

**Violating the Social Rights
of Palestinian Workers
in Israel**

“Terms and Conditions of Work”

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Preface

This study represents an effort by the Center for Democracy and Workers' Rights (CDWR) to shed light on the different violations committed against Palestinians working in Israel proper, in Israeli occupied areas, and in the West Bank and Gaza Strip.

Our Center is an independent Palestinian human rights institution. Our responsibility is to record and publicize public violations committed against workers, regardless of the party committing the offense. With this aim, the CDWR offers this field study reflecting the working conditions of those who have suffered such violations, based on the personal experiences of the workers themselves.

Focus groups were selected according to specific criteria, and questions formulated to elicit information as to the exact nature of the social and economic violations of workers' rights. Both employer and government were found to have each a distinctive approach in violating workers' rights. We regret to report that such violations are increasing day by day.

It is our hope that the experiences of the workers described in this study will help in reducing, if not eliminating, the abuse of the working class in our region. Respectfully, we acknowledge the size and importance of the working class within Palestinian society.

Introduction

The importance of this study lies at least partly in the fact that it deals with the working conditions of Palestinians working in three different sectors – in Israel proper, in Israeli settlements, and in the West Bank and the Gaza Strip. The study is based on experience in the field. It focuses on certain important dimensions that affect both the economic and social rights of Palestinians in their different work places. The aim is to expose the violations committed against these workers in the light of the laws that govern both the employers and the governmental parties involved. Emphasis is placed on the forms of the violations and on the tools used by employers to evade their responsibilities towards their workers.

The study consists of two main parts. Part I deals with the aims and justifications for the study, and with the methodology used for collecting data through fieldwork. Part I also briefly tackles the legal situation of Palestinian workers.

Part II includes results of the field interviews, and analysis of these results in view of the economic and social rights slated for protection under relevant local and international law. Part II also lists the types of rights being violated, including the right to work, the right to fair salaries, and the right to organize in unions and other associations. Part II ends with the recommendations offered on the basis of the results found.

Part I

Methodology

Workers were selected from among three focus groups – those working in Israel, those working in the Israeli settlements, and those working in the West Bank and in the Gaza Strip. However, workers in the third group were in the end limited to those working in the West Bank only, due, in part, to the difficulties our field workers had in reaching the Gaza Strip and Jerusalem, both of which are under Israeli siege.

Members of the three focus groups – a total of 130 workers -- were selected from the northern, middle and southern areas of the West Bank. Additional support groups were formed to further diagnose the working situation.

Distribution of Workers in Focus Groups According to Area

Area	Workers in Focus Groups	Workers in Support Groups	Individuals Interviewed	Total
Northern area	15	10	18	43
Middle area	13	15	15	43
Southern area	21	16	7	44
Total	49	41	40	130

Data Collection Method

- Intensive interviews were conducted and recorded with members of the focus groups.
- Information obtained in the interviews was classified to serve the purposes of the study.
- All aspects of the study – planning, implementation, and review – were supervised by a board of experts formed for consultation.

Selection and Distribution of Focus Group Members

Members of the different focus groups were distributed as follows across the work spectrum:

- 81 workers from Israel proper, in industry, agriculture, and trades such as carpentry;
- 30 workers from Israeli settlements, most in construction;
- 19 workers from the West Bank in industry, construction and services.

Workers were selected in cooperation with a number of union leaders familiar with working conditions within the different regions of the West Bank. Also consulted were work inspectors within the PNA Labour Ministry, as well as experts working for several human rights institutions.

Difficulties Encountered in the Course of Doing Field Work

Researchers encountered the following problems:

1. Inability of those interviewed to keep all interview appointments due to the sporadic nature of their work and difficulties they faced commuting.
2. Lack of women workers. Only two women were interviewed, because very few women work within Israel proper or in Israeli settlements.

It should be pointed out that the strength of our study lies not in the numbers of workers interviewed. Nor was an effort made to obtain a random sampling. The strength of our study – a qualitative one – lies, rather, in the care and intensity of our research in the field and in the care and objectivity with which we analyzed the data thus obtained. The fieldwork team, likewise, did its utmost to remain objective and neutral in order to allow the workers to express themselves clearly and freely.

Aims and Justifications of the Study

Aims:

1. To shed light on the economic and social violations committed against Palestinian workers.
2. To raise general awareness concerning the economic and social rights of Palestinian workers.
3. To expose the policies used by both Israeli and Palestinian employers, as well as by their respective governmental agents, in violating the rights of Palestinian workers.

Justifications:

During the past three years, the CDWR has received more than three thousand work complaints, in addition to thousands more queries from people seeking the specialized professional opinion of the CDWR Legal Unit.

Complaints and questions together reveal a dire need to tackle violations being suffered by Palestinian workers. Various earlier reports and studies have for the most part provided only quantitative analyses of the situation, thus failing to reflect the reality of the Palestinian work situation, with its fluctuating economic

and social circumstances. Few studies have emphasized a qualitative approach, based on the participation of the workers themselves.

Palestinian Workers' Legal Situation

The different political circumstances through which Palestinians have lived in the past 50 years have given rise to plural legal realities. When working in Israel proper, Palestinians are governed by Israeli laws and regulations. Palestinians working in the West Bank are subject to a different system. Here, they are subject to the pre-1967 Jordanian laws and regulations, in addition to a number of Israeli military orders which are still in effect. (Palestinians living in the Gaza Strip live within yet another legal reality, in which they are governed by Egyptian laws, as well as Israeli military orders.)

The latest development in the legal situation of Palestinian workers has occurred with the enactment of Palestinian laws and regulations. These were approved in 1996 by the Palestinian Legislative Council following the arrival of the Palestinian National Authority (PNA) in the West Bank and Gaza. Now these new laws and regulations form part of the legal infrastructure of the Palestinian-controlled areas – without, however, taking the place of the earlier regulations, which are all still in force also.

The legal situation is immeasurably complicated by the fact that Israel is a power enforcing a military occupation on a conquered people – an occupation illegal in the eyes of the United Nations, as explicitly set forth in a number of UN resolutions. In each area, the Palestinian worker experiences this reality a little differently.

For Palestinian workers within Israel proper, it means they are working both in a state which has both a legal standing as a member of the UN, and, simultaneously, an illegal status as an occupier of the West Bank and Gaza. As a legal entity, Israel has a commitment to observe its own local laws, as well as to uphold agreements signed by Israel and the PNA in the early nineties in the wake of the Oslo accords. On the other hand, insofar as Israel is acting outside the dictates of international law in occupying territory taken by force, Palestinian workers have recourse to the relevant international documents and traditions regarding the rights of workers. It is worth mentioning that Israel, as, a UN member state, is itself a signatory to these international pacts and conventions guaranteeing workers' various social and economic rights, and is therefore bound to implement them.

In Israeli settlements in the West Bank and Gaza, while Palestinian workers do not have recourse to Israeli national law, they do fall within the province of international human rights law. Especially relevant are the rules of the Fourth (1949) Geneva Convention concerning the protection of civilians in time of war.

Workers employed within the PNA-controlled areas of the West Bank and Gaza are, as explained above, subject to local Palestinian laws and regulations, as well as to the old Jordanian or Egyptian laws and Israeli military orders. The last category of workers, Palestinians working in Area C – which includes neither Israel proper, nor settlement areas, nor areas controlled by the PNA – are subject to the relevant aspects of international law, as Area C is under illegal military occupation.

Part II: Results of Analyzing Focus Groups

This part of our study presents the results obtained from the interviews with members of the different groups. It also describes and explains the violations committed against workers in the light of both local and international laws and conventions.

Types of Violations

1. *The Right to Work*

Interviews revealed many violations affecting people's right to work. The majority of those interviewed indicated the limited role being played by governmental offices in both making available work opportunities and in helping applicants find suitable work. The inactivity of these offices causes unemployment, interviewees testified. Workers described their only option as that of resorting to friends to help find work for them. As a result, workers often ended up with jobs unsuited to their skills or experience, and difficult to reach from their homes.

Under both local (Israeli and Palestinian) and international law, the responsibility of providing people with suitable work opportunities lies with Israel, since Israel controls both resources and borders of the entire area.

The right to work is one of the most important economic and social rights. The Universal Declaration of Human Rights emphasized its importance in Article 23, which states: "Every person has the right to work and to be protected from unemployment. Every person should have the freedom to choose his work. The worker has the right to just and satisfying work terms and equal pay without discrimination...."¹

The right to work was later set forth in the International Pledge for Cultural, Social and Economic Rights. All states that signed this pledge acknowledged the right to work, including the right of every individual to have the opportunity to earn his or her living through work opportunity freely chosen and accepted by that individual.² The pledge required the countries that signed it to take the steps necessary to guarantee this right.

The right to work, including to freely choose appropriate work, was also described as a basic right in the International Pledge for Political and Civil Rights. Here, it was agreed that force should not be used to make people work³. Prior to these two pledges, the International Work Organization, in its 1964 International Agreement No. 122, affirmed that it was the responsibility of each member state

¹ The UN General Assembly adopted the International Pledge for Cultural, Social and Economic Rights on Dec. 16, 1966. It came into effect on Jan. 3, 1976 under Article 27.

² Article 6/1 of the Pledge.

³ Article 8/3.

to create employment opportunities from among which people could freely choose.

Clearly, Israel has the obligation to provide work opportunities for the local population, under international laws pertaining both to human rights and warfare. The Fourth Geneva Convention, concerned with the protection of civilians in time of war, in Article 40, emphasized the right of individuals to work inside the occupying country and to enjoy the same rights as members of the indigenous population.

With regard to the areas it controls, the PNA is responsible for taking the steps necessary to ensure that each individual's right to work is upheld both in law and in practice. International conventions and charters appeal to all signatories to respect their basic obligations towards the rights they have promised to ensure. These obligations include what experts in the field of human rights call "the obligation to protect". This means each state is required to take legislative and administrative steps to prevent violations of these rights. Hence the PNA should implement the legislative acts passed by the PLC, even if economic conditions make doing so difficult.

2. Wages and Work Conditions

The results of our study indicate that Israel does not observe international law in relation to the population of the occupied West Bank and Gaza Strip. Specifically, Israeli policies contravene Article 40 of the Fourth Geneva Convention, which states that: "individuals ... benefit from the work conditions and protection measures that are given to the indigenous population, especially with regard to salary, work hours, protective clothing and equipment, training and compensation for work casualties and occupational diseases".

Our study results showed also that 94.6% of Palestinian workers receive wages which are insufficient to cover their daily needs. They showed that 85.2% of the interviewees who work within Israel or in Israeli settlements work on the basis of daily hire. Finally, 62.2% of those who work in the West Bank also work on the same basis.

3. Work Hours and Times

All workers interviewed said that they leave their homes at 5 a.m. to reach their workplaces inside Israel or in the Israeli settlements, and return home at 6 p.m. Those who work in the West Bank said they leave their homes at 6 a.m. and return at 4 p.m. The workers must be away from their homes so long due to two factors: the long distances they must travel to their places of work, and the procedures they must undergo at Israeli checkpoints. The majority of the interviewees (102 out of 111) require two to three hours to arrive at their workplaces; travel expenses are covered by neither Arab nor Israeli employers.

For security reasons, however, those who work in Israeli settlements are provided with transportation to and from their jobs.

Interviewees also said that although two-thirds of the Palestinians who work inside Israel (72 workers) work overtime, but that only 52 of the 72 workers who do so receive additional pay. They stated that overtime is required of them either by the nature of the work or by their Israeli employers, who evade their responsibilities to pay overtime wages for overtime work. In the West Bank, only 9 of the 19 workers who reported working overtime receive overtime pay.

Thus Palestinians who work in Israel spend 13 hours daily either working or getting to or from work. Those who work in settlements spend 12 hours daily, and those working in the West Bank spend 10 hours daily.

In addition, most workers, regardless of where they work, said that they are not officially registered as employed. This means that they are denied any of the rights, such as severance pay, which are provided for workers under Israeli or local laws.

The work conditions outlined above constitute violations of the rights of workers, who should enjoy fair salaries, paid vacations, and equal pay for equal work (Article 7 of the International Pledge for Cultural, Social and Economic Rights). Work hours were limited to eight by the International Work Organization, and include rest and meal periods in proportion to the amount and nature of the work.

4. Freedom of Movement and Transportation

The workers we interviewed feel that their daily commutes are not safe, especially since Palestinian workers were killed at Israeli military checkpoints. Of the total 130 workers interviewed, 100 said they feel unsafe on the way to and from work. (Those who did feel safe were the workers within the West Bank who do not encounter Israeli soldiers or settlers.) Those who felt unsafe gave examples of attempts made by Israelis on their lives, and cited killings by Israeli extremists and military forces.⁴

Another major problem confronting Palestinian workers lies in the repeated closing by Israeli forces of roads throughout the West Bank and separating the West Bank from Jerusalem. Such closures can last as long as a month at a time, as they did in 1996 and 1997. During closures, Palestinian workers are completely barred from entering Israel, and so are denied the right to get to their jobs. The "internal" closures that close off one West Bank city from another equally prevent workers from getting to their jobs. Nor do these closures take in

⁴ The death of Abdul Hamid (Abu Turki) at the hands of settler extremists is one example. On June 17, 1998, settlers hit him on his head and escaped. Another Israeli employer attempted to kill Mahmoud Hassan Ahmad on Aug. 19, 1998.

the massive, on-going measures which Israel always has in place to isolate Jerusalem and Gaza from one another and from the rest of the West Bank.⁵

Getting permission to work inside Israel in the first place presents a whole other host of obstacles which not many can surmount. The Palestinian who wishes to work inside the Green Line must submit an application to a prospective Israeli employer, requesting a work permit. Any Palestinian decreed by Israeli authorities to have committed a “security offense” is automatically disqualified from applying.

Formally, the procedure for issuing work permits is as follows:

An Israeli employer approaches the Employment Office and presents it with a list of his work needs. The department then transfers this list to the DCO (the Palestinian-Israeli coordination office), which in its turn, transfers the list to the Palestinian work offices that belong to the Ministry of Labor. These offices prepare lists of names of workers to be sent to the DCO. The DCO passes these lists to the Israeli employer. When a worker is hired, the lists of the employed are sent to the Israeli payment offices, which are in charge of paying the workers’ salaries.

At this point, the Israeli payment office sends its approval to the military coordination office, which issues work permits to the Palestinian work offices – after the Israeli security apparatus has checked the workers’ names, of course.

However, it should be pointed out that the Israeli authorities do not abide by this procedure. There are two main reasons for this. First, they don’t want to sign collective work agreements with the PNA. Second, they don’t want the PNA to have a part in regulating the procedure.

Instead, in reality, Israeli work offices allow Israeli employers themselves to issue permits for the workers they need. This system allows for the role of the so-called “permit brokers” to blackmail workers, who have not gotten permits through the “correct” channels.

Workers interviewed for our study gave examples of how work permits have been used to blackmail them. Some workers reported that the Israelis went as far as pressuring them to collaborate with Israel as a condition for receiving or keeping a work permit.⁶ A total of 90.1% of the workers interviewed said they feared being subject to this kind of pressure on their way to work.

⁵ This is apart from partitioning Palestinian territories into Areas A, B, and C, for purposes of administration, after the Oslo Agreements.

⁶ For further information, contact the CDWR.

Once on the job, the workers encounter a whole other set of problems. Whether they worked for Israelis or for Palestinians, workers complained of the lack of the most basic protective equipment at work.

The situation is not better in the West Bank, especially in the case of unregistered workers in the stone industry. Some of them said that they had asked their employers to provide them with the necessary protection; others said they did not bother to use it, even when it was made available.

5. Negotiations, and the Right to Establish Unions

Many of the workers interviewed were unaware of their social and economic rights, and many indicated also that they do not realize the possible benefits of worker cooperation. Sixty workers of the 130 said they have never been union members. Some have started, within the past two years, to affiliate with unions in order to obtain health insurance and other benefits.

The workers interviewed emphasized the fact that Israeli employers, in particular, threaten those who encourage their colleagues to speak up for their rights. According to the interviewees, some workers were dismissed by their Israeli employers after it became known that they were affiliated with a labor organization.

Work committees seeking to improve working conditions are virtually non-existent on job sites, interviewees said, either because employers wouldn't allow them or because the workers themselves did not perceive their value. Some workers cited cases in which their employers dismissed workers who called for the formation of work committees to demand better salaries or work conditions. Workers said they believed the employers received support for their actions from the government, in an attempt to prevent the growth of an organized labor force.

Unfortunately, much the same situation exists in the West Bank, where employers refuse to allow workers to form committees or to sign collective work agreements.

Such actions on the part of employers contradict the International Pledge for Cultural, Social and Economic Rights, in which Article 8 gives workers the right to form unions and to strike. Israel has also been violating Article 23 of the Universal Declaration of Human Rights, which emphasizes the right of workers to establish unions to protect their interests. In addition, the agreement of the International Work Organization for 1948 (#135) obligates the signatories to facilitate the formation of work unions or work committees.

6. Systems and Means of Paying Wages

Sixty-nine of 81 workers said they were paid on a daily basis. Only six workers of the 81 earn monthly salaries; and the remainder are paid on an hourly basis. Half

the Palestinians who work in Israeli settlements, in comparison to two-thirds of the Palestinians who work in the West Bank, said they work on a daily basis.

Amount, type and timing of wages

Our study showed that wages earned by those working in Israel and in Israeli settlements (62 of 111 workers) are higher than the Israeli minimum daily wage, which is 104 shekels. The average daily wage of our interviewees ranges from 120 to 200 shekels per day. In the West Bank, the average daily wage is between 40 and 80 shekels.

Wages are paid by personal, rather than company, checks to workers in Israel and in Israeli settlements, according to interviewees. Thus their legal recourse in case of bounced checks is lessened.

Seventy of the total of 111 workers working for Israelis said that their employers do not pay on time. Some workers said they receive their wages two to three months later than promised.⁷

In conclusion, 85.2% of those who work inside Israel, 50% of those who work in Israeli settlements, and 63.2% of those who work in the West Bank are paid on a daily basis. Employers are thus freed from paying benefits or insurance, including workers' compensation or end-of-service awards.

This system, which has been in place since the Intifada began in 1988, contradicts Israeli laws stipulating that daily work can only continue for a specified amount of time, after which workers are to be paid monthly salaries, including all benefits. Israeli closures of the West Bank and Gaza, along with strikes and generally turbulent political conditions, provided Israeli employers the justification they needed to institute this system, which acts as a form of collective punishment against Palestinian workers and the family members they support. Palestinian workers earn less, receive no benefits, and enjoy no job security, either in Israel or in the West Bank, while their employers fulfill no obligations to their workers and earn more from their labor.

Wage fraud

While in theory, workers are paid at least the minimum wage, in practice, they said they are cheated of their wages. On their pay slips, for instance, the number of work days listed will be far fewer than the actual number worked. The days worked might be cut in half, workers said.⁸ This type of fraud has been practiced by Israeli employers since the Gulf War and the beginnings of the peace process.

⁷ A large number of workers received their salaries four months later. In addition, some were the subject of fraud. For further information, contact the Legal Unit at CDWR.

⁸ To learn more about worker complaints against Israeli employers, contact the Legal Unit at CDWR.

Israeli work offices set 15 days as the minimum for which a worker could be hired, unless there are acceptable excuses.⁹

7. Poverty

With the wages they receive, workers say, they cannot make ends meet. For one thing, they cannot always get to their jobs. For another, the cost of living, given the forced dependence of the Palestinian economy on the Israeli, means they cannot meet their daily needs.¹⁰

Poverty, for an average family of six members living in the West Bank, is defined as a salary of 1,380 shekels per month. Extreme poverty is defined as a salary of 1,140 for the same size family in the West Bank.¹¹ Clearly, then, given the wages described above, a large proportion of workers and their families in the West Bank and Gaza live below the poverty line. Once again, then, we see the gap that exists between the standards set by the Universal Declaration of Human Rights and the reality of the situation of Palestinian workers in the West Bank and Gaza. Social justice involves providing the opportunity for each worker to earn a decent living.¹²

8. Wage Discrimination

All workers interviewed charged Israeli employers with discrimination against them and against other non-Israeli workers in terms of salaries, working conditions, and hours. Employers can get by with this differential treatment, workers said, because non-Israeli workers are not protected by Israeli law.

This situation exists despite the fact that the Israeli Workers' Union, the *Histadrut*, reiterates slogans of equality between Palestinian and Israeli workers. It also exists despite the 1970 agreement reached between the *Histadrut* and the Israeli Ministry of Defense pledging that "every worker from the 'administered territories' should enjoy full professional protection at his/her workplace, and his/her social and economic rights should be secured."¹³ Full assistance should be made to ensure fair wages, better work conditions, and social security". Again in 1988, a year after the outbreak of the Intifada, the *Histadrut* reaffirmed the principle of equal pay for equal work for all Palestinian workers, saying they should receive the same rewards as Israeli workers gained through collective bargaining agreements with the Israeli Minister of Labor.¹⁴

⁹ Until now, there has been no formal documentation of this practice.

¹⁰ The average monthly expenditure for a West Bank family was 650 JD (Jordanian dinars), according to a 1998 report by the Palestinian central apparatus for statistics.

¹¹ Executive Summary, p. 6, in the Poverty in Palestine Report, 1998.

¹² Article 23 in the Universal Declaration of Human Rights.

¹³ Workers' Rights in the Administered Territories in Israel. The date is not mentioned. By the Arab Department in the *Histadrut* in Israel, Dekma, Yaffa, pp.5-6. Date not mentioned.

¹⁴ *Histadrut, Workers' Rights in the Administered Territories in Israel*, 1988, pp. 4-6.

However, since 1993, each of the rights mentioned above has somehow “evaporated”, workers said. For example, insurance no longer covers injuries or casualties which occur as the worker is commuting to or from work. Also, workers no longer have the right to services offered by medical institutions, despite an agreement signed with the PNA. All in all, Israel seems to take a dim view of its legal and ethical obligations to the Palestinian workers its businesses employ. To a fact-finding mission by the International Work Organization, an Israeli government representative claimed that Palestinians have no legal basis for their allegations of unequal treatment.¹⁵

9. *Work Dismissals*

Of the total 130 workers in the three focus groups, 122 said that they had been dismissed from their jobs more than once. One hundred ten of the 130 attributed their dismissals to lack of work permits. Permits might be withdrawn for “security reasons” or at the request of employers. Employers might withdraw them because workers are unable to reach their jobs due to Israeli closures or checkpoints. These were reasons common especially in the years 1995-1997, workers said. Twelve workers said they were dismissed because they wanted to be regular, not day, workers. Three workers said they were dismissed because they had protested that the information in their payment slips was false, or because they asked to be allowed to keep their pay slips.¹⁶

Illegal practices such as these reflect the employers’ confidence in a system that includes no oversight on the part of the Israeli government.

Palestinians working for Palestinian employers in the West Bank said they felt somewhat more secure in their jobs than their colleagues working in Israel and or Israeli settlements. When, however, Palestinians working for Palestinian employers did attempt to take their employers to court for any violations, they faced similar difficulties because they could not provide documentation of employment, wages due, or the amount of time worked. Without proper documentation, they were unable to support their claims.

10. *Work Contracts*

Of the 111 individuals who worked in the Israel or in Israeli settlements, 94 began work without a signed work contract, of either an individual or collective nature. The terms of work were rarely discussed; if they were, employers did not hesitate to alter them, workers said.

Nor is the situation in the West Bank better, workers said. Workers begin work without an agreement from their employers on wages to be paid, and only after they have worked for a time are wages set. “Work first,” an employee is told, “and

¹⁵ The International Work Organization, Session 86, 1998, p. 4.

¹⁶ Some of their colleagues were dismissed from work after they were injured on the job.

then we will see what we can do". Workers called on the PNA Labor Ministry to intervene to force employers to sign contracts with the workers they employ. They also called on the PNA to sign a collective work agreement with the Israeli government to protect the economic and social rights of workers employed by Israelis.

11. *Health and Occupational Safety*

Interviewees said they do not use protective clothing or equipment, even when the nature of their work requires it. Six of the 111 individuals working in Israel have access to such equipment. Thirteen of the 19 working in the West Bank complained that there is no such clothing or equipment available for their use. Most workers receive no instruction in matters of occupational safety.

Whether they work for Palestinian or Israeli employers, workers said their rest breaks were insufficient. Ninety-two point eight of all the workers interviewed said they receive only 30 minutes to take their meals. Thirty-nine percent of all workers said they have only 15 minutes in which to take meals.

It can be said, then, that workers both in Israel and in the West Bank are being denied their rights in the areas of health and safety. There is no governmental oversight on these matters in either place, and workers are often ignorant of the rights to which they are entitled.

12. *Health Insurance & Social Security*

Israeli pay slips indicate that deductions in shekels (NIS) for obligatory health insurance and other benefits, as well as taxes, for a construction worker employed for 24 days, were as follows:

income tax	13
national insurance fees	4.34
unified invoice (clearance)	92.53
social insurance	137.77
health services	93
organizing fees	25.28
total deductions	NIS 365.92

Workers are not required to pay health insurance. Those workers who do pay, however, say they do not benefit, even when they are injured on the job.

At the same time, the employer is expected to pay the Israeli work office the following percentages of a worker's pay, for the same period and the same type of work:

- 12% -- retirement
- 1.3% -- disability pay for workers injured on the job

- 2.5% -- sick leave
- 0.3% -- occupational training
- 2% -- annual vacation pay
- 3% -- annual recreation

Thus the Israeli employer in construction should pay 25.1% of the worker's salary for 24 days of work.¹⁷ When one considers that approximately 40,000 Palestinians worked in Israel in the year 1998, during which time Israel received approximately 216 NIS monthly from each one, one can calculate that Israel should have transferred to the PNA some 720,000 NIS to cover benefits for these workers for that year.¹⁸

Another benefit which is denied to Palestinians working in Israel is the provident fund. A total of 25.1% of the worker's wage is deducted for this fund. For example, someone earning 180 NIS daily pays into the fund 18.9 NIS. If this person works 25 days a month, he or she pays 473 NIS for that month, or 5,676 NIS per year. The idea is that at the end of their service, workers will receive this amount multiplied by the number of years they have served.

In accordance with an agreement signed after Oslo between the Palestinian General Federation of Workers' Unions and the Israeli labor organization, each Palestinian worker pays an additional 1% of his or her wage to the *Histadrut*. The *Histadrut* keeps half of this money, and gives the other half to the Palestinian organization. Neither organization, however, provides the Palestinian worker any services in return.

13. *Disability and Severance Pay*

Although Israeli labor law guarantees workers compensation for injury suffered either on the job or on the way to or from work, three Palestinian workers who suffered on-the-job injuries said they received no compensation at all.¹⁹ A West Bank worker said he was compensated for injury by his employer on the basis of the official daily wage, 25 NIS, rather than on the basis of his actual wage, which was 65 NIS daily. Thus both the workers and the PNA tax authority were cheated of their due.

As for end-of-service compensation, the majority of the workers in all three focus groups said they had received no severance pay when they were dismissed from their jobs. They said they had not attempted to sue their employers, since they had learned from other workers that such attempts, even when handled by human rights organizations, had failed.

¹⁷ This is according to estimates of the CDWR, based on complaints received by the Center.

¹⁸ It is said that the PNA gets seventy-five NIS as fees for national insurance from each worker, even if the worker has already had the amount due for health insurance deducted by the Israeli employer.

¹⁹ Workers are entitled to some compensation when they are injured, but only after treatment.

Workers' Justifications for Working in Israel and in Israeli Settlements

Asked why they chose to work in Israel, the interviewees agreed on two main reasons: lack of work opportunities in the West Bank, and the relatively high daily wage in Israel. Seventy-eight of the workers cited the variety of under-the-table work opportunities in Israel. Sixty-one workers gave as a reason the harsh working conditions in the West Bank. Forty-eight workers said that Arab employers in the West Bank do not abide by the work law, and 44 of them said that no work law exists in the West Bank.

Twenty-nine of 30 Palestinians who chose to work in Israeli settlements said they did so because of the availability of under-the-table work. Twenty-seven said they had more confidence that they would receive their wages, and 25 said settlers paid more regularly. Twenty-two workers said they faced fewer dangers and spent less time commuting to settlements.

As for Palestinians who work in the West Bank, 18 of 19 said that they had been unable to obtain permits which would allow them to work in Israel. They were also wary of all the stories they had heard about the fraudulent practices of Israeli employers.

The PNA would do well to consider the reasons so many of its workers elect to work in Israel or on lands confiscated by the Israelis, rather than in the West Bank. If lack of work opportunity is a major factor, as our study indicates, then efforts must be made to find work for more people. If, as our study also shows, another main reason is that Arab employers do not abide by work laws, then efforts must be made to strengthen these laws and to ensure their enforcement. Laws must be passed to guarantee workers' rights in accordance with international laws and conventions. This is of particular importance at a time when Palestinian workers undergo harsh economic conditions, including Israeli economic abuse. The fact that so many interviewees referred to government's failure to enforce – or even to enact, fair labor laws – signals that all is not well. A situation in which workers do not feel themselves to be valued members of society is one which leads to alienation, if not upheaval.

Ways of Getting Work

Thirty-five of 81 workers within Israel proper said that they found work with the help of friends. Twenty-two others said that they simply had to stand where Palestinian workers gather to wait for their Israeli employers and attempt to be hired for the day along with the others. The general consensus was that neither work offices nor other institutions help find work opportunities for Palestinians.

Nine workers said that they found work in Israel through a Palestinian contractor. Eight workers found work through their own personal efforts. Seven were employed through Israeli work offices before the PNA was established.

When asked why they did not seek work through the *Histadrut* or other Israeli employment offices, interviewees said that they had no trust in such methods. They said friends had told them that at these places the rights of Palestinians were overlooked. They said the only role Palestinian work offices play is to obtain work permits, the number of which is usually determined by the Israeli side.²⁰

Of the 30 Palestinians interviewed working in Israeli settlements or for Arab contractors elsewhere in the West Bank, 24 said they found work through friends. The remaining six workers said they found work through their own personal efforts. In the West Bank, 17 of 19 workers said they received help from their friends. They said neither Palestinian work offices nor Palestinian unions helped them get jobs.

Workers were outspoken in their criticism of the Palestinian unions for failing to give them any sense of work security. They said they only visit the unions in order to be able to get health insurance at a lower cost than they otherwise could.

Significantly, the workers added that, if at some future point Palestinian labor institutions are able to protect them and to care for them adequately, they will not continue to work in Israel. To them, working in Israel is dehumanizing; and when they stand in the mornings on the road and wait to see which of them will be selected to work that day by an Israeli employer, they feel like goats at auction.

Clearly, Palestinian as well as Israeli governmental and labor organizations violate the rights of Palestinian workers. Neither set of institutions provides workers with any sense of job security. However, of the two choices, the Israeli work, though degrading, provides the best income; and Palestinians will continue to work for Israelis as long as there are no better alternatives in the Palestinian labor market.

Worker Files

Worker files are of great importance to workers, especially when they are needed in a legal proceeding to settle issues between workers and employers. Both Palestinian and Israeli employers typically use two kinds of documents with their Palestinian employees: (1) a daily work record, and (2) payment slips, which are based on the daily record and on signed work agreements between worker and employer.

²⁰ According to a study issued by the Palestinian Ministry of Labor, entitled The Labor Market in the West Bank and the Gaza Strip, 1997, 62.1% of workers in the Palestinian territories have work opportunities through their relatives and friends.

Of the 111 interviewees who work in Israel or in Israeli settlements, 88 said that their employers use daily records. Of the 18 working in the West Bank, 12 said their employers use the work records. Palestinians working in Israel said many employers refuse to keep daily records of their work, and refuse to allow the workers themselves to keep the records on an official card. Official work record cards are issued just before wages are paid, and workers who insist on keeping their cards are often dismissed.

In addition, the work cards, though presumably “official”, are without headings. That is, no telephone numbers or addresses are given for the employers, making it impossible to use the cards in any legal action against a particular employer.

As for payment slips, interviewees stated that most laborers in Israel are not unionized or otherwise organized, and that those who worked in Israel in the 1990’s received no payment slips at all. Workers said their Israeli employers used to show workers their slips just a moment, then to collect them immediately, threatening dismissal to anyone who did not turn over his or her slip.

Without a payment slip, a worker cannot sue an employer in the event of a dispute. /This applies to both Palestinian and Israeli employers. A number of workers said they did not dare to ask to see their payment slips, for fear of angering their employers, who might then fire them.²¹ The CDWR has received numerous pleas from Palestinian workers asking for help in getting Israeli employers to pay what they owed.

Examples of Workers’ Complaints in 1999-2000

The Legal and Human rights Unit of the CDWR received dozens of complaints in the years 1999 and 2000, complaining of violations against them by Israeli employers. The nature of these complaints chart the racist policy these employers are using against their Palestinian workers. Following are examples of these complaints.

Dismissal Without Compensation Due to Work Place Closure

A worker from the Shati Refugee Camp, who supports a family of four, worked at a store (Alon Dan) in West Jerusalem, from January, 1999, to February, 2000. Then the business closed, and the worker was let go, but given no compensation. Before firing him, the employer had given the worker no benefits, such as vacation or recreation days, and had not even covered the worker’s costs, by refusing to pay for his transportation.

²¹ A number of workers were fired from their jobs after they asked for their payment slips. For further information, contact the Legal Unit at CDWR.

Dismissal Without Back Wages or Compensation When a Business is Sold

A worker from Gaza, with a family of ten, worked for ten years at a construction company. After that time, the company name was changed and the workers informed that they would have a new employer. However, he refused to pay the workers what he owed them for the period they had worked. Instead, he pressured each worker into accepting the sum of 2000 shekels on condition that they waive all their rights.

In a similar case, a Gazan worker with a family of eleven, was not paid the wages owed him, much less given severance pay, when the Israeli employer changed the name of his company and did not inform his workers of the implications of the change.

Firing Workers Without Payment of Back Wages Following Israeli-imposed Closures in the West Bank and Gaza

CDWR's Legal and Human Rights Unit received a number of complaints from workers who said that their Israeli employers had refused to renew their work permits following long closures imposed by Israel on the Occupied Territories of the West Bank and Gaza.

The workers' thus lost not only the opportunity for continued work, but also all the wages they had been owed at the time each closure began. Many Palestinian workers were dismissed on the grounds that they had not performed their work during the closure.

Falsifying Records

Complaints received by the CDWR indicate just how often employers commit acts of fraud against their workers. Such actions include lying about the worker's hourly wage and about the number of days worked in a month.²² According to a CDWR lawyer, Israeli employers lie about pay scale and hours despite an Israeli law which sets the minimum daily wage at 115 shekels and the minimum work period per month at 25 days. The lawyer points out that the Israeli employer thus benefits not only in terms of wages paid out, but also in terms of contribution to the worker's benefits, including vacation and recreation, as well as travel expenses.

General Notes & Recommendations

General Notes

In light of the field interviews conducted with the focus groups, one can make the following general statements.

²² For further information about falsifying records, contact the Legal Unit at CDWR.

1. Palestinian workers, whether working in Israel, in Israeli settlements, or for Arab employers in the West Bank, generally suffer poor working conditions. Although there are other differences among the three locations, the most dramatic difference is that which exists in the wage scales of those who work for Israelis, and those who work for Palestinians.
2. Neither Palestinian nor Israeli workers respect workers' rights. Routinely, they violate the Palestinian and Israeli laws, as well as international laws and conventions, aimed to secure these rights.
3. The Israeli occupation authority both directly and indirectly encourages Israeli employers to evade their responsibilities toward Palestinian workers.
4. Israeli labor institutions, including the *Histadrut*, also abuse the Palestinian workers' rights. For example, the *Histadrut* takes a percentage of the Palestinian workers' salaries without providing any services in return.
5. There are no specific criteria for the use of monies taken from workers' salaries by the PNA. Other than receiving health insurance at a lower rate than they otherwise would, workers receive no benefit from these monies which are paid into the coffers of the PNA. Nor are Palestinian employers held accountable for paying in these portions of their workers' salaries to the PNA.
6. Generally, it can be said that the unfair practices of Israeli employers toward Palestinian workers is systematic, wide-spread, and long-term.

Recommendations

CDWR recommends the following:

1. Exert pressure on the Israeli government to respect the laws governing the relationship between Israeli employers and non-Israeli workers.
2. Appeal to the international community to urge the Israeli government to adhere to international labor law, as well as to human rights laws regulating the relation between an occupying power and the people living under military occupation.
3. Create clear standards governing labor relations in both Israeli and Palestinian labour markets. The PNA should sign agreements with the Israeli government to secure the rights of the Palestinians who work for Israeli employers. All monies taken by the PNA from its workers' salaries must be used to benefit the workers.