

April 2022

Policy Brief

Lack of Worker Safety in the Israeli Construction Sector

Background

The construction sector in Israel employs about 160,000 workers. More than 80,000 of these workers are West Bank Palestinians who come daily to work in Israel while 18,000 are migrant workers mainly from China, Moldova, Ukraine and Turkey. Among Israeli construction workers, many are Arab citizens of Israel.

The construction sector in Israel has the largest number of work accidents of all labour market sectors. In 2021, Kav LaOved (KLO) recorded 471 work accidents across all sectors, of which 251 (more than half) were in the construction sector alone. Of the 72 fatal work accidents in Israel during 2021, 38 (52.7%) occurred in the construction sector. These numbers, when compared to those from European Union countries, highlight Israel's dismal construction accident record. [In the EU](#), fatal construction accidents in 2019 amounted to 22% of total work fatal accidents, while non-fatal work accidents in the construction sector were less than 12% off all work accidents.

In November 2018, after years of rising numbers of accidents and fatalities, advocacy efforts by Kav LaOved and others to improve worker safety finally had an effect and an agreement was signed between the largest Israeli Trade Union (*Histadrut*) and the Ministries of Labour, Finance and Construction and Housing. The agreement introduced a series of changes to improve safety procedures, oversight and enforcement in the construction sector. Positive change for the safety of construction workers seemed underway.

The Current Status of Construction Sector Safety

Kav LaOved plays a key role in tracking trends and developments in safety conditions facing construction workers. We document all work accidents occurring in Israel through our dedicated [monitoring database](#) which lists locations of work accidents, companies with worst safety records, and the extent to which authorities make use of tools they have at their disposal to ensure enforcement and deterrence. We regularly release [reports](#) summarizing our findings. These efforts ensure transparency of information about construction sector safety and raise awareness among the public and civil society actors of the situation's evolution.

Despite progress since the *Histadrut* agreement in the authorities' efforts to control accident numbers, our monitoring shows that meaningful impact on the ground remains hindered by a pervasive lack of resources and poor use of available enforcement tools.

The Occupational Safety and Health Administration in the Ministry of Labour and Welfare [now Economy] is a key agency responsible for maintaining the safety of workers in Israel. The Administration develops occupational safety and health policies and supervises and enforces the provisions of the various work safety and health laws and regulations.

- Thanks to the 2018 *Histadrut* agreements, the number of inspectors at their disposal has risen to 80, but this is still far from the 180 to 370 inspectors Israel should have according to OECD standards.
- The number of safety orders the Administration has imposed on companies whose sites were found not to be in line with safety requirements has gone up since 2018; however, in 2021 the number decreased to 3,652 orders issued compared to 5,429 in 2020.
- Financial sanctions, a useful and easy-to-use deterrence tool, remain rare: 179 safety related financial sanctions were issued in 2020, despite 5,429 safety orders issued, and it is unclear how many of these fines were actually paid.
- Also, the Safety Administration rarely investigates moderate accidents and does not have the mandate to inspect over the Green Line.

The Registrar of Contractors in the Ministry of Construction and Housing issues licences to contractors carrying out construction projects above a certain amount of money. The law gives the Registrar of Contractors the authority in specific cases to revoke the license of a contractor who has been convicted of offences or regularly violates customary professional practices. To this end the Registrar of Contractors holds hearings of contractors and takes decisions relating to their licence. The Registrar began using its authority to revoke or suspend the license of contractors following the *Histadrut* agreements in 2018.

- The Registrar is supposed to receive, at regular intervals, the names of companies which are serial offenders from the Safety Administration. However, our monitoring database shows serious gaps between the number of companies receiving large numbers of safety orders and the number of company cases passed to the Registrar. In practice, hearings are rarely held (11 in 2019 and 10 in 2020).
- The flow of information between the two authorities also remains insufficient to ensure swift deterrent action: serial offenders whose names have already been passed to the Registrar for decisions regarding their contractors' license continue working on sites and getting new safety orders.

The Peles ("workers at no risk) Unit, a joint unit of Israel Police, the Ministry of Labour and Welfare [now Economy], and that of Domestic Security, is tasked with conducting criminal investigations of work accidents involving serious or fatal injuries. From the start of its activity in early 2019 through May 2021, the unit has only investigated 11% of serious and fatal accidents. Less than 1% of accidents were referred to prosecution.

The Office of the Attorney General, tasked with the prosecution of criminal offenders, also rarely completes investigations related to work accidents.

Progress needed in the functioning of government agencies

The construction sector remains the most dangerous for workers in Israel. Disregard for the lives of workers is behind the high number of accidents as construction companies "save" on safety requirements without fear of sanctions. It is the government's duty to ensure that deterrence is sufficient to discourage systemic violations of safety requirements. Steps that could reduce accidents include:

- Increasing resources and particularly the number of inspectors available to the Safety Administration;
- Integrating supervision of construction sites with local government efforts;
- Increasing the investigation and prosecution of safety violators;
- Implementing the recommendations of the 2014 Adam Committee on occupational safety, including those related to occupational health - a subject barely receiving any attention in Israel - and forging better connections between the Safety Administration and the Israel Institute for Occupational Safety and Hygiene;
- Adopting several initiatives currently stuck between various ministries such as expanding criminal liability for work accidents to developers, not just site supervisors;
- Strengthening deterrence using the tools provided to the Registrar of Contractors in the Ministry of Construction and Housing, and to the Registrar of Recognized Contractors for Government Jobs in the Ministry of Finance. KLO has advocated for reform in the Registrar of Contractors in several areas: to improve the steps needed to address a contractor's poor safety record; to clarify when a project can/should be given an exemption from sanctions; and to standardize procedures for implementing conditional sanctions (sanctions that are issued as pending for a period of time and go into effect with another infraction during this conditional period);
- Eliminating subcontracting chains common in the construction industry.

Lack of information-based policy hinders improvements

Alongside the above list, there is an additional and relatively simple action that authorities in Israel need to take in order to have a real impact on the number of construction accidents: establishing information-based enforcement. Currently, information available to the authorities about work accidents is poor and mostly relies on employers' reports of accidents. Using other sources such as information provided by *Magen David Adom* (Israel's national emergency medical service), hospitals and other sources, would offer a much more realistic picture and include moderate and severe injuries, accidents that are often not reported at all.

An effective enforcement system must look at all work accidents occurring and analyse the reasons for their occurrence, their location, the causes of the accident, etc. For example: in what type of construction sites do most accidents occur? How many accidents are connected to subcontractors? Which types of scaffolding are associated with most accidents? Is there a link between excessive work hours and worker injury?

Answers, even partial ones, could produce a much more effective enforcement system. They could enable responsible agencies to develop ways of effectively dealing with the *root causes* of work accidents preventing future injuries, rather than intervening when a worker has already paid with his life or suffered an impairment that will forever change the quality of his life and that of his family.