratic Theft

How the State prevents
workers from attaining
their rights

This year, after years of stalemate, reforms that aimed to regulate the agricultural sector and establish a deposit fund were voted on and accepted by the Knesset. However, the agricultural lobby opposed them, and finally, at the beginning of 2019, the Minister of Finance, Moshe Kahlon, refrained from officially enacting the reforms. We are preparing to submit a HCJ petition on the matter soon. These examples, along with others from Kav LaOved's work, clearly indicate a trend in the Israeli labor market: while the State allegedly protects the most disadvantaged workers, in reality, it evades this responsibility. It does not enforce labor laws that are beneficial to workers and instead enacts legislation that harms these populations, creating burdensome bureaucratic requirements and procedures that de facto deny them their rights.

The significance of this phenomenon, which we call the "bureaucratization of labor rights" is profound for these populations, who are already quite vulnerable in the first place. They are marginalized even further, stay poorer, and remain without the elementary protections provided by labor laws. We in KLO anticipate that the effects of these rights infringements caused by burdensome bureaucratic policies and lack of enforcement will expand further, beyond disadvantaged populations, to affect the larger population of workers in the Israeli economy. We will continue to fight these phenomena with the means at our disposal, and, as we have for almost three decades, give a voice to and primary focus on workers.

Palestinian Workers

Paying high brokerage fees for work permits continues, while legislation to change this is stuck in limbo



Palestinian Workers

The state of affairs

Approximately 128,000 Palestinians (both with and without work permits) work in Israel. Most are employed in the construction sector, with the next largest number employed in seasonal agricultural work. In both sectors, unpermitted workers are less able to exercise their rights given their vulnerable legal status. The quota for Palestinian permits to work in Israel was set at 97,000 this year, an increase of 22,000 permits since the beginning of 2017. This significant increase is due both to economic and political motives: there is an accelerated rate of construction in Israel as a result of the housing crisis and, at the same time, the State made an explicit policy of increasing the number of Palestinian work permits in response to its campaign to limit the number of asylum seekers in Israel. In addition, the salaries of Palestinians working in Israel account for 40% of the Palestinian economy's income, so Israel is seeking to reduce unemployment in order to maintain military stability. At the same time, Israel controls the Palestinians' movement and income, and thus can use these factors to exert political pressure.

The constant threat of withdrawing work permits makes it easy to infringe on Palestinian workers' rights. Thus, despite being legally entitled to the same labor law protections as Israeli workers, the reality is different: Palestinian workers do not receive pensions, sick leave, or other social rights as mandated. Moreover, since the permits are assigned to specific employers, the workers are bound to the employers and their will. This binding facilitates employers' profiteering off of workers' permits. That profiteering, which is

Palestinian Workers

People are everything

illegal, leads to 50% of workers paying brokerage fees for a work permit - a fee that can be as high as half of their salary.

WHAT DO WE DO?

Kav LaOved's work with Palestinian workers focuses on many different issues:

- raising awareness of workers' rights by facilitating workshops for workers
- distributing information online and handing out leaflets
- collaborating with the Palestinian Ministry of Labor to raise workers' awareness of how to exercise their rights
- monitoring accidents at construction sites, which accounted for almost 50% of workplace fatalities in 2018
- helping those injured in work accidents obtain workman's compensation
- promoting public policy to stop labor rights infringements in the employment of Palestinians

Palestinian Workers

People are everything

INDIVIDUAL ASSISTANCE

In 2018, we helped 1,534 individual workers exercise their rights and returned 199,000 ILS in owed wages and benefits directly to them. The key issues listed in their applications for assistance were difficulties obtaining reimbursement of medical expenses and receiving worker's compensation for injuries. The process of getting reimbursed for medical expenses is full of red tape. First, Clalit Health Services, certified by the National Insurance Institute to pay for medical expenses, transfers the receipts for translation from Arabic to Hebrew and sends them to Medintec, a claims adjuster, for further processing. Only following Medintec's approval is the money transferred from the National Insurance Institute to Clalit. This process takes approximately six to eight months, and most reimbursement appeals are denied without any explanation. Workers must simply try their luck in accessing worker's compensation, which generally results in workers receiving fewer sick days than mandated.

WORKSHOPS AND EDUCATION ON RIGHTS

We facilitated 80 workshops with 1,345 participants throughout the West Bank and reached hundreds more people through informational outreach campaigns at checkpoints. We submitted 35 formal complaints to government agencies and handed out approximately 2,000 "Know Your Rights" leaflets.

Palestinian Workers

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WORKING WITH THE PALESTINIAN MINISTRY OF LABOR

During 2018, we increased our collaboration with the Palestinian Ministry of Labor and identified opportunities to work together and learn from one another. We created workshops for Palestinian workers employed in Israel and in settlements through collaboration with the Ministry. Many activities, lectures and professional meetings took place in the Ministry of Labor's facilities, in space provided by Municipal Authorities, and in shared facilities. We also collaborated to conduct empowerment workshops for Palestinian workers at checkpoints. Additionally, we assisted the Palestinian Ministries of Labor and Justice in their efforts to promote legislation prohibiting brokerage fees.

THE OCCUPATION OF LABOR

Legislative reform to change the exploitative employment model of Palestinians is stuck in limbo, while workers keep paying brokerage fees to work in Israel.

This year, we published a [comprehensive report](#) on the model for employing Palestinians in Israel and in settlements and presented the report at an event attended by both Israeli and Palestinian organizations and activists. As explained in the report, a cabinet decision in 1970 regulated the entry of Palestinian workers into Israel and equalized their rights with those of Israeli workers. In reality, however, they were not given equal rights and this situation continues into the present day. The current Palestinian

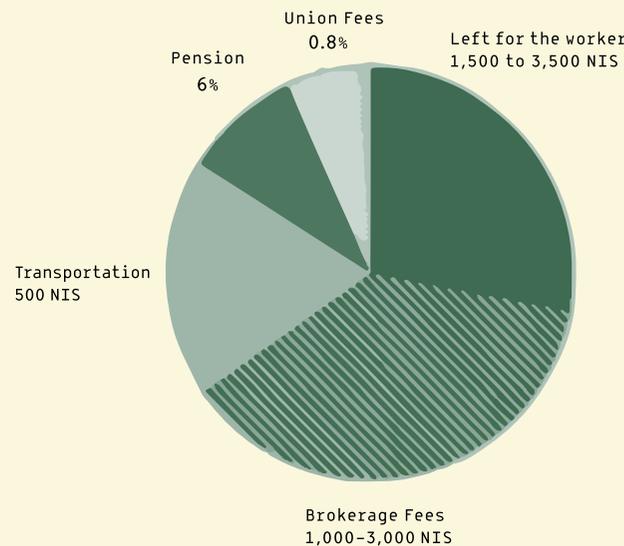
Palestinian Workers

Surveys and research

employment model mandates that workers interested in working in Israel must have an employer named and registered in their work permits, to whom they are bound with regard to their rights, wages and benefits. This model facilitates a trade in permits; as a result, workers pay high brokerage fees, sometimes as much as half their salary. Data collected during 2018 indicated that the percentage of workers paying brokerage fees is rising and that approximately 50% of Palestinians employed in Israel currently pay brokerage fees ranging from 2,000 to 3,000 ILS per month.

This infringement on Palestinian workers' rights has been going on for decades. In spite of charging union fees for representation, the Histadrut (Israel's main labor union) fails to represent Palestinian workers: its mechanisms to ensure pension and other benefits payments are weak and ineffective. The legal advocacy work of Kav LaOved has begun to make a

change, albeit slowly. In 2016, members of the government suggested changes to Palestinian employment practices, although these reforms are being delayed. These revisions would prevent workers from being bound to their employers and regulate other aspects of employment, including benefits payments to which they are entitled by law. All this and more can be found in our full report, published this year.



Palestinian Workers

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PALESTINIAN WOMEN

Working with no minimum wage or benefits

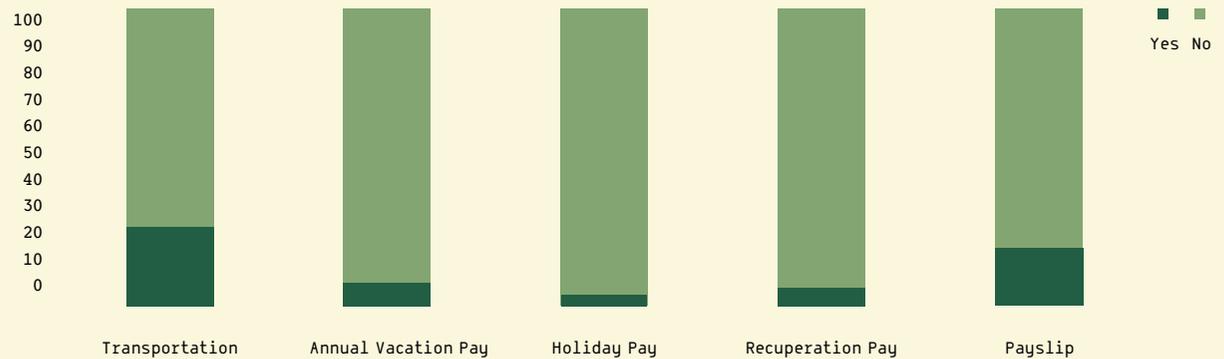
Last year, we facilitated a 15-workshop training series on Israeli labor law for young Palestinian women from the northern West Bank. This group of women then traveled to a local checkpoint, where they handed out surveys to 100 more Palestinian women on their way to Israeli workplaces to learn more about their experiences. The survey findings painted a bleak image: Palestinian women work long hours, earn low salaries, and most of them do not receive paystubs or benefits. Ninety-three percent of Palestinian women working in Israel work in agriculture, a field that traditionally relies on Palestinian labor. While the minimum wage in Israel is 29 ILS, the average hourly wage earned by the female workers surveyed was lower than 20 ILS. On average, they earned approximately 138 ILS for a seven-hour workday.

In addition, the survey revealed that most of them begin their workday at 4:30 or 5:00 am. With no public transportation this early in the morning and without their own private vehicles, the women have to rely on private transportation services and pay a share of their salary to the men who coordinate these services. In addition, on their way to and from work, they have to pass through a checkpoint, which takes about 30 to 40 minutes. More than a third of the women are unmarried (divorced, widowed and single) and thus serve as sole providers or help support elderly parents.

Palestinian Workers

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Transportation and Social Rights



PUBLIC POLICY AND KEY ISSUES

As part of our principal legal work, we lobby and litigate to stop legislation that harms workers and oppose the constant infringement on their social rights.

The HCJ ruled in favor of employers - non-Israeli workers will have to pay steep court fees in order to press charges against their employers. On September 2018, the Supreme Court ruled on a petition we submitted two years ago with ACRI, the Association for Civil Rights, and Adalah, the Legal Center for Arab Minority Rights in Israel. The petition demanded the cancellation of the "Jordan Rift Valley Regulations." These regulations, which were implemented by the Ministry of Justice, require every plaintiff who is not an Israeli resident - meaning Palestinians, asylum seekers and migrant workers - to pay a fee when pressing charges against their employer in labor court. The regulations were the result of a request by employers in the Jordan

Palestinian Workers

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Rift Valley who faced charges for infringing on the rights of their Palestinian workers. The employers sought to block their workers from pursuing their rights through legal action. In the petition, we claimed that the regulations impose a heavy financial burden on the most disadvantaged groups of workers in the Israeli labor market, limiting their access to labor court. The HCJ ruled in favor of the "defendant's [meaning the employer's] legitimate interest of not being harassed by unjustified claims."

Palestinians have not received their legally-mandated pensions for four decades.

As noted previously, the employment of Palestinians in Israel was regulated in 1970 and their labor rights were supposed to be on par with those of Israeli workers. In reality, this never happened. Pension payments are a stark example of the decades-long infringement on Palestinian workers' social rights in Israel. Contributions to the retirement insurance fund are made through payment by the employer and through deductions from the worker's salary. However, the money is not managed as a pension fund and workers are often unaware of the way it is handled; in most cases, they never receive it. As of 2014, over one billion ILS have accumulated in the overall retirement insurance fund.

At the end of 2015, we submitted a petition to the HCJ demanding that the retirement insurance fund be transitioned into an external, professionally managed pension fund and that rules governing the

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fund be published so that workers understand their pension status and how to access their money. Following the petition, the State published the rules and procedures governing the management of the retirement insurance fund. However, in spite of being published, these procedures were never implemented, and it is unclear who will be charged with their enforcement.

In short, everything that is supposed to be included in a pension savings plan, such as disability benefits, survivor's benefits, clear terms for withdrawing funds, among other things, is not there. The fact that the overall management procedures have been published indicates some progress, but there is still a long road ahead. In order for these savings to constitute a real pension fund, the workers need to receive a report that transparently conveys the management of their money. The State is still expected to report on progress made in managing the money in the fund, so our petition still stands.

Everybody wants the hundreds of millions of shekels of Palestinians' sick leave pay.

For years, employers paid for their Palestinian workers' sick pay in a unique way: a paid sick leave fund was created, which only made payments to Palestinians if they contacted the fund administrators. As a result, only 1.5%-2% received their sick pay. On July 2016, Kav LaOved submitted a petition to address a series of problems in how the sick leave fund was being handled. KLO demanded that the fund

Palestinian Workers

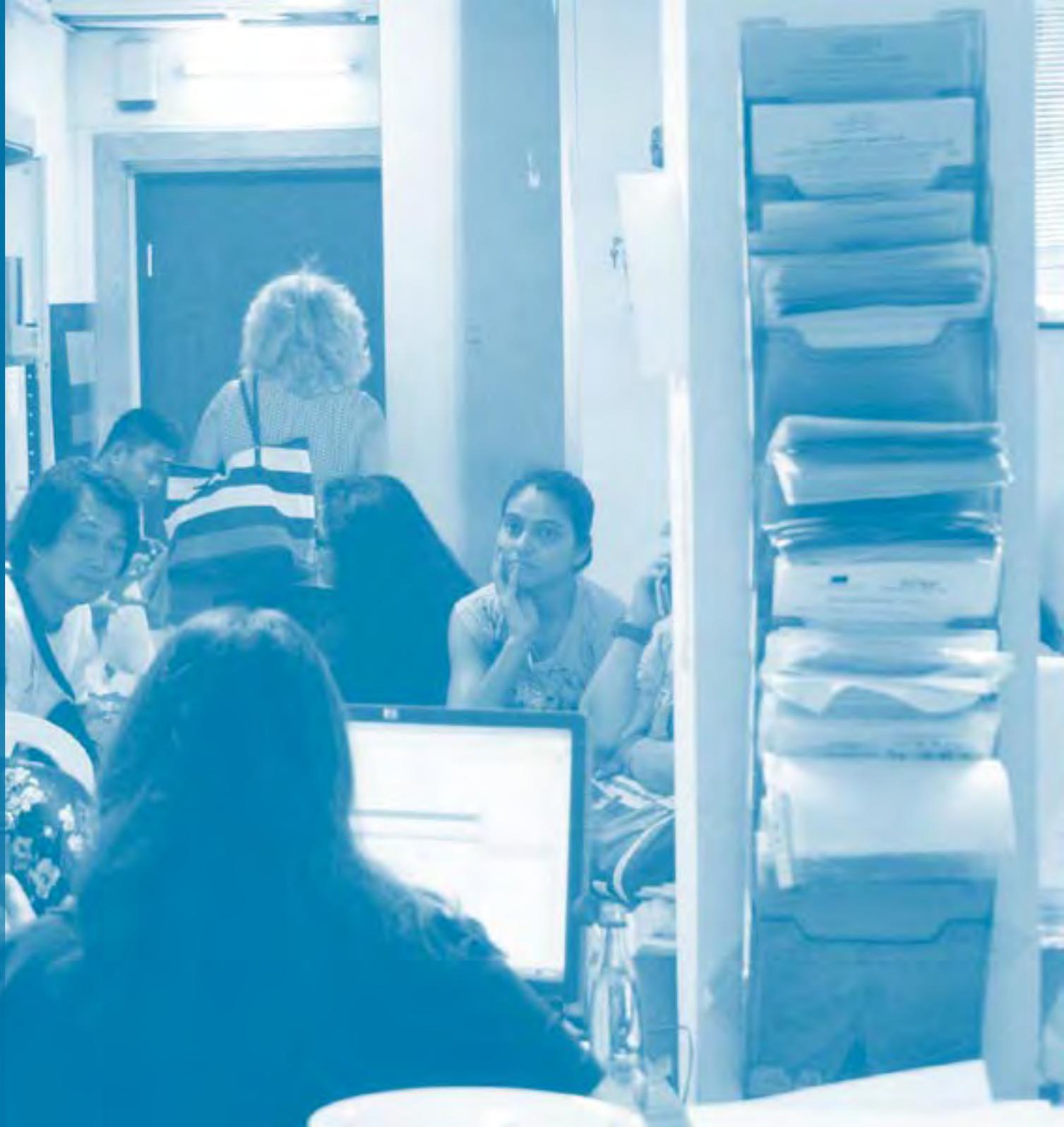
Surveys and research

be managed via transparent rules and regulations, that sick leave benefits be specified in paystubs, and the overcharges in sick leave pay be transferred to the fund.

In 2017, the State responded, saying it had begun an administrative review in light of the demands for change. Later, in an update on the review progress, the State noted that it aimed to change the way payments are handled and that sick pay would now be paid directly to workers. However, hundreds of millions of workers' shekels are still up in the air as the State also announced that the remaining unclaimed money in the sick leave fund is not refundable to Palestinian workers and that an inter-ministerial team will propose plans for its utilization. It is important to ensure that changes in the payment model do not jeopardize the workers' previously accumulated sick leave benefits, especially since most workers are still unaware of their existence. Since the publication of the fund's remaining balance, many solicitors, including the Histadrut, Israel's main labor union, have come forward to claim portions of the fund. Kav LaOved's stance, as presented to the inter-ministerial team, is that the State needs to return the money to Palestinian workers and thereby take responsibility for its failed management of the fund.

Migrant Workers in the Caregiving Sector

—
The numbers are
rising and enforcement
is lacking



Caregivers

The state of affairs

By the end of 2018, Israel employed 55,425 (85% of whom are women) migrant workers with a valid work visa in the caregiving sector. By comparison, in 2010 caregivers numbered only 43,499; thus, the 2018 figure represents a 28% increase over the last eight years. Migrant caregivers come from various countries: roughly 37% come from the Philippines and the rest come from India, Moldova, Sri Lanka, Uzbekistan, Nepal, Romania, and other countries (in descending order).

Caregivers report a variety of difficulties during their employment in Israel. One of the main issues they struggle with is paying high brokerage fees (in the thousands of dollars) in their home countries in order to work in Israel. These fees illegally find their way to Israel. We hope that our petition on bilateral agreements (see below) will help in addressing this issue. Caregivers also reported the following infringements on their rights:

- being penalized financially for not leaving Israel within a prescribed time even when they had valid justification (i.e. waiting for an answer from the state Humanitarian Committee regarding their visa status)
- irregularities in salary payments and a lack of accurate information about labor rights
- not being able to access proper healthcare services even if they had lived in Israel for many years
- banning of relationships between migrant workers
- experiencing slavery-like work conditions

Caregivers

People are everything

WHAT DO WE DO?

INDIVIDUAL ASSISTANCE

Kav LaOved assists caregivers in Israel at our offices in Tel Aviv and Haifa. We host in-person reception days, operate a hotline, and respond via Facebook and e-mail in three languages (English, Hebrew, and Russian), seven days a week. Most the work is done by dedicated volunteers. Our Facebook pages, which have 46,000 followers, serve as an important online source of support outside of regular reception hours.

The staff provides individual assistance to applicants by calculating and collecting their owed wages and benefits and defending their overall labor rights. The latter includes negotiating with employers; filing complaints for employment and workplace abuse; filing complaints against authorities or placement agencies for maltreatment of workers; assisting pregnant and post-partum workers in obtaining visas for maternity leave in their home countries; disseminating information regarding labor and immigration laws; and assisting in humanitarian rights abuse cases and cases of sexual abuse.

In 2018, we assisted 4,509 caregivers during our reception days in Tel Aviv and Haifa, opening files for them, calculating their benefits and helping them exercise their rights as described above.

Caregivers

People are everything

In many cases, we continued following developments in their case beyond the initial meeting, helping as needed in negotiating with the employer or issuing formal complaints to the authorities. We also submitted 361 court cases addressing situations in which employers refused to pay wages or benefits or in which we could not successfully mediate out of court between the worker and the employer. Migrant caregivers received approximately 12 million ILS due to our involvement in helping them claim unpaid salaries and benefits such as vacation days, recuperation pay, pension, severance pay, and more.

Kav LaOved is, in many ways, the first place caregivers turn for help, and, in coordination with workers, we communicate many of the violations they share with us to relevant governmental authorities for further action. We also review trends in the labor rights violations they report and use this information to target our advocacy work regarding legal, policy and regulatory reforms needed to better protect the rights of our applicants, both as workers and as immigrants.



Caregivers

People are everything

THE ART OF MEDIATION

The employment of caregivers is complex. The employers are regular people, not experienced managers, and the workers live in the same house with the elderly or disabled person for whom they care. As a result of working as "part of the family," boundaries are blurred between caregivers and employers. At the end of employment, conflicts often emerge between the caregivers and employers, which the parties can find difficult to resolve through regular means. When appropriate, we suggest the mediation services offered here at Kav LaOved.

Our mediation unit was established in 2009 by Zehava Rotem, a certified mediator, who lent her knowledge to the organization. She conducted 17 mediation processes throughout 2018. During the mediation process, Rotem works to elicit each participant's story, bringing out key events, arguments, and points of disagreement in order to ultimately develop and outline a mutual agreement. Making room for issues that are not strictly legal allows the parties to listen to one another, sometimes for many hours. In most cases, they reach an agreement and avoid going to court.

Caregivers

Surveys and research

WHAT DO THEY TELL?

During December of 2018, we surveyed 46 caregivers from the Philippines, India, Sri Lanka, Nepal, Moldova and Ukraine. The workers described their lifestyle, their patients and their needs, and the struggles and experiences that affect their daily life. Some of the problems highlighted in the survey results were: lack of accessible healthcare locations (50%), having to perform non-caregiving responsibilities (30%), and lack of privacy (23%). Many of those surveyed also reported paying excessive and illegal brokerage fees in their country of origin, ranging from 4,000 to 13,000 dollars.

SEXUAL HARASSMENT

Many workers are reluctant to talk about this phenomenon, which we come across every week during reception hours. Of the 44 women who completed our Facebook survey, 25% indicated they had faced unsolicited sexual addresses in their workplace and 18% reported sexual harassment, mostly by their patient or a family member.

SICK DAYS

A survey we handed out in honor of May 1st (International Workers' Day) revealed that 66% of respondents were not permitted by their employers to rest when they are sick.

Caregivers

Surveys and research

PUBLIC POLICY AND KEY ISSUES

After more than a decade of KLO advocacy, the HCJ dismissed a petition, ruling in favor of bilateral agreements as a mechanism to govern migrant workers' employment.

Twelve years ago, Kav LaOved submitted a petition to the HCJ advocating for the employment of migrant workers through bilateral agreements. The petition was submitted in response to unregulated employment that enabled trafficking in workers, binding workers to employers and charging high brokerage fees. Over time, bilateral agreements were put forth for specific employment sectors and with particular countries, like the agreement with Thailand for the agricultural sector and the agreements with Romania and Moldova in the construction industry.

Last year, after more than a decade, the HCJ dismissed our petition. The HCJ's ruling supported our stance and encouraged the State to employ bilateral agreements. The ruling was explicit in defining brokerage fees as human trafficking: "The petitions below deal with this ugly phenomenon—that can be seen as modern slavery or human labor trafficking—of manpower companies charging migrant workers high brokerage fees in order to work in Israel."

In September, [the first bilateral agreement in the caregiving sector was signed](#) with the Philippines and the terms of its roll out are being finalized. The agreement is expected to regulate caregivers' employment, put an end to brokerage fees, and establish a consistent

Caregivers

Surveys and research



and reasonable processing fee for entry to Israel. We hope that 2019 will see the first migrant caregivers arriving under the terms of this agreement.

However, Filipina workers constitute only 37% of all caregivers, which leaves most workers with no agreement to regulate their employment. Naturally, bilateral agreements also need to be signed with other countries from which migrant workers are coming in order to address all migrant labor in the caregiving sector. In a ruling by the HCJ, the judges noted that the State is gradually accepting the dire need for bilateral agreements, in light of the emergence of slavery-like working conditions. The justices resolved the petition after the successful signing of the bilateral agreement with the Philippines, but noted that the court's doors were not locked, and that the State is required to keep proving its dedication to this process by expanding the use of bilateral agreements.

THE FIGHT AGAINST BINDING WORKERS TO THEIR EMPLOYERS IN THE CAREGIVING FIELD

In August, we submitted an objection to a proposal aimed at dramatically limiting the number of employers for migrant workers in the caregiving sector. According to the proposal, each worker entering Israel would be registered according to the population with whom they can work, meaning a worker could only work with the elderly or with people with disabilities, for example. These

Caregivers

Surveys and research

regulations reinforce previous limitations that restricted the geographic areas in which a caregiver could work and the number of times they could change employers. We claimed that the new proposal pushes the migrant caregivers back to a time of employer binding – a practice previously deemed illegal by the HCJ. If these regulations are approved, they will narrow the employer supply dramatically and thwart workers' ability to escape poor employment conditions. After we submitted our objection to the State, our staff presented at the Knesset's Internal Affairs Committee and addressed the Minister of Labor (Haim Katz) on the topic, demanding his urgent intervention.

The HCJ mandated that the healthcare arrangements of migrant workers should more closely resemble that of Israeli citizens. In practice, this does not happen.

In 2006, Kav LaOved submitted a petition to the HCJ demanding that the court require the Welfare and Health Ministers to apply the National Social Insurance Law and the National Health Insurance Law to migrant workers who stay in Israel for extended periods of time with a valid visa. Eight years later, in 2014, the petition was only partially accepted, the section that addressed applying the National Social Insurance Law was rejected. Regarding applying the National Health Insurance Law, the court stated that "the healthcare provisions pertaining to migrant workers with a strong connection to Israel need to more closely match those for Israeli residents" and the State was directed to find an alternative policy.

Caregivers

Surveys and research

The new policy, which was submitted by the State and discussed in court at the end of 2017, did not provide coverage for medical treatment, but rather gave migrant workers a single grant of 80,000 ILS to cover healthcare costs. According to this plan, veteran caregivers, who have paid for health insurance for years, are not eligible for treatment if they become severely ill and are unable to work. In many cases, they would need to go back to their country of origin with a sum of money that would not necessarily cover their expenses, even after a decade of living in Israel. In the last court hearing, the State was required to provide data regarding medical policies in migrants' countries of origin among other information.

Kav LaOved's prepared response for this hearing demonstrated that, in practice, healthcare benefits for migrant caregivers are far below those provided to Israelis. The amount of money allocated for the grant was arbitrary and was not proven to provide sufficient support to those caregivers who have paid into the insurance fund for many years. Our response also noted that other issues needed to be addressed, such as providing insurance continuity when workers change employers, adding mental health coverage to healthcare policies, including medical coverage for injuries sustained in car accidents, and reducing coverage exemptions. All these conditions are required in order to provide adequate healthcare to those who spend many years caring for our dearest. The court discussion continues.

Caregivers

Surveys and research

Improper work conditions, sexual harassment and abuse, and conditions of slavery

Israel acknowledges victims of slavery and of human trafficking, providing them with shelters that offer mental health treatment and support services, legal protection, and rest from their difficult experiences. Treatment services provide victims with a year of peace of mind and help them work and earn a living undisturbed. However, in the field of caregiving, victims of abusive employment in conditions of slavery are not identified in a timely manner and caregivers have no avenues for reporting their situation or receiving protection under the law. Thus, acknowledgment of victims is at best delayed, and at worst never occurs. Kav LaOved fully documents worker testimonies that reveal harsh, inhumane employment conditions such as workplace abuse, conditions of slavery, or sexual harassment and violence, referring these workers for appropriate psychological services and addressing legal issues regarding labor law or trafficking as relevant to their situation.

Asylum Seekers

20% of their wages
are being withheld



Asylum Seekers

The state of affairs

More than 35,000 asylum seekers currently live in Israel. Most are from Eritrea and Sudan, but this number also includes individuals from the Ivory Coast, Nigeria, and Congo, among other countries. Asylum seekers live in a state of constant uncertainty and face a constant threat of deportation or imprisonment, a situation which makes them vulnerable to exploitation.

Asylum seekers mainly work in restaurants, tourism, and cleaning. Although they are allegedly eligible for the same labor law protections as Israelis, the Deposit Law passed by the Israeli Knesset in 2017 fundamentally denies them basic labor rights. The law requires employers to deduct 20% of asylum seekers' salaries and to place these funds in a deposit account that the workers can access only upon leaving Israel. In practice, this law flouts the minimum wage and violates the Salary Protection Law. In addition, the law is not enforced by the State: many employers do not deposit the money taken from the workers' salary, but, rather, keep the money for themselves. The US State Department's Human Rights Report condemned the law, against which we petitioned the HCJ. Discussion of the petition continues.

Furthermore, while the Deposit Law aims to encourage voluntary departure, the Israeli asylum system does not provide the processing services asylum seekers require. As of May 2018, Eritreans submitted 12,626 applications for asylum and Sudanese submitted 1,591 applications; however, the State has only granted 10 individuals

Asylum Seekers

People are everything



asylum status. In Europe, by contrast, 70% of Eritrean asylum seekers and 50% of Sudanese asylum seekers have been acknowledged.

WHAT DO WE DO?

INDIVIDUAL ASSISTANCE

In 2018, we opened 2,242 new files for asylum seekers regarding the following labor rights violations: 522 for problems related to asylum seeker deposit accounts; 544 for non-allocation of pension payments; 606 for unpaid benefits, such as vacation days and recuperation pay; 265 for unpaid salaries; and 121 for companies that had declared bankruptcy and had not paid workers' salaries and benefits. In processing these claims, KLO was able to return 8,949,351 ILS in owed wages and benefits to asylum seekers in the workforce.

WHAT HAPPENS WHEN A FIFTH OF YOUR SALARY IS TAKEN AWAY?

During June 2018, as part of our data collection to support our HCTJ petition against the Deposit Law, we conducted a survey in Arabic and in Tigrinya (the primary languages spoken by asylum seekers) on our Facebook page. The survey examined the financial and social effects of the Deposit Law. Of the 299 workers who responded, 58% had to work, fully or partially, in an unreported job ("off the books");

Asylum Seekers

Surveys and research

90% had to reduce their families' expenses for food, medication, and toiletries; over 82% found it hard to pay rent; and over 95% reported work in more difficult jobs with longer hours.

The results of this survey were published in a [report](#) we issued in partnership with the Hotline for Refugees and Migrants.

THE FIGHT AGAINST THE DEPOSIT LAW GOES ON IN THE HCJ

As we described earlier in this section, the Deposit Law was enacted to encourage the "voluntary departure" of asylum seekers from Israel. Kav LaOved, in collaboration with other civil society organizations, submitted a petition against the law on behalf of seven asylum seekers. The petition, which is still before the HCJ, maintains that the purpose of the law, to encourage the departure of asylum seekers, is improper based on prior court rulings and is also ineffective in its goal of compelling asylum seekers to leave the country. The law's main impact has been to make asylum seekers poorer. Data presented by Kav LaOved in the Deposit Law petition revealed that 50% of workers who had the full deposit deducted earned less than the minimum wage.

The fight led to an exemption of populations from the Deposit Law.

Kav LaOved is advocating against the Deposit Law through various channels, including the Israeli Knesset. During discussions on the subject, a decision was made in the Knesset's Internal Affairs

Asylum Seekers

Surveys and research



Committee to exempt certain vulnerable groups from the Deposit Law starting in November: women, the elderly, minors, single fathers, those with physical and mental disabilities or health conditions, and victims of trafficking. However, the exemption still allows withholding and depositing 6% of wages from these populations. The majority of workers, asylum-seeking men, who are often responsible for their family's livelihood, are still left with only 80% of their salary. The Knesset Committee unfortunately rejected a proposal to exclude anyone earning less than minimum wage from the law.

Despite the exemption, most funds were not returned retroactively and exemption requests were denied.

One component of exemption to the deposit fund was a retroactive refund of the deposit payments. As of 2018, we submitted 221 requests for refunds; however, the funds were only returned after a marked delay in 2019. Single fathers, asylum seekers with health conditions and trafficking victims faced many bureaucratic impediments in applying for their long-awaited exemption. As of the writing of this report, not one of the single fathers or individuals with health conditions had received the exemption. Kav LaOved has issued formal complaints on this subject to the Population and Immigration Authority.

Moreover, the returned funds are only those which were actually deposited. As mentioned above, many of the salary deductions were never deposited at all by employers. The outstanding sum of money that should be returned retroactively is estimated at more than 100 million shekels.

Asylum Seekers

Surveys and research



Most of the funds were not deposited, and the Population and Immigration Authority does not enforce the requirement that employers deposit them.

Kav LaOved's petition process against the Deposit Law revealed that the Population and Immigration Authority is not enforcing the law: many employers deduct from their workers' salaries, but do not deposit the money. Kav LaOved uncovered more than 1,000 cases in which no funds were deposited for the workers. Following this discovery, the Knesset's Internal Affairs Committee held a discussion on the topic. However, data published in the State's most recent response to the deposit petition show that these failings continue. Out of the 35,000 asylum seekers living in Israel, funds were only deposited for 6,897 workers in June 2018 and, even worse, for only 2,265 workers in October 2018.

We emphasize that the information we and the State have is insufficient to enforce the law and ensure that employers deposit the funds for their workers. Additionally, there is insufficient data to verify whether money deducted from the salary was indeed deposited for the worker. However, we can discern from the situation on the ground that much of the money is not deposited, even though the paychecks do report a deposit. In one case KLO worked on, 70 workers left Israel and later realized that the funds which had been deducted from their salaries were not deposited for them. It was too late to do anything and they lost their earnings for good. As of this writing, only 16 employers have received an administrative notice

Asylum Seekers

Surveys and research



for failing to adhere to the Deposit Law and financial sanctions were imposed only once.

Following levies on employers, companies are going bankrupt, workers lose their money, and the public pays.

In Israel, employers of foreign workers are required to pay a fee equal to 20% of the worker's salary. Until recently, many employers inferred that this regulation did not apply to asylum seekers and did not pay their fee. The Israeli Tax Authorities "discovered" this and decided to impose the levy retroactively on employers, many of which are large subcontractor companies. Kav LaOved requested to serve as amicus curiae and joined the employers who petitioned against the levy, but on June 2018 the request to discuss the subject in court was denied. As a result, many companies - from small restaurants to large subcontractor agencies - collapsed and closed their doors as they were unable to withstand the high costs that were imposed on them all at once.

As a result, Kav LaOved saw yet another significant increase in applications for help from workers wanting to know how to respond to companies which had declared bankruptcy and were no longer able to uphold their commitments to their employees. Thus, the complexity of labor laws has made asylum seekers vulnerable to broad exploitation and perpetually reduced their rights as workers. In order to meet the increased need in the asylum seeker community during 2018, Kav LaOved doubled its designated reception times. Many weeks, even this is not enough.

Asylum Seekers

Surveys and research

TAX RETURNS

For years, asylum seekers paid the highest tax rates possible on their income without being eligible to utilize the many services standard for residents. Last September, the HCJ ruled that asylum seekers who worked in Israel up until the end of 2014 were eligible for tax credit points similar to those given migrant workers during those years. In practice, the credit points were not awarded consistently by asylum seekers' employers because the applicable regulations were phrased ambiguously and left room for interpretation, creating an unequal and arbitrary tax payment system.

Kav LaOved worked to inform the asylum seeker community about their eligibility for a tax refund and 301 tax return files were opened throughout 2018. The Israel Tax Authority also imposed many bureaucratic policies and procedures on asylum seekers requesting refunds, so we also worked with the Tax Authority to facilitate workers receiving their tax refunds. Despite these efforts, however, we estimate that improper taxation resulted in the community losing hundreds of millions of shekels. The statute of limitations and the fact that thousands of workers have already left Israel also limited what could be done.

Agricultural Workers

Life without minimum
wage, adequate shelter or
overtime pay



Agricultural Workers

The state of affairs

Slavery conditions, payment below the legal minimum wage, lack of protective safety gear and work under rocket fire: these are just some of the problems non-Israeli workers face in the agricultural sector. There are 22,000 Thai migrant workers and 6,650 Palestinians with work permits employed in agricultural work. Kav LaOved documents many different types of labor rights violations faced by these workers, including limited access to food, lack of healthcare services, and failure by employers to pay social benefits required by law. In fact, a KLO Facebook survey of 2,300 migrant agricultural workers uncovered that **84% do not receive minimum wage.**

Despite all these problems, **the HCJ has rejected several petitions we submitted to improve their conditions. In addition, for the ninth year, the HCJ put off adopting regulations to establish deposit funds for foreign agricultural workers that would better ensure that they receive the severance and pension payments owed them at the end of their employment.** We intend to petition the Ministry of Finance on this issue. In the meantime, the exploitation of agricultural workers keeps evolving. In one case, for example, graduate students enrolled in a sustainable agriculture MA program at an Israeli academic institution found themselves working in menial agricultural work for starvation wages and little academic value.

Please see the section on Palestinian workers for discussion on their work in the agricultural sector.

Agricultural Workers

People are everything

WHAT DO WE DO?

INDIVIDUAL ASSISTANCE

Our office opened 554 cases for migrant workers from Thailand employed in the agricultural sector. In many instances, these workers were preparing to return home and came to get help in understanding the amount of severance, pension and other benefits they were entitled to receive after finishing their employment here in Israel. While working with them, we often discovered that they had not been paid a minimum wage, compensated for overtime, or allowed days off, among other legal violations.

FIELD VISITS

We conducted 13 field visits across the country and reached 247 workers. Following the visits, with the worker's permission, KLO submitted over 180 official complaints (some representing individual workers and others groups of workers) to the Population and Immigration Authority and to the Ministry of Labor and Welfare. The complaints addressed improper living conditions as well as labor rights infringements, including employers' failure to pay workers above the minimum wage, provide pay stubs, and compensate overtime.

In addition, seventy-three Thai migrant workers also reported dangerous, unsafe work conditions. In one example, workers described

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being required to apply pesticides in greenhouses and fields with no masks or other essential protective gear. These chemicals caused short-term symptoms such as dizziness, nausea, and rashes: their long-term effects are still unknown. The workers stated that employers were reckless in communicating safety instructions, relying on pantomime or assuming that more experienced workers would educate new employees on proper safety practices.

THAI MIGRANT WOMEN EMPLOYED IN AGRICULTURE

In Israel, Thai migrant women employed in agriculture number just over 670. These women work alongside more than 21,400 male agricultural workers from their country. Throughout 2018, we conducted a survey among 80 workers, which painted a bleak image as described below.

LITTLE PRIVACY OR SENSE OF SAFETY AND LONG HOURS

Over 37% of Thai women are living in the same building as men and over 9% live in the same room as men; of the latter, 57% share a room with more than three men. Over 59% of women have to use the same restrooms as men and 63% share shower rooms with men. Over 13% of women do not feel safe in their rooms and 18% do not feel safe in the shower areas. Over 59% have to work additional jobs beside agriculture, mostly in cleaning.

Agricultural Workers

Surveys and research

SEXUAL HARASSMENT

While more than 12% of the women were subject to unwanted sexual advances, only a quarter of them sought help. Over 9% of the women were sexually harassed, but more than 73% of them did not file a complaint, and, of those who did, only 42% found it to be helpful. Half of female Thai agricultural workers seek a romantic partner so that he will protect them from other men.

MOST THAI AGRICULTURAL LABORERS WORK WITH NO MINIMUM WAGE OR REST.

Kav LaOved operates a Facebook page intended for Thai agricultural migrant workers, which has 13,822 followers. By publishing Facebook surveys, we work to understand the conditions on the ground and raise awareness of workers' rights. Below are the results of surveys we conducted.

MINIMUM WAGE AND DAYS OFF

84% Do Not Receive Minimum Wage.

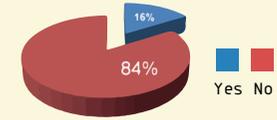
Over 2,300 workers answered the question about minimum wage. Of these, 1,932 workers reported that they do not receive minimum wage. This is not surprising. Most workers we met in our office and on site visits this year did not receive payslips; in cases where they had, the payslips did not reflect the amount of work performed. When accurate payslips are revealed, they show that workers were paid unlawfully low wages for very long hours, and that salaries did not match the hours worked.

Agricultural Workers

Surveys and research



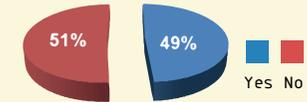
Did you receive the legal minimum wage?



51% worked for a whole month without a single day of rest.

More than half of the survey participants reported continuous work for an entire month or more with no days of rest. This is against regulations that legally mandate weekly time off.

Did your employer require you to work seven days a week for more than a month?



WORKING WHILE SICK

A survey conducted among 325 workers revealed that only 62% are allowed to see a doctor when they were sick, while the other 38% reported that their employer did not take them to the doctor or bring one to them when they were sick.

In another survey conducted among 392 workers, 67% of participants reported that they are allowed to rest when sick without being forced to work, while 33% reported that they have to keep working while they are sick.

Death during sleep: 99% of workers support autopsies

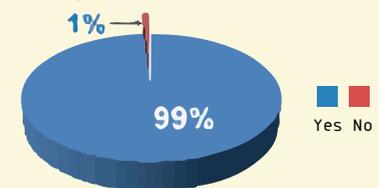
There is an unexplained phenomenon of sudden death during sleep

Agricultural Workers

Surveys and research

among Thai agriculture workers. The BBC's investigation, published on November, uncovered that dozens of workers have died as a result of this phenomenon in recent years. However, authorities refuse to authorize autopsies on the workers' bodies, claiming that autopsies are not customary in Thai culture and, therefore, they are not conducted for fear of the families' objections. We surveyed 1,300 workers themselves, the most readily available representatives of Thai culture, about what they think. We found that 99% of the surveyed workers supported the use of autopsies in these cases. We will continue to pursue the subject, demanding explanations and solutions.

Do you see the importance of performing an autopsy in cases of sudden death with no clear cause?



Agricultural Workers

Surveys and research

PUBLIC POLICY AND KEY ISSUES

The HCJ ruled in favor of the employers: Non-Israeli workers will have to pay a court filing fee in order to press charges against their employers.

As discussed previously in the section on Palestinian workers, the HCJ ruled against our petition to cancel the "Jordan Rift Valley Regulations" and instead ruled in favor of the "defendant's [meaning the employer's] legitimate interest of not being harassed by unjustified claims." This means that migrant workers will need to continue paying court fees when pressing charges against their employers in Labor Court.

Submitting a petition to the HCJ against the Ministry of Finance, which overturned regulations to create deposit accounts for foreign agricultural workers.

In 2009, the government agreed in principle that deposit funds should be allocated for migrant agricultural workers, but the policy was not implemented. On July 2018, after several postponements, the Knesset's Labor and Welfare Committee approved the regulations again, allocating a deposit of 516 ILS per month per migrant agricultural worker, similar to other employment sectors in Israel. However, under pressure from the farmers' lobby, the Minister of Finance withdrew from applying the regulations. Kav LaOved intends to petition the HCJ, opposing the Ministry of Finance's inaction. Note that in the case of construction workers, the 2005 decision to allocate deposit funds reduced the rate of court claims by 95%.

Agricultural Workers

Surveys and research



Guaranteeing workers' legal rights and establishing state-managed accounts for workers' funds drastically reduced the burden on the legal system.

Questionable practices for recruiting agricultural migrant workers

This past year, we saw more instances of various companies using loopholes in the Israeli legal system to entice people to come to Israel in new ways. One example is the expert visa track, which involved recruiting workers with a particular specialty and promising them a high monthly salary and a five-year work visa. [In practice](#), these workers, who are often from third world countries and mortgage their homes to pay thousands of dollars in brokerage fees, fail to secure visa renewals and are required to return home without the money they need to repay their debt. The Population Authority makes it hard for them to renew their work visas, and their expertise is often denied as they do not meet the actual requirements for this visa track.

In the case of the student visa track, young people from developing countries are promised an opportunity to study in Israel while getting practical training in agriculture. In reality, the students pay for the "opportunity," work most of the time, and provide their employers with exceptionally cheap labor without receiving the specialized training they were promised.

The Construction Sector

Still the most dangerous
in Israel



Construction Workers

The state of affairs

Kav LaOved is in the second year of a European Union-funded project implemented with our partner organizations Ma'an and Social TV to promote public policy change aimed at increasing construction workers' safety. The project was established to address the continued increase in accidents in the Israeli construction sector, where mortality rates double those of the OECD average. From 2010 to 2015, 192 workers were killed in 191 fatal construction accidents.

When the project started, the construction sector was characterized by a lack of enforcement, supervision, and transparency that regularly cost workers their lives. While official construction sites numbered approximately 13,000, there were only 18 safety inspectors from the Ministry of Labor. There was an entrenched failure to investigate construction work accidents and a general lack of transparency regarding the enforcement of safety standards. As a result, as of 2016, no indictments had been brought for any construction workplace injuries.

In the last couple of years, KLO has been collaborating with civil society organizations, individual activists, parliament members and many media outlets to change this situation and these efforts laid the foundation for our work this year. In 2016, we advocated for a policy to mandate the issuance of injunctive orders to temporarily close construction sites at which a worker has been killed or severely wounded. We also advocated for the creation a collaborative unit called "Peles" (workers at no risk) comprising

Construction Workers

The state of affairs

representatives of the police and the Ministry of Labor Safety Administration, to enhance the investigation of accidents.

We followed up on these issues this year, issuing a petition demanding that the issuance of safety violations be transparent and another that demanded more safety inspectors, stricter oversight, and criminal investigation of work accidents, among other issues. Both are described later in this section. These efforts helped to raise awareness of safety problems in the construction sector and the resulting public discussion and information transparency led the Histadrut to threaten a general strike unless the situation improved. The strike threat in turn led to signed agreements with governmental bodies for key regulatory reforms, whose implementation we now await. We hope that the achievements of 2018 will be felt on the ground in the near future. This is particularly pressing since the number of casualties and fatalities continued to grow in 2018.

Construction Workers

People are everything

WHAT DO WE DO?

KLO's project promotes policy changes to improve enforcement and transparency as well as legislation to impose sanctions on contractors with poor safety records. The two key tools at our disposal for policy change are daily monitoring and data collection regarding work accidents in the construction sector.

This year we continued to update the work accident [monitoring database](#), to publish new analyses and/or reports every six months, and to provide transparent, online information regarding construction sector safety for the public and the media. This daily monitoring also allowed us to identify the circumstances that led to accidents, and particularly those with fatal injuries, which informs our legal advocacy efforts.

Construction Workers

Surveys and research

We collected the following information during our daily monitoring. Thirty-eight workers paid the price of construction sites' lawlessness with their lives. Overall, rescue workers handled 208 injuries due to construction sector work accidents this year. In addition to the 38 workers who were killed, 170 workers were moderately or severely injured. Accidents that led to injuries classified as mild are not reported by the Magen David Adom (Israel's national [emergency medical](#) service, including ambulances).

90% of the workers who were killed are not Jewish.

Sixteen of the fatalities this year were Palestinian workers from the West Bank and East Jerusalem, 15 were Palestinian citizens of Israel, four were Jewish workers, and three were migrant workers. Eighty-one percent of the fatalities this year were Palestinians from both sides of the Green Line, while their representation in the construction sector is approximately 60% (the remainder of the workers are Jewish and migrant workers). There are three reasons for this overrepresentation. First, Palestinians are assigned to more hands-on jobs than the rest of the workers. Second, Palestinians from the West Bank must leave home very early in the morning to make time for long commutes and extended waits at checkpoints. As a result, they often suffer from fatigue on the job. Finally, Palestinians fear being dismissed from work and losing their permits, which makes it difficult for them to refuse work in unsafe conditions.

Construction Workers

Surveys and research

In 64% of the accidents, the cause was reported as "fall from height." The second most common cause was being crushed by a falling object (15%). Additional workers were injured by operating instruments (4.3%); walls collapsing (4.8%); electrocution (2.4%); being run over (1.9%); and, other causes (7.7%).

The companies with the greatest number of fatalities in 2018 year are:

- **Electra Construction:** Five workers were killed this year at the company's construction sites - Anton Marchenko (October 14th), Rami Bader and Ibrahim Alhadidi (August 13th), Muhamed Ziadat (July 13th in a collaborative project of Electra and Shikun & Binui), and David Yagudayev (May 18th).
- **Shikun & Binui - Solel Boneh :** Three workers were killed this year at the company's construction sites - Muhamed Ziadat (July 13th in a collaborative project with Electra), Chen Jong (May 7th), and Bahaa Knana (January 2nd).
- **Dona Engineering & Construction :** Two workers were killed at the company's construction sites - Atef Kabha (June 26th), and Mutasem Az Adin (February 6th).

Construction Workers

Surveys and research

PUBLIC POLICY AND KEY ISSUES

During the course of the year, we submitted various legal petitions, discussed below, opposing the authorities' failures in enforcement, supervision and transparency. We addressed the insufficient number of construction safety inspectors, the ongoing failure of the joint police and Ministry of Labor Safety Administration Peles unit to investigate cases, the lack of transparency regarding the issuance of safety violation orders, and the police's poor record of collecting data regarding indictments. All of the petitions have prompted much-needed changes and promoted discussion of these key issues in the media and within the Knesset to change the public discourse on construction workers' rights.

Real-time publication of safety violations issued at hazardous construction sites.

In 2017, Kav LaOved petitioned the Ministry of Labor on behalf of activists Reuven Ben Shimon and Hadas Tagri and the workers' organization Ma'an. Traditionally, the Ministry would wait 45 days after identifying a construction site hazard to publicize it, allowing contractors time to discreetly address onsite hazards without damaging their reputations and, importantly, without alerting workers that their worksites were dangerous. The petition requested that the Ministry of Labor publish these safety violations in real time on its website and on signs at the construction sites. [In the beginning of 2019, the Ministry of Labor announced](#) that it will begin to publish the violations immediately and will do all that it

Construction Workers

Surveys and research

can to place signs in various languages at construction sites.

[A ruling made by the HCJ several weeks following the Ministry of Labor's announcement described above](#) requires the Ministry to follow the requests in the petition. The HCJ wrote, "[c]onstruction work involves sweat, but it should not be drenched in blood and tears. The responsibility to prevent hazards and difficult working conditions is first and foremost the employers'. However, it is the State's duty to supervise the sites where the work is done and to announce hazards to protect the public." This petition was an important step in underscoring the State's duty to alert and warn the public about hazardous conditions on construction sites.

A petition to the HCJ to ensure safety oversight and criminal investigation of accidents at construction sites.

In May 2018, Kav LaOved and Ma'an submitted a petition against the Israeli Police, the Ministry of Labor, the Ministry of Public Security and the Ministry of Finance. The petition addressed the many systemic failures in handling work accidents in the construction sector, including the failure to assemble the joint investigation unit (Peles) involving the police and the Ministry of Labor and the severe shortage of safety inspectors.

This petition and ensuing media coverage of the issues involved helped to foster important discussion around critical changes needed in the sector. In addition, the summer of 2018 saw a very high

Construction Workers

Surveys and research

number of fatalities at construction sites, which further prompted public protest. In response to the intensifying public pressure, the Histadrut threatened a general strike if no real and immediate changes were made to improve safety in the construction sector. In response, governmental agencies signed several agreements with the Histadrut, relying in part on a comprehensive position paper KLO submitted in September 2018 to the Knesset's Labor and Welfare Committee, which outlined a series of immediate recommendations for legislation and implementation.

The agreements between the Histadrut and the Ministry of Finance included the following key components:

- adding 60 safety inspector positions
- mandating European standards for scaffolding at construction sites
- promoting a bill to appoint safety assistants to construction sites
- promoting regulations that establish a clear hierarchy of safety responsibilities within a company's construction project
- promoting an amendment allowing the Contractors Registrar within the Ministry of Construction and Housing to disqualify, suspend, or deny the renewal of a license for companies with poor safety records
- introducing regulations to detail required safety specifications in public tenders
- adding an option to disqualify contractors from public tenders if they have prior safety violations

Construction Workers

Surveys and research

While some of the policies outlined in the agreements were already at advanced stages of legislation at the time, over a third did not include legally binding implementation schedules. In light of the State's agreements signed with the Histadrut, including increasing the number of supervisors and assembling the Peles unit, the HCJ decided to dismiss the petition in early 2019. Of course, Kav LaOved reserves the right to petition again if the State does not do its part.

Kav LaOved continues to monitor work accidents in the construction sector. Additionally, we continue to track the agreements made between the Ministry of Finance and the Histadrut, as well as our suggestions for policy change in the Knesset. In so doing, we continue to advocate for workplace safety at all levels while addressing the chronically limited supervision and high casualty rate at many work sites.

The Israeli Labor Market

23% of workers are hourly workers and half earn 4,000 ILS or less per month



The Israeli Labor Market

The state of affairs



The Israeli workforce consists of 3.9 million people. The percentage of hourly workers in the Israeli economy as of 2016 is 23% and hourly work is more prevalent among women in service industries and among non-professional workers. Half of Israel's hourly workers earn up to **4,000** ILS gross per month, while the average salary for an Israeli worker is **10,609** ILS per month and the median salary is **6,400** ILS.

A third of hourly workers (including those in part-time jobs) earned less than the median wage and thus are sociologically defined as the "working poor." This is the case in all sectors, except for work in the fields of electricity, gas, and air conditioning. In most other fields of part-time work - including the hotel and restaurant industries, subcontractor and placement agencies, cleaning and security jobs, most workers earn less than the median salary.

An hourly worker's salary is calculated according to work hour units and is not a fixed monthly salary. Some workers are even employed through indirect employment (via security, cleaning, labor contractors, and so on). Per [the 2016 Adva Center Report](#), these workers suffer the worst employment conditions, which include several egregious elements. Workers, especially those working in security or temporary positions in the education system, may be dismissed or receive lower wages at times when there is less work, such as over the summer. Hourly workers also experience frequent

The Israeli Labor Market

People are everything

changes in employers due to the fact that contract companies come and go. Without a consistent, direct employer, hourly workers often lose their benefits and in general face precarious labor rights. We saw discrimination against hourly workers when, in April and May of this year, the work week was decreased from 43 to 42 hours without a decrease in employee salaries (instead they essentially received a pay increase); while the hourly minimum wage stayed the same.

WHAT DO WE DO?

Individual assistance

In 2018, we provided individual assistance to 243 Israeli workers on how to exercise their labor rights both on reception days at our offices in Tel Aviv and Haifa and also by e-mail and phone. The key issues workers raised were employers' partial payment of benefits (including pensions) and problems withdrawing funds set aside in programs such as Keren Hishtalmut, a tax-exempt savings plan offered by many employers. Most of the applications worked in kindergartens, caregiving, security, cleaning, and manufacturing.

The Israeli Labor Market

Surveys and research

Our analysis suggests that 90% of the workers who came to us were employed on an hourly basis. Fifty percent of applicants were not paid their full benefits, and 8% reported unpaid overtime. Forty percent noted problems with their pensions, such as the employer deducting the workers' wages without transferring them to the pension fund. In regards to the latter issue, in August, we received an application from Sharon Elias CPA, who manages 300 cases of individuals who inherited a loved one's pension in an associates' fund. The inheritors cannot withdraw the funds that belonged to their loved ones due to obstacles raised by the company.

Housecleaners

Informal economy,
wages paid under the
table

Tens of thousands of people are employed in housecleaning in Israel, which is largely an unregulated, informal market in which most wages are paid under the table. These workers are eligible for all the rights outlined in Israeli labor law, but many times both the workers and the employers do not know this and are under the impression that the workers are only entitled to their hourly wage, which is typically 50 ILS per hour.

In light of this, when workers come to us, often at times of crisis or after dismissal, the employers respond with shock and anger. Unfortunately, many undocumented workers report that when they ask for their due compensation, their employers threaten to turn them over to the authorities for deportation.

WHAT DO WE DO?

Individual assistance

During 2018, we **created 904 files** for housecleaners and helped them exercise their rights. Data analysis shows that about 33% of applicants were Israeli, approximately 21% were asylum seekers, and the rest were migrant workers from all over the world, but primarily Eastern Europe. Throughout the year, we **returned 2,506,388 ILS** in owed salary and benefits to housecleaners.

Kav LaOved's work would not be possible without our partners' generous support, among which are fund and hundreds of individual donors:

Arkin Family Fund
Bader Philanthropies
EU
FELM
Israeli Ministry of Economy
NIF
Rosa Luxemburg Foundation
The Sam & Bella Sebba Charitable Trust
UNHCR
UNISON / UIDF
UN Voluntary Trust Fund Against Contemporary Forms of Slavery
Tel Aviv City Council

17 לעובד /
Worker's Hotline
/ عنوان العامل

You are welcome to join in and support our work throughout 2019.