

קו לעובד  
Worker's Hotline  
عنوان العامل

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ANNUAL REPORT 2019

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# Letter from the Director

Kav LaOved is unique among civil society NGO's working in Israel and I am honored to lead this organization with the support of colleagues and volunteers who are deeply devoted to promoting the mission of KLO: to attain full labor rights for each and every worker and to promote just and fair employment in Israel.

KLO remains one of Israel's leading labor rights organizations, assisting thousands of marginalized workers regardless of their race, ethnicity, status, gender or religion. This very element of diversity in our constituency is in contrast to the segregation and alienation present in Israel. The reach and depth of KLO's work also stand out. We provide extensive grassroots assistance to workers aimed at regaining their withheld rights and, in parallel, conduct advocacy and legal work targeting sustainable, systemic change. This approach ensures that we fully represent the workers for whom we stand.

Throughout the course of 2019, we continued to push for change and fight against efforts to marginalize vulnerable workers, many of whom are largely invisible to the state. KLO opened over 9,700 cases for workers, returning over 41 million ILS in illegally withheld wages and benefits. We assisted caregivers who were denied money owed them and supported asylum seekers when no deposit payment was made for them (in many cases, the money was, in fact, stolen). We also stood up for the right to safe and dignified work conditions, assisting those who suffered physical assault and/or sexual violence and aided Thai agriculture workers required to work exposed in the fields while missiles landed around them during escalation in the conflict with Gaza. We helped workers who experienced conditions of trafficking obtain official recognition as well as psychological help and shelter. Overall, we investigated and documented 420 work accidents across all sectors of the Israeli labor market.

We also continued our legal and policy advocacy to advance the rights of workers. We petitioned the High Court to follow through on instituting deposit accounts for migrant agricultural workers, a step that will safeguard their social rights. We were vigilant against the state's lack progress in ensuring safety in the construction sector and revealed the poor functioning of the Peles unit, which was set up to investigate work accidents. We continued to fight the cruel Deposit Law, which has been imposed on asylum seekers, with the aim of abolishing it. We implemented an interim order to delay the transfer of monies associated with Palestinian workers' unclaimed sick leave pay- an astonishing 218 million NIS —to employers. And this is just a brief look at what we accomplished this year.

During this last year, we also witnessed an expanding erosion of the state's responsibility to fully implement labor laws, a trend with roots in the chronic absence of workers' rights enforcement. Enforcement is often "on paper" only and is not really implemented. Moreover, we saw a shift in the state's priorities to protect workers' rights in our own work at KLO. The National Service Authority withdrew KLO as a placement for civic service volunteers and the Ministry of Labor decided to dramatically cut their funding to KLO.

And yet, with an annual budget of only about 4 million ILS, Kav LaOved is generating real and lasting changes that have the potential to dramatically shift conditions in the labor market. We move forward into 2020 committed to continuing our ongoing work to protect the rights of the most vulnerable workers and to improve overall conditions for workers in Israel.

I again thank you very much for your support.



**Adi Maoz**

**Director, Kav LaOved**

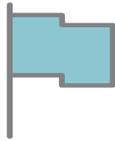
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All pictures used in this report are illustrative of the communities KLO serves and do not represent KLO beneficiaries, unless designated as such. We would like to credit Oren Ziv for the photo used in the labor trafficking section, Nofar Gilon for the caregiving section picture and ActiveStills (<https://www.activestills.org/>) for photos used in the sections on agriculture, construction, housecleaners, Palestinians as well as refugees and asylum seekers.

# Our Accomplishments

## Highlights of Our Work in 2019



We managed over 9,700 labor rights cases for workers from 55 countries.



We returned over 41.9 million ILS in withheld wages and benefits to workers.



We contributed to 220 media publications highlighting the reality of disadvantaged workers.



We managed 12 petitions in the High Court of Justice for the protection of workers' rights.



We published 13 "Know Your Rights" leaflets in 12 languages



Over 146,000 people visited our website.



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



We facilitated 49 workshops and field visits.



We published 8 reports and position papers.



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



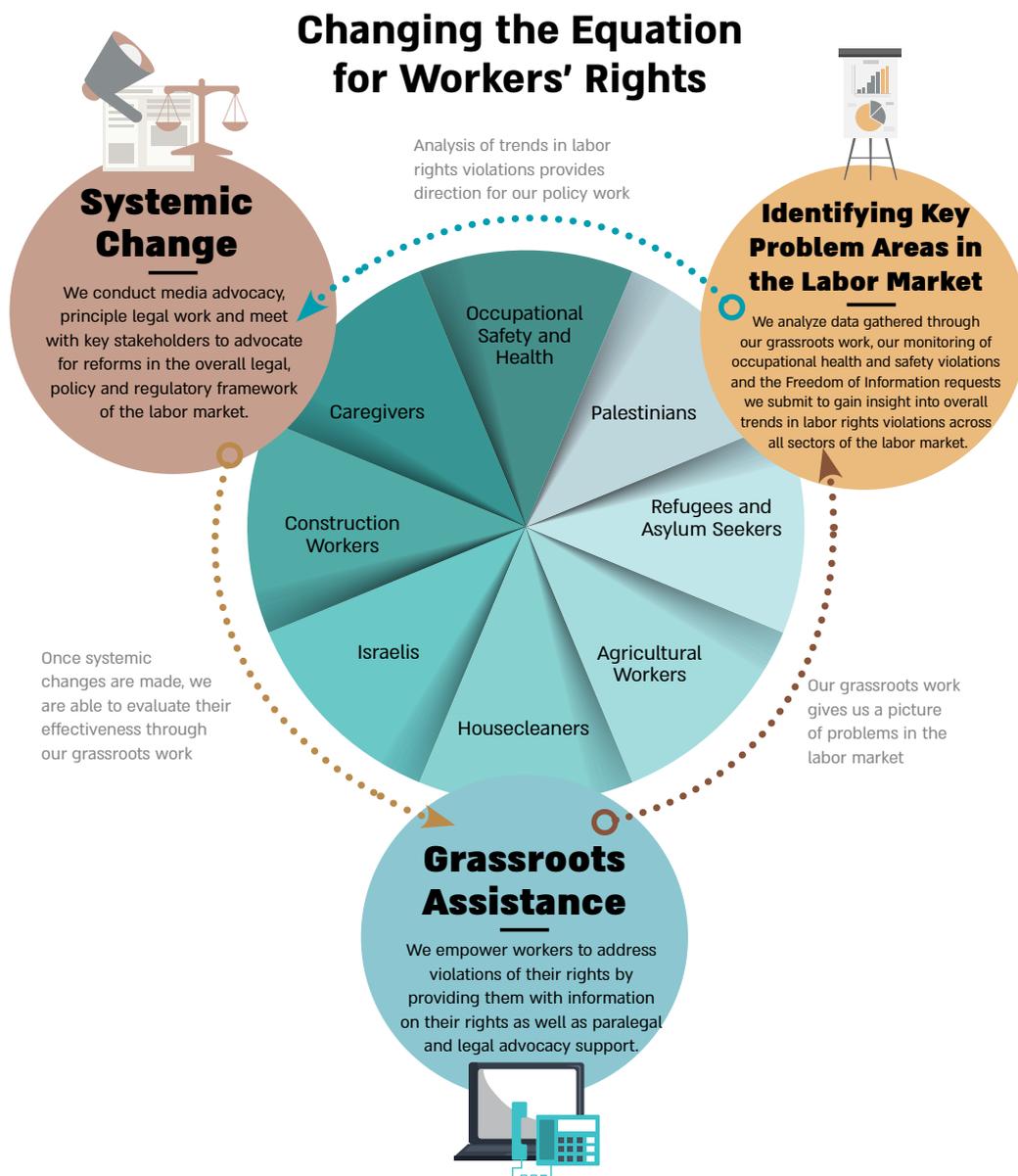
Our organization included 20 staff members and 120 volunteers.



We have done this all with an annual budget of approximately 3,800,000 ILS.

# About KLO and Our Model of Change

Kav LaOved envisions an Israeli society in which workers—regardless of gender, religion, nationality, race, age and legal status—are valued and recognized for their contributions via full and complete protection of their labor rights. In support of this vision, KLO engages all levels of society—from the community to the High Court—to protect workers’ rights. At the grassroots level, we distribute information about workers’ rights and offer individual assistance to thousands of workers who need support advocating for and attaining their rights. We also monitor and track work accidents across all labor market sectors. This grassroots work captures emerging trends in labor rights violations by employers, state failures in the implementation and enforcement of current laws as well as gaps in the overall framework for worker protection. Analysis of these trends, in turn, guides our systems level advocacy efforts, which improve state enforcement of current laws as well as promote needed changes in the overarching legal, policy and regulatory framework of the labor market. Once new policies or laws are adopted, KLO again has a comprehensive “feedback loop” through our grassroots work to monitor and evaluate an initiative’s effectiveness and push for further reform as needed.



# Agriculture



## Who we help

- Migrant workers from Thailand (23,000)
- International students, largely from developing countries, who are brought to Israel on student visas (approximately 4,000)
- Individuals, also largely from developing countries, brought to Israel on volunteer visas (approximately 700)

## The Issues

The agriculture sector suffers from widespread violations of workers' rights and particularly lax enforcement efforts by responsible public and private agencies. Conditions for the recruitment and employment of Thai agricultural workers are outlined in a bilateral agreement (BLA) between Israel and Thailand, which covers the recruitment of Thai workers in great detail, particularly setting out measures to safeguard against the payment of excessive brokerage fees. However, the BLA is quite vague, or even silent, when it comes to matters such as protecting individual labor rights at work. In fact, Thai workers approaching KLO for assistance report violations related to long work hours, pay below the minimum wage, poor housing, risks to their health and farmers illegally profiting from procedures which allow them to loan workers to other farmers. Manpower agencies who are supposed to place Thai workers with employers as well as assist them in their needs, including moving between employers, are particularly problematic. The agencies' interests are often fully aligned with those of employers, and, as a result, they often do not help workers address labor rights violations or change employers to leave poor or abusive work conditions. A [survey conducted by Kav LaOved](#) shows that instead of assisting workers the agencies often assist employers in violating the workers' rights and restricting their mobility.

Moreover, problematic paths of labor migration were opened in agriculture, including bringing in workers from developing countries as "volunteers" and "students," with thousands entering Israel in 2019. International students are offered academic programs affiliated with an institution of higher learning as well as instructional field work related to agricultural management, but many have found themselves working long past the hours mandated by their programs and in unsafe, exploitative conditions. Individuals brought over on volunteer visas are often targeted by questionable recruitment programs operating in grey areas between legal and illegal, with no institutional oversight of volunteers' work conditions. KLO's interviews with these workers have revealed them to be vulnerable to severe labor rights violations.

## What we do

### INFORMING WORKERS ABOUT THEIR RIGHTS

Given the isolated nature of agricultural work and the fact that many workers have few transportation options, KLO conducted nine site visits to the field, visiting almost 200 workers on site to distribute information and answer questions. We also provided online labor rights information in English, Hebrew and Thai on our Facebook page with 16,000 followers, informing workers about their rights and current legislation affecting them.

Many employers do not offer proper safety protections or training to workers, especially regarding

# Agriculture

work at heights, pesticide application, tractor operation and power tool usage. Through funding from the Manof Foundation, KLO developed a video and handouts in Arabic, English, Hebrew and Thai on proper safety procedures and worker rights regarding safety. We have **trained over 750 agricultural workers**, mainly Thai migrant workers and Palestinians, on proper safety protections at work and their right to safety in the workplace.

## DIRECT ASSISTANCE

In 2019, KLO assisted over **600 migrant workers** in accessing their labor rights through individual and online consultations, advocacy with employers and legal representation in court. As a result, over **1,238,872 ILS** in owed wages and benefits were returned to agricultural workers.

We also identified **35 survivors of trafficking**, largely in the agricultural sector. After conducting an interview with workers, KLO refers those individual cases we deem to meet trafficking criteria to the police for further investigation. We refer individuals who are officially designated as trafficking survivors to Israel's shelter for trafficking survivors, which provides housing and psychological assistance.

Our work to address trafficking, however, has revealed very poor follow up by the police in conducting needed investigations. We will continue to monitor this situation and consider taking legal action to push for change if needed. Please see section on trafficking for further information.

## ADVOCACY WORK

**Addressing the lack of a deposit fund.** Unlike other labor market sectors for migrant workers, agricultural workers are not provided with a deposit fund. As a result, many workers have to fight their employers to obtain pension and severance benefits owed them once they finish employment, or return home without these earnings. In June of this year, KLO submitted a petition to the High Court advocating, among other things, for the establishment of such a fund for migrant agricultural workers to protect their right to social benefits.

**Improving unsafe work conditions in times of conflict.** Many workers in the South are not

*Our official complaint to PIBA in June regarding security issues for migrant workers placed on farms near the Gaza border included affidavits from several workers willing to include their names and stories as evidence for the complaint. One such worker was "K," a Thai agricultural worker in his 40's who had been working in Israel since 2014. He had worked mostly in the south of Israel except for one nine-month period. He described to KLO that he had attended a training in Thailand where the security situation was explained in general terms, but he had no idea that he would be working right on the Gaza border. When he arrived, the other workers on the farm explained that if he heard a siren while in the orchards, from where the Gaza fence was visible, he should lay on the ground under a tree or hide, as this meant that rockets could start falling. In the affidavit, he described that there were no safe, readily accessible shelters available to workers on the farm. He also related that no one explained the current safety situation*

**Continue to the next page>>>**

# Agriculture

given sufficient information and guidance during escalations in conflict between Israel and Gaza and are sent to the field to work under dangerous conditions, such as rocket fire. KLO presented on this issue to members of the Knesset Finance Committee and submitted an official complaint to PIBA in June of 2019. During the escalation in conflict again in November, KLO provided safety updates through our Facebook pages and publicized the issue through a radio interview. Following this, PIBA sent letters to all employers of migrant workers, informing them of their obligations to update workers during conflict situations and provide them with safe work conditions, including access to shelter. We continue to monitor this situation and advocate for change.

## **Addressing questionable visa use.**

KLO is monitoring and advocating against the fraudulent use of student and volunteer visas to bring individuals, largely from developing countries, to Israel for work as a way of bypassing the fair recruitment of workers through bilateral agreements. We interviewed and, where relevant, provided legal representation to individuals on these visas who found themselves in abusive work conditions. For example, students approached KLO regarding exploitative work arrangements in a work/study program run in cooperation with the University of Tel Aviv and KLO demanded that the program be stopped in February 2019. After completing an internal review committee process, the University concluded that the program was indeed improper and officially closed it in December.

In addition, in August of this year, KLO advocated for PIBA to stop the issuance of volunteer visas in agriculture until clearer oversight of this process is instituted. We followed up with a Freedom of Information (FOI) request to discern how the volunteer visa track is being utilized. An initial review of data provided by the state in response to the FOI request shows a growing trend in which volunteer visas are disproportionately issued to individuals from developing countries, such as India. KLO is considering next legal advocacy steps in addressing this situation.

**Improving access to holidays.** KLO advocated with the Ministry of Labor Ombudsman for Foreign Worker Labor Rights to address the fact that while migrant workers are entitled to choose 10 holidays from their own tradition, our work with Thai agricultural workers shows that

*in real time to the workers—they were not told when it was dangerous and when it was not. “We only understood this from the sirens. That’s it.” He reported to KLO. “Our employer sends us to work as usual during these times—even when there are sirens all day. We think that maybe it’s our right to not work exposed in the orchards when there are sirens. But, there’s nothing to do. The manager says to work and we work. On occasions when I asked, in the name of my co-workers, why we are sent to the field when there are rockets, I was told ‘ata balagan’ [you’re trouble]. I understood from this not to make trouble. We are also told ‘no work, no money,’ meaning that if we don’t go to work, we won’t get our salaries. Yesterday, on the 12th of November, while hundreds of rockets fell near the Gaza border, we worked a full day as usual. It was the same in May and all the other occasions when there were rockets. Also, when the orchard was on fire from the rockets, we took water hoses and put out the flames. This happens not once, but what can we do?”*

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they are not provided with this option in most cases and are only given four Thai holidays a year, often unremunerated.

**Advocating for access to healthcare services.** Many migrant workers have reported to us that they lack access to healthcare benefits and this spring we partnered with Physicians for Human Rights (PHR) to research this issue further. We posted a survey in Thai asking workers about their experience utilizing healthcare services and over 130 workers responded. Their answers revealed many gaps. For example, all Thai workers are supposed to receive copies of their insurance plans, which are to be translated into their native language. However, only 7% of survey respondents had a copy and only 27% of those who were aware of their plan said it has been translated into Thai per the law. KLO, together with PHR, will publish a report summarizing the survey results and make policy recommendations for changes.

**Media advocacy.** KLO actively reached out to the media and contributed to 12 articles about migrant workers over the course of 2019. This media coverage helped to highlight key issues facing agricultural workers. For example, an [article](#) published in Haaretz highlighted the government's refusal to implement the deposit fund for migrant workers in agriculture, despite its approval by a Knesset vote. The article highlighted the intent of KLO and the IDC Legal Clinic to serve a petition in the High Court of Justice if the deposit fund was not implemented, which we followed through on this summer. On November 14, KLO's agriculture project coordinator was [interviewed](#) on Galatz Radio regarding the unsafe conditions faced by agricultural workers in the South during the escalation in conflict between Israel and Gaza and the government's lack of response to this situation. The interview helped to mobilize the Population and Immigration Authority (PIBA) to reach out to all employers by letter, reminding them of their obligation to provide shelter for their workers and keep them informed of deterioration in the security situation.

**Mainstreaming labor rights.** KLO conducted outreach, training or advocacy with key stakeholders such as the Director of the National Anti-Trafficking Coordination Unit at the Ministry of Justice, the Kibbutz Movement (Tnuat HaKibutzim), Beit Shemesh police academy, the Ministry of Labor, the Public Defenders Office and other agencies to raise awareness of key issues related to labor rights of agricultural workers.

# Caregiving



## Who we help

- Migrant caregivers 68,978 (57,201 documented workers and 11,777 undocumented) from around the world, largely South and Southeast Asia and Eastern Europe. The largest number of caregivers (roughly a third) come from the Philippines.

## The Issues

Caregivers report a variety of infringements of their rights, starting with the recruitment process in their home country in which they are often required to pay high brokerage fees (in the thousands of dollars) in order to work in Israel. The recruitment fees they incur, combined with strict regulations on changing employers all make caregivers reluctant to report problems or try to change positions for fear of losing their visa and thus access to employment.

Their vulnerability is further deepened by the fact that they live in private homes with their patient and have few safeguards for their privacy and wellbeing. Working round the clock, six days a week (many times seven) they are the primary caretaker for their patient. Family members can start to view a caregiver as “family,” which in problematic situations can further erode a caregiver’s privacy and labor rights and make it harder for caregivers to report labor rights violations. Language and cultural barriers further compound the situation. At the same time, caregivers face restrictions on their own right to family life. They are not allowed to bring their children with them to Israel, and if they give birth here, their children must return home within a proscribed period of time. State regulations also prohibit caregivers from forming romantic relationships with other migrant workers.

Common labor rights violations we often see with caregivers include: non-payment or partial-payment of salary and benefits, difficulty accessing maternity leave and time off in their home countries, unjust deductions and fines from their deposit accounts, lack of access to proper healthcare services if they lose their ability to work, visa renewal problems in cases of false complaints from employers, sexual harassment or sexual assault and trafficking. Placement agencies are supposed to provide support to the caregivers registered with them if they face problems on the job; however, in most cases, they prioritize their relationship with the patient and his/her family.

## What We Do

### INFORMING WORKERS ABOUT THEIR RIGHTS

KLO has helped to foster a sense of community and empowerment among caregivers through our two Facebook pages, one in English and one in Russian, which together reach over **53,000 followers**. These pages offer a forum for individuals to obtain critical information about their labor rights as well as governmental policies and regulations relevant to them. The pages offer updated informational posts that reach thousands of individuals, making KLO’s Facebook presence a central and unique source for news in the field.

In addition to Facebook, KLO offers a variety of ways for caregivers to access information on their labor rights, including our website, email, WhatsApp, and the KLO hotline. KLO also publishes

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**brochures** on caregiver labor rights **in seven different languages** online and in hard copy. On average, the KLO caregiver team fields approximately **1,800 requests for assistance each month** – mostly from caregivers, but also from employers and agencies

## DIRECT ASSISTANCE

KLO provides support to caregivers online as well as via weekly, in-person reception hours in Haifa and Tel Aviv. In 2019, KLO **opened 2566 cases** for on-going individual assistance to caregivers, **resolved 1111 cases**, and **returned over 20,200,000 ILS** in illegally withheld wages and benefits. In addition, over **50 cases were filed in court** addressing non-payment of wages, firing during pregnancy, violence in the workplace, sexual harassment among other labor violations.

## ADVOCACY WORK

### Promoting bilateral agreements.

KLO's twelve-year long petition to the High Court of Justice (HCJ) against brokerage fees in the caregiving sector was successfully resolved by the HCJ in December 2018, following the establishment of a bilateral agreement with the Philippines, which is in the process of being rolled out. It has been delayed, however, as Israeli recruitment agencies have filed a petition against the agreement—KLO is one of the respondents in this petition. In the meantime, KLO continues to advocate for the adoption of bilateral agreements in caregiving with key Israeli stakeholders as well as foreign embassies. While the agreement with the Philippines is a positive step, Filipina workers constitute only 37% of all caregivers, which leaves most workers with no agreement to regulate their employment. Positive steps toward closing this gap emerged in early 2020. The Ministry of Interior signed a bilateral agreement with Sri Lanka in the beginning of the year (it is not yet ratified) and is



### Anita (at left) together with KLO Project Coordinator Meytal Russo.

*Government regulations heavily restrict the personal lives of caregivers as well as their mobility—both moving between employers here in Israel and traveling back and forth between Israel and their home country. One caregiver, Anita, came to KLO to ask for assistance in visiting home as she was very worried about her husband who was gravely ill in India. Since she was in Israel more than 51 months, she was characterized as a “reliever” (someone who steps in to cover for another caregiver who is on vacation) and therefore was not allowed to take time off to go home and re-enter Israel. KLO was not hopeful in being able to help her as these cases are very difficult, but we promised to try. First, we helped her coordinate with a manpower agency, which had an opening and agreed to sign a letter confirming they would hire Anita upon her return. With this in hand, KLO’s caregiving project coordinator began advocating at multiple levels within PIBA, eventually working up to the Deputy Legal Advisor of PIBA to push for Anita to obtain a re-entry visa. During this whole process, Anita’s husband passed away and she was seeking to make it home in time to attend his funeral. Eventually, she was allowed to go home for 28 days to attend the funeral, spend time with her children and then return to work in Israel.*

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negotiating a bilateral agreement with Moldova as well.

**Advocating against garnishing deposit accounts.** The state regularly penalizes migrant workers who overstay their visas by reducing the amount they are able to withdraw from earned pension and severance funds in their deposit accounts or denying them access to their deposit account. Many workers have legitimate reasons for overstaying their visas, such as waiting for the state to process their new visa, and thus are unfairly punished by this law. In July, KLO submitted a petition to the District Court advocating against the state's actions in this regard. The petition argues that workers have a right to the social benefits they have earned and there is no causal link between their overstaying their visa and the penalty enacted on their deposit funds. KLO also regularly advocated with governmental bodies regarding individual cases in which caregivers' deposit accounts were garnished. We have been successful in returning the funds to caregivers in most cases, even after the caregiver has left Israel.

**Advocating for access to healthcare.** 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 addition, caregivers are not automatically provided insurance continuity when they change employers, lack mental health coverage, have many coverage exemptions and face challenges in getting medical coverage for injuries sustained in car accidents. KLO is monitoring an ongoing petition we submitted in 2006 to the HCJ to ensure that healthcare arrangements of migrant workers more closely resemble those of Israeli citizens as ruled by the court in 2014. As a result of this petition and a subsequent one filed by KLO, caregivers who lose their ability to work for 90 days or more are now eligible for a one-time compensation of 80,000 ILS by their health insurance company after they leave Israel—as long as they have lived and legally worked in Israel more than 10 years. KLO has helped many caregivers access this one-time benefit in recent years.

**Improving quality of life.** Every week KLO advocates on a variety of individual cases for caregivers, helping them to access maternity leave, to return home to give birth, to visit families at home in emergency situations, and to return home for needed medical procedures among other issues as illustrated in Anita's story highlighted on the previous page.

**Mainstreaming labor rights.** KLO plays an important role in awareness raising and advocating with governmental bodies, NGOs and manpower companies regarding the labor rights of caregivers. KLO routinely advocates with governmental bodies responsible for the oversight of caregiver employment in Israel, such as the Ministry of the Interior, including PIBA, the Ministry of Justice, the Ministry of Labor, the Commissioner for Equal Rights of Persons with Disabilities and the Public Defender's Office. We regularly field questions from employers and manpower companies regarding the rights of caregivers as well as from community activists and NGOs.

**Media advocacy.** KLO actively reached out to the media and contributed to seven [articles](#) specifically on caregivers and several other articles on migrant workers in general in Israel. Our media outreach, such as a Haaretz article published to coincide with International Women's Day, helped to highlight the many labor rights violations faced by caregivers, particularly their vulnerability to sexual assault and harassment on the job and the lack of policies to address this issue.

# Construction



## Who We Help

- Palestinian Workers from the West Bank (approximately 70,000)
- Migrant Workers (27,000)
- Israeli citizens 208,000 (half of them Palestinian citizens of Israel)

## The Issues

The construction sector in Israel remains the most dangerous for workers, with mortality rates more than double those of the OECD average and growing each year. In 2019 alone, there were 244 accidents leading to 47 fatalities on construction sites across Israel. This is compared to 208 accidents and 39 fatalities in 2018 and 264 accidents in 2017 with 36 fatalities. Migrant workers, Palestinian citizens and Palestinians from the OPT are disproportionately represented in construction sector injuries and fatalities: 80% of those killed in accidents are non-Jews, while they represent only 65% of the workforce. Despite their higher mortality rates, Palestinians and migrant workers are among the least protected in the event of work injury and face significant hurdles obtaining workman's compensation among a host of other labor rights violations (see section on trafficking).

Factors such as poor transparency on the part of governmental agencies, an endemic disregard for the welfare of workers and lack of investment in safety on the part of construction companies contribute to trends of increasing mortality rates. Racism and discrimination also play a role as the majority of those killed are non-Jews. Thanks to public pressure galvanized by the advocacy efforts of KLO and other organizations working on this issue, a series of agreements were made between the Histadrut and governmental agencies in the fall of 2018, which promised a sea change in construction safety. Despite these landmark agreements, many of the proposed changes remain in their infancy and inadequate, while many others have not been initiated over one year later.

## What We Do

KLO's policy work to improve safety standards in the construction sector focuses on monitoring and systems level advocacy. The lack of a government for virtually all of 2019 created a particularly challenging environment, as political institutions were at a virtual standstill. There were almost no Knesset hearings scheduled on construction and policymakers were hesitant to make any commitments given the uncertain political environment. During this time, KLO played a key role in monitoring the rollout of the 2018 agreements with an eye toward gauging progress, holding state and construction contractors accountable and identifying key areas needed for advocacy efforts.

### **INFORMING WORKERS ABOUT THEIR RIGHTS**

KLO provides online labor rights information relevant for construction workers in Arabic, English, Hebrew, and Chinese on our website and provides posts regarding government policies on our

Facebook pages in Hebrew and Arabic with over 6,500 and 12,200 followers respectively. Additionally, we have published over 80 Facebook posts keeping the public updated on issues related to construction sector safety.

## **MONITORING OF CONSTRUCTION SECTOR SAFETY ISSUES**

KLO is one of the main sources of information on issues related to safety in the construction sector. Our extensive monitoring work highlights the root causes of accidents, names companies with the worst safety records and evaluates the effectiveness of governmental efforts to improve safety. These monitoring efforts provide critical transparency regarding construction sector safety for civil society actors, the media and the public. Analyzing this data provides direction for KLO's advocacy efforts.

We continued to maintain an online, monitoring database which documents the results of KLO's investigation into all 244 construction sector accidents in 2019, reporting on important details for each one, including: level of injury, accident site, accident cause and construction company managing the site, among other issues. We published the name and picture of each worker killed to share the human impact of construction sector negligence. Every accident recorded was reported to the Ministry of Labor's Safety Administration and their response was monitored to track whether fatal or severe accidents did lead to site closures as required now by law.

In addition to monitoring each accident, KLO also monitored governmental efforts to improve safety. We have learned that simply responding to safety problems once they are visible and made

*An independent evaluation of KLO's recent project "Building Alliances for the Rights of Construction Workers" funded by the European Union noted the tremendous impact of KLO's monitoring and reporting efforts as illustrated in the voices of journalists and political actors.*

*"I did a few articles [before the project]. It was very hard to find information. The Ministry of Labor would forward something, but it was very hard to figure out what's there with no names and no dates ... [KLO] did a systematic collection and the information they provide is a lot more accessible than that of government ministries" [Journalist]*

*"When it comes to construction it is just a lot- of work to collect all the information ... in this process [finding out information about the details of an accident] we very much rely on civil society organizations ... If I had to do it myself, I wouldn't be able to do it in a serious manner." [Journalist]*

*"KLO are very careful ... We, as journalists, cannot trust all the information that reaches us, but, as we see it, information from KLO is checked and credible." [Journalist]*

*"I received reports that systematically monitor policy, it was important for me to hear what they have to say. I used their website regularly for data about accidents ... as well as their regular reports." [MK Assistant]*

public is not enough to hold the authorities accountable and enact real, sustainable change. KLO has taken a lead role in investigating and exposing the root causes of safety infractions within the inner workings of the government that continue to serve as roadblocks to reform. Analyzing data gained through Freedom of Information (FOI) requests revealed that construction accident cases are not investigated and prosecuted at anywhere near the appropriate level by the Office of the Attorney General, the police, the Ministry of Labor or the police's national investigative unit Peles . The latter was formed at the end of 2018 following KLO advocacy on the need to form a unit dedicated specifically to investigating work accidents involving serious injury that may meet criteria for a criminal offense. Ministry of Labor and local and regional police are responsible for investigating other accidents and safety offenses.

Data obtained by KLO covering 2016 to 2018, revealed that despite a 77% increase in the number of construction accidents documented by the police compared to the years 2011-2015, the rate of criminal investigations by the police actually decreased. The police completed criminal investigations in only 30% of accidents involving suspicion of death due to negligence (at total of 38 cases). Eight of these 38 cases transferred to the State Attorney's Office for processing had already been shelved on the grounds of "lack of evidence" at the time of KLO's FOI review. We also noted that the Peles unit, which went into action in 2019, only concluded four investigations during the course of the year.

KLO will continue to focus on key areas for reform in improving the investigation and prosecution of construction accidents, particularly those leading to fatalities. A key area of focus is monitoring the Ministry of Labor, which has been given the mandate to hire an additional 60 inspectors to expand inspections and investigations. KLO has submitted a FOI request to obtain further information on the Ministry's process of hiring these new inspectors and roles to which they are assigned. Given the persistent lack of progress in investigations, KLO is likely to submit a High Court petition to address the issue. This petition would follow on the heels of our petition on the same issue in May 2018, which was dismissed by the Court at the end of January in 2019 with the formation of the Peles Unit and the promise to add another 60 Ministry of Labor inspectors. However, the unit does not seem to be working effectively and neither does the Ministry on the issue of hiring.

## **ADVOCACY WORK**

KLO conducts broad-based efforts to improve safety in the construction sector through engaging the media as well as conducting legal and policy advocacy. In addition to improving the overall legal, policy and legislative framework for safety standards in the construction sector, KLO's work helps to promote social change by introducing shifting norms around safety and regard for the lives of workers, particularly Palestinian citizens of Israel, Palestinians from the OPT and migrant workers who are disproportionately affected by the sector's negligence in enacting safety standards.

**Publication of safety orders.** In April 2019, in response to KLO's petition, the High Court ruled that the Ministry of Labor is required to publish all safety and closure warrants issued due to safety failures, including details informing both workers and the public of which underlying safety issue was found at fault. All closures are to be published on the authority's website immediately

after the warrant is issued and postings about the closure are to be made available in different languages on site as well. This ruling is important in keeping the public informed on safety issues, but is also significant as the court both acknowledged KLO's work to advocate for this issue and also reiterated the importance of the state itself taking responsibility for implementing and enforcing safety measures.

However, KLO's monitoring work has revealed that safety orders are not being implemented effectively. They are not published on time and often do not include the full information needed for workers to understand the true nature of safety hazards on the site where they are working. KLO provided analysis of this issue and its impact in a formal letter of complaint to the Ministry of Labor and is tracking this closely to determine whether we will again need to take legal action on this issue.

**Policy papers and reports on key safety issues.** KLO published several reports this year, which served as the basis for media articles on construction sector reforms as well as policy advocacy. At the start of the year, we published a report summarizing construction sector accidents and safety issues for 2018. In addition, we issued a report which detailed, line by line, progress in the implementation the Histadrut agreements six months after they were signed as well as overall safety trends in the sector. At the one-year anniversary of signing the agreements, we summarized the results and shared it with media. Globes published the report's findings, which highlighted the lack of progress achieved in changing overall trends in sector accidents. Another report, published this summer, highlighted safety issues in the sector in the first six months of the year, including the government's use of safety orders. We also published a report naming those construction companies/contractors with the worst safety records. KLO's reports serve to analyze trends and point to issues that must be addressed in the overall policy, regulatory and legal framework of the construction sector as well as in government enforcement efforts.

**Media advocacy** KLO's monitoring efforts, investigative work and overall policy analysis serve an important role in keeping the public and civil society actors informed on the status of construction sector safety—both progress made and key issues that still need to be addressed. We work closely with the media to disseminate this information, providing transparency on the overall reform process and fostering momentum for the implementation of further reforms. Keeping the public engaged and informed has been central to fostering change. In fact, public pressure played a key role in prompting the Histadrut to threaten a strike if conditions were not improved, which led to the signing of the agreements with the government in 2018. During the course of 2019, KLO contributed to more than 130 media pieces, an average of 1-2 articles per week, in leading media outlets about worker safety conditions in Israel. Some key issues highlighted in the press are described below.

- KLO fostered press coverage, such as this January [article](#) in Haaretz, highlighting new regulations stipulating that contractors whose construction sites were issued two or more closure orders a year would no longer be eligible to participate in government tenders. Prior to this, there had been no restrictions for such contractors regardless of the number of workers killed on their sites. This [article](#) in Kan (Here) in June publicized the first time a construction company had been designated as banned from the list of contractors eligible to bid on government projects.

# Construction

- In March, KLO worked to expose the failure of the Peles Unit to investigate accidents, contributing to several media items on the issue including in [Calcalist](#) and [Haaretz](#) and [Globes](#).
- [Haaretz](#) published an article highlighting the successful resolution of KLO's HCJ petition on safety orders and the judge's ruling that contractors are responsible for posting information in real time regarding safety hazards identified on construction sites. This was important for keeping the public informed on this issue and increasing transparency regarding the government's responsibility to promote better safety standards.
- We reached out to the media with our findings regarding the lack of investigation and prosecution of safety violations by the State Prosecutor's office and the Office of the Attorney General. The results of our investigation were highlighted in a front page [article](#) in Haaretz and also in an [article](#) in the newspaper's English language edition in June and [broadcast](#) as part of the main news edition of the TV channel Kan (Here) in September.
- [Haaretz](#) highlighted the findings of KLO's semi-annual report, including the fact that 850 contractors had been issued safety orders, but only three were punished.

# Housecleaners



## Who we help

- Migrant workers (documented and undocumented)
- Israeli citizens
- Refugees and asylum seekers

## The issues

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 housecleaners are only entitled to their hourly wage, which is typically 50 ILS per hour.

In light of this, when workers come to us, it is often at times of crisis or after dismissal. 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.

*S., an immigrant from an African country, came to KLO after she was fired from her housecleaning job when she found out she was pregnant. The KLO team managed to secure her return to work. However, her pregnancy was a difficult one and her son was born prematurely, which meant that she had to be hospitalized for longer than expected following the birth. She returned home following the hospitalization and, as is typical, took time off initially to care for her son and then returned to work. KLO asked her employer for compensation for maternity leave, as required by law, since she needed time to take care of her newborn child. Initially, the employer refused to pay all of the rights for which she was entitled due to her lengthier hospitalization. However, KLO managed to show that her absence from work was justified and eventually she received everything she was due.*

## What We Do

### INFORMING WORKERS ABOUT THEIR RIGHTS

KLO manages a Facebook page for Housecleaners with over 4,200 followers and regularly provides updates on laws and regulations relevant to housecleaners. The team fielded almost 400 requests for information during 2019. In addition, KLO provides brochures on labor rights information relevant for housecleaners in Hebrew, Arabic, English and Russian on our website.

### DIRECT ASSISTANCE

This is a very small program in terms of staffing—only one part-time staff member and 5 part-time volunteers—which makes the numbers they have been able to achieve quite impressive. The team hosts in-person reception hours in Tel Aviv once a week through which they **opened 949 cases, closed 534** and **returned over 3,196,000 ILS in owed salary and benefits** for housecleaners. Additionally, **eight lawsuits** were filed.

# Israeli Citizens



## Who We Help

- Israelis earning less than NIS 6,500 a month, mainly from minority groups, including immigrants from the former Soviet Union, Ethiopian Israelis and Palestinian citizens of Israel.

## The Issues

Economic disparity continues to widen in Israel, leaving large gaps of income inequality and the risk that vulnerable communities will be left behind. KLO's work targets these marginalized workers—those facing barriers to full participation in the labor market based on language, gender, religion and race. While programs to integrate Palestinian citizens, Ethiopian Jews and other vulnerable workers into the workforce are becoming mainstreamed, without protecting the labor rights of these workers, and specifically the most marginalized among these workers such as women, the odds of wholesale improvement of their economic standing remain slim.

Central to addressing the lack of equal access to opportunity is improving legislation to deal with exploitative employment models emerging in Israel. Israeli labor law was written to protect the rights of workers in a traditional employment model, in which the employee was directly hired by the employer and usually remained at the same firm, often full-time, for much of their career. Increasingly, this model has been replaced with indirect, third-party contractual labor and part-time or irregular employment—approximately a third of Israeli workers are employed as hourly workers.

Israeli labor code has not kept up with the increasing rate of change, leaving many workers vulnerable to unstable schedules, seasonal termination as well as regular violations of social rights and other labor rights abuses. Vulnerable populations, such as new immigrants and Palestinian citizens, may find themselves particularly vulnerable due to factors such as discrimination, limited fluency in Hebrew and lack of job opportunities. Many are forced to work in the informal sector as a result. In addition, the pension system presents consistent problems and elderly workers on the verge of retirement may have difficulty understanding pension rights. KLO seeks to expand our policy work to address these issues.

### INFORMING WORKERS ABOUT THEIR RIGHTS

KLO supports Israeli workers in understanding their labor rights through a variety of means. We publish “know your rights” brochures in Hebrew, Arabic and English to educate workers on Israeli labor law. In addition, we host a Hebrew language Facebook page with over 15,000 followers and an Arabic language page with over 10,000, which offer updates on regulations and policies and provide workers with a forum to ask questions and share experiences. KLO also provides support to workers via email, WhatsApp, and the KLO hotline. On average, the team fields approximately **550 requests for assistance each month.**

In addition, KLO held four trainings on labor rights for the NGO Salait, which supports former sex workers, on issues pertaining to their labor rights. KLO also regularly provides training on labor rights to community groups in the greater Haifa area.

# Israeli Citizens

## DIRECT ASSISTANCE

KLO provides in-person reception hours for Israeli workers in Hebrew, Arabic as well as English. During 2019, KLO opened more than **200 cases, closed 199 cases and returned over 1,347,000 ILS to Israeli workers.** KLO also handled over 20 lawsuits on a range of labor rights issues.

## ADVOCACY WORK

**Labor rights violations of subcontract employment.** In December 2019, KLO wrote a position paper and joined an existing petition in Labor Court addressing the situation of workers hired as subcontractors—often subcontractors of subcontractors. KLO will present the court with a clear picture of what it means to allow this sort of employment chain and ways employers are using it to avoid paying benefits and fulfilling their responsibilities toward workers—as highlighted in the case of the Ethiopian workers described in this section. We will also underscore ways this employment chain is affecting not only Israeli citizens, but also asylum seekers for whom this kind of employment is also very common.

**Fighting discrimination.** KLO won an important lawsuit in the fall of 2019 regarding discrimination in the workplace. We represented a female Palestinian citizen Israel who brought a case against a dental clinic, which had refused to hire her as a doctor since she wears a hijab. The clinic manager was recorded telling the doctor that, while she made a positive impression, clients would not want to be treated by her given her hijab. The court ruled that such practices are discriminatory and ordered the clinic to pay her 40,000 ILS plus 10,000 ILS in legal expenses.

*Seven workers, all Ethiopian immigrants, traveled as a group more than an hour to Kav LaOved's Haifa office from their home in Afula, bringing along their community worker who helped to translate. They all had labor complaints against their cleaning company employers. Four of them were mothers seeking to support their children and family and the other three workers were elderly men, close to 80 yo, who were forced to work due to their impoverished status.*

*KLO was quickly able help the women who were fired without compensation. Their employer had lost his contract to provide cleaning services at a factory after an employee sued him, and the factory, for violating her labor rights. Once he received KLO's letter demanding he reimburse the four women per collective agreement requirements, he contacted the workers and offered to pay the balance owed them.*

*The elderly men were not so lucky. Their cleaning company employer, who provides services to the Afula municipality, continues to avoid payment of owed wages and benefits. The company has even refused to take the time to pull up the salary slips they provided to the workers, demanding that KLO provide them with this information. We will stay on the case and hold them accountable so that these elderly men receive their due wages and benefits.*

# Israeli Citizens

This is the first time an Israeli labor court has awarded compensation to a woman who was not hired due to wearing a hijab.

**Media advocacy.** Over the course of the year, KLO contributed to five articles in the press regarding challenges Israelis, particularly Palestinian citizens of Israel, face in the labor market. An [article](#) published in Haaretz in September (see [here](#) for English) highlighted the discrimination case described above. Articles such as this are critical ways for KLO's legal work to support social change for Palestinian citizens, women and other minorities in Israel by informing the public of new legal precedents that set the tone for more inclusive and fair labor market conditions.

# Labor Trafficking



## Who We Help

- Migrant workers with permits (approximately 100,000: 57,000 in caregiving, 15,000 in construction, 23,000 in agriculture and 6,000 with expert visas)
- Migrant workers without legal status (approximately 75,000)
- Refugees and Asylum Seekers (33,000—largely from Eritrea and Sudan)
- International Students and Volunteers (approximately 4,000 students and volunteers estimated in the hundreds)

## The Issues

Israel is a destination country for victims of labor trafficking from Thailand, Turkey, China, the Philippines, India, and Serbia among other countries. However, despite increasing reliance on migrant labor across a variety of sectors, the state has failed to establish anti-trafficking prosecution, protection and prevention measures based on accepted international standards. There is a pervasive lack of commitment to prosecuting trafficking cases. While Israel employs almost 180,000 migrant workers, there is no trained police unit to address trafficking (the unit was disbanded in 2011) and at present there is **only one police officer** tasked with the specific role of addressing human trafficking for the entire country. Local police lack awareness of how to identify cases of trafficking, especially outside the realm of sex trafficking, and have demonstrated little interest in addressing the plight of non-Israeli workers who have approached them with claims of work conditions suggesting trafficking. As a result, there were **zero convictions** during 2019 and only one prosecution for trafficking despite over 35 trafficking cases, mostly in agriculture, referred for investigation by KLO alone. Our experience and that of other civil society actors shows that the police virtually never investigate cases referred to them and, in fact, **since 2014 there has not been a single case filed for exploitation of a non-Israeli worker.**

The lack of investigation and prosecution of trafficking cases is particularly concerning given the government's endorsement of migration programs and policies that put workers at risk by creating employment structures and mobility restrictions that include trafficking elements and foster exploitative work conditions. For example, new employment patterns such as the misuse of the student and volunteer visas to bring in migrant agricultural workers or the expert visa to bring industry workers have led to numerous survivors of trafficking identified by KLO and other civil society actors. In addition, nearly half of all non-Israeli workers are tied to their employer due to restrictions associated with their visa and regulations that reduce their mobility. An estimated **one third** of all non-Israeli workers were forced to pay illegal and excessive brokerage fees in exchange for their visas, which also bind them to employers for up to three years as they work to repay money borrowed. Thus, the lack of prosecution and prevention measures enacted by the state leave non-Israeli workers largely unprotected from the crime of trafficking. Given trends toward further reducing labor rights of non-Israeli workers, combined with their increasing participation in the labor force, the scale of trafficking will likely only increase.

# Labor Trafficking

## What We Do

### IDENTIFYING TRAFFICKING SURVIVORS

KLO is one of the main civil society actors identifying trafficking survivors in Israel. During the course of 2019, we interviewed and identified 35 survivors of trafficking, mostly in agriculture with a few cases in the construction and caregiving sectors as well. After determining that these workers meet criteria for trafficking, KLO refers their cases to the police for further investigation and prosecution. We refer eligible workers (those who are officially designated as trafficking survivors) to Israel's shelter for trafficking survivors, which provides housing and psychological assistance.

### AWARENESS RAISING

KLO provides public lectures and sits on the inter-ministerial taskforce on trafficking to promote awareness among key civil society and governmental leaders on the issue of trafficking. KLO

advocate is also a key contributor to the US State Departments Trafficking in Persons (TIP) report for Israel and regularly consults on the issue of labor trafficking.

### ADVOCACY WORK

Working across various sectors, KLO works to address employment practices and policies that place workers at risk for trafficking.

**Addressing volunteer and student visa misuse.** KLO is monitoring the use of student and volunteer visas to bring individuals, largely from developing countries, to Israel for work in agriculture as a way of bypassing bilateral agreements. We provide legal representation to individuals on these visas who find themselves in exploitative conditions and have referred multiple cases to the police for further investigation of trafficking, as noted above. KLO has also advocated for PIBA to stop the issuance of volunteer visas in agriculture until clearer oversight of this process is instituted and we have followed up with a Freedom of Information (FOI) request to

*T., a Thai agricultural worker, called us from his hospital bed following spinal surgery. A police officer had noticed him in the hospital and, after hearing his story, suggested he call KLO for help with this situation. He had entered Israel in 2005, before the 2011 bilateral agreement, and had paid 260,000 Thai Baht in brokerage fees. He had a work visa for his first few years, but unbeknownst to him his visa was not renewed. Since 2015, he had thus been working for a farmer who only employed workers without visas. This employer housed him in a locked tractor shed and prohibited him from moving around in public areas. His two square meter room was shared with two other workers and was unsafe to access. He was injured after falling from an unstable staircase at night in this confined space. He was taken to the hospital after someone found him lying unconscious at a gas station where his employer had left him to die. After he contacted us, KLO arranged to take his affidavit and advocated for the police to investigate his case and recognize him as a trafficking survivor. Once he was officially recognized, KLO was able to transfer him to Israel's shelter for trafficking survivors where he received psychological support and housing.*

# Labor Trafficking

discern how this visa track is being utilized. An initial review of the data shows a growing trend in which a disproportionate number of volunteer visas are issued to individuals from developing countries. KLO is considering next legal advocacy steps in addressing this situation.

**Addressing abuse of the expert visa track.** The manufacturing sector is under heavy pressure to recruit new migrant workers, and, in the meantime, the expert channel serves as one of the main routes for bringing workers to this sector. The number of experts recruited to Israel has risen sharply: in 2010 there were 1,600 experts, most of them from Western countries. By 2019, the number reached 6,700 experts (itself an increase of 1,000 workers from 2018), the vast majority of whom were from developing countries. Workers arriving on expert visas are tied to their employers by nature of their visa. Existing regulations do not generally allow them to change employers even in cases of fraud. Even where a legal procedure allows them to legally switch employers, a change is very difficult in practice. In addition, KLO interviews with dozens of workers on expert permits revealed that they had all paid excessive brokerage fees between \$16,000 and \$30,000.

KLO issued a position paper on problems associated with the expert visa to an inter-ministerial committee. In addition, in mid-July KLO advocate appeared in a hearing in the Appeal Tribunal, which handles labor cases pertaining to foreigners in Israel, to present a case for a group of individuals from India brought to Israel on an expert visa. The three workers (part of a larger group of 150 workers from developing countries) were targeted by a recruitment company who defrauded the workers, placing them in a dire economic situation in Israel without the ability to buy food or clothing and struggling to find employment to repay the \$18,000 in brokerage fees they had paid. At the end of July, the court issued a judgement, which criticized the Ministry of the Interior for failing to monitor the phenomenon of brokerage fees and granted the workers general B-1 visas allowing them to work in Israel without being tied to the expert designation or a particular employer. Granting of B-1 visas in this manner is extremely rare and points to the court's acknowledgement of the dire situation faced by these workers.

**Promoting bilateral agreements.** KLO has actively promoted the development of bilateral agreements in caregiving to improve conditions for workers and reduce the payment of brokerage fees which lead to debt-bondage for the majority of Israel's 57,000 caregivers. Despite being the largest employer of migrant workers, this sector is the only one with no bilateral agreements to date. Our twelve-year long petition to the HCJ against brokerage fees in the caregiving sector was finally successfully resolved by the High Court in December 2018, following the establishment of a bilateral agreement with the Philippines, which is in the final stages of being rolled out. Additional agreements are in process with Sri Lanka and Moldova. KLO continues to advocate on this issue in the caregiving sector through meetings with key Israeli stakeholders as well as foreign embassies. While the agreement with the Philippines is a positive step, private caregiving agencies have issued a petition against the agreement with a hearing set for June 2020. Moreover, it is the only bilateral agreement currently in progress and Filipina workers constitute only 37% of all caregivers, which leaves most workers with no agreement to regulate their employment.

**Protecting foreign construction company workers.** An estimated 5,000 migrant construction workers (KLO has submitted an FOI request to confirm the number) arrive to Israel under the auspices of a company from their home country, which has been vetted by the Israeli government to bid on and implement construction projects in Israel. This arrangement allows companies,

# Labor Trafficking

called chevrot betzua, to recruit a labor force from their own country, rather than hiring local Israeli workers. Initially, only one company was approved for this arrangement, the Turkish company, Yelmalzar, which brought in 1,200 workers. However, starting in 2018, this channel was expanded to include a total of five foreign construction companies, which are approved to bring in a total of 12,000 workers. KLO has been advocating for greater oversight of these workers and has questioned whether the model should in fact be allowed based on labor abuses found at Yelmalzar. Along with the Hotline for Refugees and Migrants, KLO was approached by a group of Turkish workers from Yelmalzar who reported exploitative and abusive work conditions at the company's work site and employment practices that appeared to meet criteria for domestic servitude. Unable to change employers and with little knowledge of their rights under Israeli labor law, these workers were stuck in a dangerous and unsafe environment.

This sets a dangerous precedent for this model of employment and KLO currently has three active court cases against Yelmalzar, including one in the HCJ, to both address this company's treatment of workers and to advocate against this model of employment in general. KLO has insisted that the police investigate treatment of workers at Yelmalzar, but they have not followed through—the investigation has continued for two years with no final verdict. PIBA continues to claim that conditions faced by the workers pose no problem. KLO and the Hotline for Refugees and Migrants published a [report](#) in Hebrew and English regarding conditions faced by Yelmalzar workers.

**Media advocacy.** KLO contributed to nine media articles regarding the issue of trafficking in the Israeli labor market. One [article](#) in Galay Tzahal (GLTZ), for example, highlighted the case of two migrant workers from India who were identified as trafficking survivors by KLO. The two workers were brought to Israel on volunteer visas for agricultural work on a Kibbutz. GLTZ helped to further KLO's advocacy by publishing that they wrote a letter to Yuval Arel at the Ministry of Interior Affairs. Another [article](#) in Haaretz publicized that, for the first time since 2010, the police officially recognized five Thai agricultural workers as survivors of slavery work conditions in Israel. The article highlighted KLO's assessment of exploitative work conditions in this sector, which indicate there are many more workers in the same situation as these five. The article was important in highlighting the need for greater oversight and investigation into the work conditions of Thai workers.

**Mainstreaming labor rights.** KLO provides training on identifying trafficking victims to several governmental bodies, such as the Population and Immigration Authority, the Ministry of Justice and the police. Training sessions present the [Toolkit to Combat Trafficking in Persons](#) published by the United Nations Office on Drugs and Crime, discuss legal criteria for trafficking and review trafficking cases studies in the Israeli context. KLO's staff also sit on the inter-ministerial committee to combat trafficking under the Ministry of Justice and have met with several key government officials to discuss ways of improving work condition and employment structures to prevent trafficking.

# Palestinians



## Who We Help

- Palestinians from the West Bank employed in Israel with work permits (approximately 90,000 overall with 65,000 in construction, 10,000 in agriculture and 5,000 in manufacturing/industry)
- Palestinians from the West Bank employed in Israel without work permits (approximately 35,000)

## The Issues

Although legislation passed early in the history of the State of Israel mandated that Palestinian workers participating in the Israeli labor market are legally mandated to the same labor protections as Israeli workers, in practice this has not been the case. One of the key issues facing Palestinian workers, particularly those in construction, is that of paying illegal brokerage fees for a permit to work in Israel. A Bank of Israel [report](#) published in 2019 estimated that about 30% of Palestinians working with a permit in Israel paid illegal brokerage fees and conservatively estimated revenues from the sale of permits at 480 million ILS annually. On average, the report estimated that these fees amount to 20% of a worker's gross monthly income, although our work with Palestinians has shown that the cost can be as high as half their monthly salary. Workers are required to pay this monthly fee regardless of how many days they work or if they become ill and are unable to work.

Although Palestinians working in Israel and in settlements are protected by Israeli labor law, many are unaware of their rights and have few outlets for obtaining information or training on the law. Accessing benefits can be very difficult as workers are confronted with a bureaucratic tangle of confusing requirements, red tape and lack of information. In addition, the Jordan Rift Valley Regulations implemented by the Ministry of Justice, require every non-Israeli resident plaintiff to pay a steep deposit when pressing charges against their employer in labor court, which restricts Palestinians' access to the court system. As a result of these conditions, Palestinians often report unpaid wages and benefits, long work hours with no overtime and unsafe work conditions. They also experience unduly long commute times to and from work, often leaving home at four or five in the morning, to accommodate time required to pass through checkpoints, many of which were built to handle a much lower volume of traffic and are in need of updates.

## What We Do

### INFORMING WORKERS ABOUT THEIR RIGHTS

KLO maintains an Arabic language Facebook page with over 10,400 followers, where we regularly post updated labor law information, digital labor rights leaflets, as well as video tutorials on topics relevant to Palestinians working in Israel. The page provides a forum for workers to ask questions about their rights and receive guidance on how to advocate for themselves or secure legal support from KLO. We also post labor rights leaflets in Arabic on our website, which can be downloaded for free.

# Palestinians

KLO staff held workshops on Israeli labor for workers from the West Bank and East Jerusalem. The workshops educated workers on topics such as how to read a payslip, pension rights, rights when involved in a work accident, sick leave, overtime and annual leave. We held **20 such workshops reaching over 600 Palestinian workers** in eight towns in the West Bank and **organized five additional workshops in East Jerusalem**, which reached around **140 workers**. Through funding from the Israeli Insurance Institute Manof Fund, KLO also developed a training video and handouts in Arabic on proper safety procedures for Palestinian agricultural workers as well as their rights regarding safety on the job. Over **550 Palestinian agricultural workers** were trained on these issues.

KLO staff also regularly visited checkpoints in the evening as workers were returning home to distribute pamphlets on labor rights and to answer questions about attaining these rights. On average, we reached **over 100 workers each month** through checkpoint outreach. In addition, KLO was active through Arabic language media outlets, both TV and radio, to provide interviews highlighting the rights of Palestinians working in Israel.



## **Project Coordinator Abed Dari (at rights) assists Hisham at KLO reception hours.**

*Hisham, a Palestinian worker from the village of Ajansaniya in the West Bank, had been working in Israel since he was 16 yo, when, at age 68, he sustained serious injury to his finger while working on building renovations in Kfar Saba. He was taken to a nearby hospital and released home with two weeks sick leave and recommendations for physical therapy.*

*However, two weeks after the accident, he discovered that his employer had canceled his permit to work in Israel and thus he was unemployed. He had received no reimbursement for his medical expenses and no workman's compensation. Providing for a family of five, he suddenly had no income and had to turn to his older children for help in covering household expenses as well as his medical treatment.*

*He came to KLO's reception hours in the West Bank for assistance. KLO helped him file for reimbursement of his medical expenses and for disability. Finally, almost one year later, he had received 6,900 ILS in paid sick leave and 1,650 ILS in medical reimbursements. KLO has also provided him with a lawyer from KLO's community network and we continue to work toward attaining his disability benefits.*

## **DIRECT ASSISTANCE**

KLO holds reception hours in the West Bank and East Jerusalem to provide in-person consultations and assistance in attaining their labor rights. During the course of 2019, KLO opened **145 cases**

# Palestinians

and returned over **706,472 ILS** in owed wages and benefits to Palestinians. In addition, on average, KLO assisted over **200 individuals each month** via phone, WhatsApp, Facebook and our in-person reception hours.

Based on our direct assistance work, KLO advocated for East Jerusalem and West Bank workers through **almost 20 complaints** to the Ministry of Labor, the Ministry of Health, the National Insurance Institute of Israel as well as Population and Immigration Authority's (PIBA) Payment Department, which transfers salary and benefits payment to Palestinians on behalf of Israeli employers.

## ADVOCACY WORK

**Improving management of Palestinians' pension fund.** Palestinian contributions to the retirement insurance fund are made through payment by the employer and through deductions from the worker's salary. However, the money historically had not been managed as a pension fund and workers were often unaware of the way it was handled; in most cases, they never received their pensions. 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 to reform the Palestinian retirement insurance fund into an external, professionally managed pension fund with clear, transparent rules so that workers understand their pension status and how to access their money. To date, the state has appointed a professional pension fund independent of PIBA to run the fund and published rules and procedures for the fund. We continue to monitor their implementation and address relevant issues with the High Court.

**Protecting Palestinians' contributions to their sick leave fund.** For years, Palestinians could only receive sick leave pay if they contacted the PIBA payment unit and, as a result, only 1.5%-2% received their sick pay. In 2016, KLO issued a petition to the High Court addressing this issue and, thanks to KLO advocacy, the state now pays sick leave directly to the workers. However, the fund eventually accumulated 515 million ILS in workers' unused sick leave payments and it is not clear if the funds will be returned to the workers as the state continues to consider options for utilizing these funds. KLO has successfully advocated against proposals to use the funds for checkpoint upgrades and this fall KLO blocked an unlawful decision to transfer 250 million ILS to employers.

**Reforming Israeli employment mechanisms for Palestinians.** KLO has been active in advocating for an overhaul of the legal methods by which Palestinian workers are hired in Israel as well as how their permits work. The current regimen effectively binds Palestinian workers to Israeli employers and creates inefficiencies that are capitalized upon by the black market trade in permits. We have had several meetings with the inter-governmental working group, which includes representatives from the Ministries of Security, Interior, Labor, Treasury, and Construction, to explore viable employment options. KLO is advocating for employment methods that would allow Palestinians more agency in their employment process and cut out the exorbitant fees many are currently paying for work permits. A pilot project for new employment methods was concluded in the fall of 2019 in the area of Atarot and KLO will provide feedback based on the pilot's results.

# Palestinians

**Media advocacy.** KLO actively reached out to the media and contributed to 21 articles regarding the situation faced by Palestinians working in the Israeli labor market. Many of the key issues addressed in KLO's advocacy work received good coverage. A November [article](#) in Haaretz, for example, highlighted the High Court's move to freeze the transfer of 250 ILS in monies from the Palestinian sick leave fund to Israeli employers. The article highlighted KLO and ACRI's petition regarding the sick leave fund and the issues at stake. An October Haaretz [article](#) (see [here](#) for article in English) publicized the fact that Palestinian workers often have to pay exorbitant fees for permits to work in Israel and helped push the issue to the public's attention.

**Mainstreaming labor rights.** KLO regularly advocates with key stakeholders to advocate on behalf of Palestinians. We reach out to Israeli governmental bodies such as the Ministry of Health, the Population and Immigration Authority (including the payment department), the National Insurance Institute and the Ministry of Labor among others. Our advocacy efforts also include contacting private sector actors, such as companies and employers, as well as healthcare providers (kupat holim) to push for the rights of Palestinians. KLO trains NGOs working with Palestinians on Israeli labor law and advises international bodies such as the ILO on the status of Palestinians working in Israel. We also meet with Palestinian Authority bodies, such as the Ministry of Labor and the Ministry of Justice, to provide information about Israeli labor law and identify ways to support Palestinian workers.

# Refugees and Asylum Seekers



## Who We Help

- The main population we serve are refugees and asylum seekers from the African continent (33,000), the majority of whom are from Eritrea (over 70%), with the second largest population from Sudan (20%).

## The Issues

African refugees have faced an anti-refugee climate since they began arriving in Israel in the mid-to late 2000's. Only a handful of the more than 33,000 African asylum seekers living in Israel have been granted asylum status and most cases remain in limbo. There is virtually no state support for refugee presence in Israel and the community faces a constant threat of deportation and an uncertain future. Lacking official asylum status as well as work permits (the state tacitly allows them to work), refugees and asylum seekers are vulnerable to exploitation in the workforce. They often encounter problems such as withholding of wages and benefits, illegal dismissal procedures, and women report illegal firing during pregnancy. Tax policy regarding refugees and asylum seekers was also ambiguous and many paid the highest tax rate possible. When the law was clarified and the rate lowered, they struggled to obtain refunds due them.

The greatest problem facing refugees and asylum seekers, however, has been the Deposit Law, which was enacted in May 2017. The law was designed to discourage employment of refugees and asylum seekers and to use harsh economic pressure to compel them to leave Israel. Employers are required to deduct 20% from refugee and asylum seeker salaries and deposit these funds in a state-managed account along with an additional sum accounting for the employee's benefits (paid by the employer) totaling 16% of the RAS salary. Asylum seekers and refugees only have access to this money when they depart the country. This policy has had a dramatic impact on the community's already low salaries, reducing them by 20% and dropping many workers below the minimum wage: KLO data shows that 50% of workers who had the full deposit deducted earn less than the minimum wage. For an in-depth analysis of this law, please see our [report](#) published in the spring of 2019 in partnership with the Hotline for Refugees and Migrants.

## What We Do

### INFORMING WORKERS ABOUT THEIR RIGHTS

KLO maintains informational **Facebook pages in Tigrinya Arabic and English**, with almost **4,800 followers** where we regularly post updated information about labor law, policy changes affecting the community as well as videos detailing how to attain labor rights. The pages are actively used: an instructional video on checking deposit account balances, for example, reached over 38,300 people, generating over 600 reactions, comments or shares. The KLO website also contains labor rights brochures. KLO staff also provides training and ongoing guidance to members of the refugee and asylum seeker community and NGOs working with them on Israeli labor law here in Tel Aviv and other areas in the periphery, including Eilat.

# Refugees and Asylum Seekers

## DIRECT ASSISTANCE

KLO is the main organization providing support on labor rights for refugees and asylum seekers in Israel. Given the long-term struggle to determine their legal status and future home, securing their right to a sustainable livelihood is one key area in which we can empower the community to regain a sense of agency and normalcy. In 2019, our team provided **over 4,180 consultations, opened 2,498 cases, closed 2,191 cases and facilitated 138 court cases.** On average, our reception hours assisted **70-80 workers per week and we returned over 16,435,000 ILS to workers—almost 60% of which was for women.** While KLO's work mainly focuses on the refugee and asylum seeker population in Israel, we also provide support to those who were resettled abroad. We are in touch with them to ensure that they received the full benefits they are due upon leaving Israel, including from their deposit fund and the National Insurance Institute.

## ADVOCACY WORK

### **Petitioning against the Deposit Law.**

As described above, this law has had a tremendous negative impact on the livelihood of refugees and asylum seekers. In addition to losing needed income for their present, daily survival, our work reveals that in fact many employers do not deposit these funds into workers' account as required and instead keep the money for themselves. KLO has been advocating against this harmful law since its inception. We formed a coalition of organizations and led submission of a petition to the HCJ against the law, which is ongoing.

We have been successful in obtaining exemptions for certain categories of vulnerable workers, such as women, survivors of torture, single fathers, and those with disabilities and health conditions. As a result, employers are now obliged to reduce salaries of these workers by 6% instead of 20% and the workers are entitled to a refund of the 14% previously taken from their salaries. Many refugees have asked for assistance from KLO in applying for and obtaining refunds due to their new exemption as the process for doing this is unclear and full of bureaucratic hurdles. In fact, **almost 80% of refugees and asylum seekers in Israel who sought refunds due to the exemptions did so through Kav LaOved.** In addition, in 2019, KLO recently advocated successfully for trafficking survivors to be given a refund

*Refugees struggle to ensure that employers deposit the required 20% of their earned wages into their deposit fund or pikadon per the Deposit Law. When this doesn't happen, they are at risk for losing tremendous sums of money. Unfortunately, no governmental body alerts workers when deposits are not made.*

*Yohannes, a refugee from Eritrea, came to KLO to check how much he should have in his deposit fund after working for a couple years in two different subcontract positions for companies providing cleaning services at large municipalities in central Israel. He knew that the 5,000 ILS he had in his account didn't seem enough and he was right—KLO calculated that he was short almost 50,000 ILS.*

*KLO wrote to both contractors demanding that they deposit the sums owed Yohannes. We also contacted the responsible authorities in the two municipalities to ask that they reinforce our demand with the contractors. When Yohannes returned to the KLO office a few weeks later, we checked his deposit account and were happy to see that both companies had followed through. He now had almost 60,000 ILS in the account under his name.*

# Refugees and Asylum Seekers

retroactive to the date the law was enacted, not the date they were identified as trafficking survivors by the state as was initially proposed.

**Addressing unfair income tax policies.** As noted above, refugees and asylum seekers have unfairly paid high tax rates and then faced great difficulty in receiving their due tax refunds once the regulations were clarified and the tax rate reduced. Local tax authorities made the paperwork demands for this process so onerous and confusing that it has been nearly impossible for RAS workers to attain the refund on their own without support from agencies or individuals with tax expertise. KLO has worked throughout 2019 to meet with municipal tax authorities to clarify procedures for receiving this refund and identify ways of collaborating to ensure that refugees and asylum seekers receive the refunds they deserve.

**Foreign worker surcharge.** Another complicating factor for the refugee and asylum seekers is that many subcontracting and placement companies, who are the main employers of the community (60% of all those seeking assistance at KLO were employed in these companies), are closing their doors after having to pay (retroactively) a 20% surcharge for hiring “foreign workers” in many sectors—this is in addition to funds extracted from refugee and asylum seeker salaries for the Deposit Fund. This situation leaves the community not only without wages and benefits but also no one to follow up with regarding missing deposit fund monies. KLO has advocated with government agencies to assist refugees and asylum seekers in these situations, and we are mapping appropriate legal avenues to continue addressing this issue.

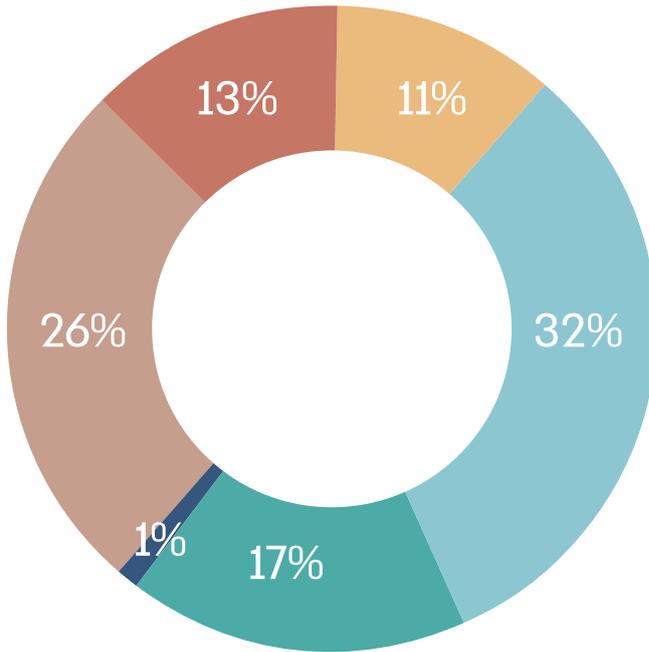
**Media advocacy** KLO contributed to 13 articles in the Israeli and international media regarding the situation of refugees in Israel and particularly the harmful effects of the Deposit Law. In May, [Calcalist](#) and the [Times of Israel](#) published articles highlighting the report published by KLO and the Hotline for Refugees and Migrants about the negative effects of the Deposit Law. The articles highlighted the report’s findings regarding the lack of state enforcement of this law, which has resulted in over 700 million ILS of refugee’s earned salaries and benefits going missing—likely into the pockets of employers. A June [article](#) in Haaretz followed up on this point, highlighting the fact that only 68 refugees and asylum seekers had the full amount of salary and benefit funds placed in their deposit accounts by employers as required by the Deposit Law.

**Mainstreaming labor rights** KLO regularly coordinates with a variety of governmental bodies, such as the Population and Immigration Authority (PIBA), the Ministry of Economy, the National Insurance Institute and the Israel Tax Authority to address the needs of refugees and asylum seekers and to provide up to date information on key issues affecting their labor rights. KLO also participates in the inter-ministerial task force on trafficking and trained PIBA staff on guidelines for identifying trafficking survivors in their work with refugees and asylum seekers. KLO is a key partner and grant recipient of UNHCR in Israel and coordinates with them closely in addressing the needs of refugees and asylum seekers. At the community level, KLO offers ongoing labor rights training to five other NGOs working with the RAS community and regularly advises employers on how to employ refugees responsibly.

# KLO Financials

## KLO Financials

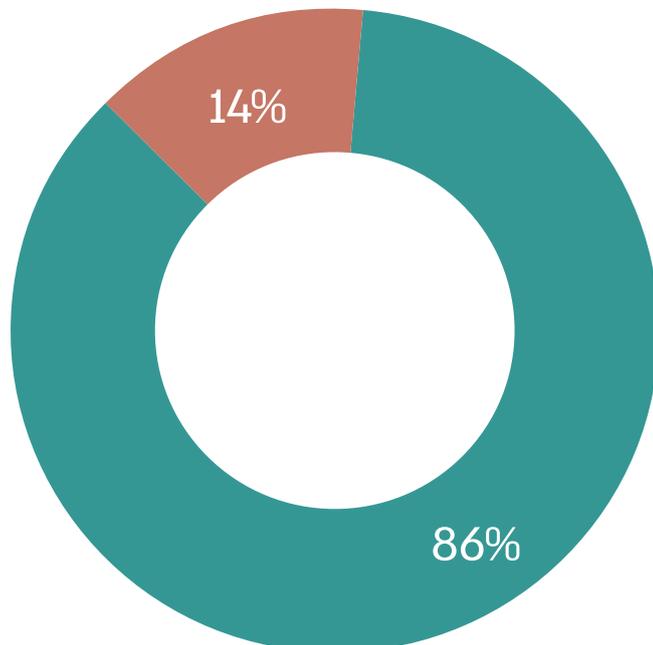
Overall Budget 2019 \$1,081,238



- Individual Private Donors
- International and Local Donor Organizations
- Government Funding
- Corporate Donors
- Self-Generated Income
- Crowdfunding Campaign

## EXPENSES 2019

- Activity Costs
- General Expenses



# Thank You

Our work would not be possible without the dedication, generosity and knowledge of our more than 100 volunteers. We are tremendously grateful to you for all that you do every day here at Kav LaOved.

We would also like to thank all those in Israel and around the world who support our work through yearly, or even monthly, donations large and small. In particular, we would like to thank those 800 individuals and organizations who contributed to our crowdfunding campaign in September, helping us to raise 548,000 ILS. Your contributions showed us the tremendous support we have among our local and international partners.

Lastly, we would to recognize our donors whose guidance, funding and support sustains our work and makes what we do possible:

Arkin Family Foundation

Bader Philanthropies

Gift from Joey and Carol Low

Israeli Innovation Authority

Kathryn Ames Foundation

National Insurance Institute of Israel Manof Fund

New Israel Fund

Pras Bereshit/Genesis Prize

Rosa Luxemburg Foundation

Sivmo

The European Union

The Ministry of Labor, Social Affairs, and Social Services of Israel

The Sebba Charitable Trust

United Nations High Commissioner for Refugees (UNHCR)

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

# Donations

## Help us protect the rights of workers!

If you would like to support our work, there are various ways to make a donation. Each contribution will be used to provide assistance to workers – whether it be standing up for their rights with authorities and employers, providing legal assistance, or continuing to raise awareness about workers' rights in Israel.

### **Donate via Check Directly to Kav LaOved**

Please send your contribution to:

Kav LaOved  
PO Box 2319  
Tel Aviv-Yafo 61022  
Israel

### **Donate via Bank Transfer to Kav LaOved**

To make a bank transfer directly to our account, please refer to the following details:

Account Name: KAV LAOVED  
Account Number: 431095  
Bank Hapoalim, Branch No 781  
Swift code: POALILIT  
IBAN IL20-0127-8100-0000-0431-095

### **Donate Online (relevant to all currencies)**

You can donate securely online via credit card or PayPal. [Click here](#) to begin the process. Select a sum and payment method and you will be forwarded to a secure site to finish. After donating, you will receive a confirmation of payment in your email.

### **Donate via the New Israel Fund**

Donations from the US are tax-deductible through the New Israel Fund, and can be processed either through this link, or via check to the following address. "Donor-advised to Kav LaOved – Worker's Hotline" must be written on the check.

New Israel Fund  
6 E. 39th Street, Suite 301  
New York, NY 10016-0112, USA

קו לעובד  
Worker's Hotline  
عنوان العامل

**Tel Aviv Branch**

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