

# THE EFFECTIVENESS OF THE BILATERAL AGREEMENTS:

RECRUITMENT, REALIZATION OF SOCIAL  
RIGHTS, AND LIVING & EMPLOYMENT  
CONDITIONS OF MIGRANT WORKERS  
IN THE AGRICULTURE, CONSTRUCTION  
AND CAREGIVING SECTORS  
IN ISRAEL, 2011–2018

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המרכז האקדמי רופין  
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רשות האוכלוסין וההגירה  
Population & Immigration Authority  
سلطة السكان والهجرة



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# TABLE OF CONTENTS

<b>Introduction .....</b>	<b>6</b>
Methodology .....	8
<b>1. Recruitment of migrant workers for agriculture through Bilateral Agreements .....</b>	<b>9</b>
1.1 The migration process to Israel .....	11
1.1.1. Districts of origin in Thailand .....	11
1.1.2. Reasons for choosing Israel as a destination .....	12
1.1.3 Forms of recruitment.....	13
1.1.4. The cost of migration .....	13
1.1.5. Financing the costs of migration .....	14
1.1.6. Repaying Debts.....	16
1.2. Employment conditions and social rights .....	18
1.2.1. Breaches of contract .....	18
1.2.2. Wages.....	20
1.2.3. Rest Days .....	23
1.2.4. Overtime Pay .....	24
1.2.5. Holiday, vacation and convalescence pay .....	24
1.2.6. Health insurance and Sick Pay .....	25
1.2.7. Living conditions.....	27
1.2.8. Hazardous working conditions.....	29
1.2.9. Difficulties and violations of rights in the workplace .....	30
1.2.10. Expectations vs. reality of work in Israel .....	30
1.2.11. Evaluation of the effectiveness of the pre-departure orientation (PDO) in the country of origin .....	31
1.2.12. Sources of information about labor rights.....	32
1.3 Conclusions.....	35

<b>2. Recruitment of migrant workers in construction through bilateral agreements .....</b>	<b>39</b>
2.1. The process of migration to Israel .....	42
2.1.1. Finding employment opportunities in Israel.....	42
2.1.2. Reasons for choosing Israel as a destination .....	44
2.1.3. Forms of recruitment .....	45
2.1.4. The cost of migration.....	46
2.1.5. Financing the costs of migration.....	46
2.2. Employment conditions and social rights.....	48
2.2.1. Breaches of contract.....	48
2.2.2. Wages .....	50
2.2.3. Rest days.....	53
2.2.4. Payment for overtime .....	53
2.2.5. Overtime pay .....	55
2.2.6. Health insurance and payment for sick leave.....	55
2.2.7. Living conditions .....	57
2.2.8. Hazardous working conditions.....	58
2.2.9. Expectations vs. reality of work in Israel .....	60
2.2.10. Sources of information about labor rights and an evaluation of the effectiveness of the pre-departure orientation (PDO) in the country of origin .....	61
2.2.11. Difficulties & violations of rights in the workplace .....	63
2.3 Conclusions .....	65
<b>3. Recruitment of migrant workers in the caregiving sector.....</b>	<b>69</b>
3.1. The process of migration to Israel.....	73
3.1.1. Finding employment.....	73
3.1.2. Reasons for choosing Israel as a destination .....	75
3.1.3. Forms of recruitment .....	76

3.1.4. The cost of migration.....	77
3.1.5. Financing the costs of migration.....	78
3.2. Employment conditions and social rights.....	80
3.2.1. Breaches of contract.....	80
3.2.2. Wages.....	83
3.2.3. Rest days.....	86
3.2.4. Holiday, vacation, and convalescence pay.....	87
3.2.5. Health insurance and payment for sick leave.....	88
3.2.6. Living conditions.....	90
3.2.7. Difficulties & violations of rights in the workplace.....	92
3.2.8. Expectations vs. reality of work in Israel.....	92
3.2.9. Evaluation of the effectiveness of the pre-departure orientation (PDO) in the country of origin.....	94
3.2.10. Sources of information about labor rights.....	94
3.2.11. Job satisfaction among caregivers in Israel.....	97
3.3. Various issues during the stay in Israel.....	97
3.3.1. Important criteria in selecting an employer.....	97
3.3.2. Contact with caregiving agencies.....	100
3.4. Conclusions.....	101
<b>Overall summary.....</b>	<b>105</b>
<b>Main recommendations based on the findings.....</b>	<b>107</b>
<b>References.....</b>	<b>108</b>
<b>Appendix: Advertisement poster of the Chinese company Jiangsu Zhonglan.....</b>	<b>110</b>

# INTRODUCTION<sup>1</sup>

<sup>1</sup> We express our deepest gratitude to research assistants Anda Barak-Bianco and Maayan Levinger. We also wish to thank the interviewers: Haolan Wu, Michelle Duani, Alon Erez, Sabita Deshemaru, Janath Wimala, Kharel Subash, Sapir Mai, Kessie Gonen and Aram Feldman. Dr. Nelly Kfir from the Center for International Migration and Integration (CIMI) was involved in the creation of the report.

The official recruitment of migrant workers to Israel began in 1993, when the government began filling labor gaps in the construction and agriculture sectors. The escalation of the political situation and the escalation of security situation following the 1987 Intifada<sup>2</sup> created a severe shortage of workers in these sectors, in which mainly Palestinian workers had formerly been employed since the early 1970s (Kemp and Rajjman, 2008). Labor migration has since become a growing phenomenon in Israel. According to data from the Population and Immigration Authority (PIBA), in the end of 2018 there were 114,444 migrant workers in Israel, of whom approximately 86% had work permits. Most of the migrant workers are employed in three main sectors: caregiving (57%), agriculture (22%) and construction (13%) (PIBA, 2019).<sup>3</sup> The government determined that the recruitment of migrant workers will

<sup>2</sup> The term is in Arabic, referring to the Palestinian uprising, which began in 1987.

<sup>3</sup> The government sets maximum quotas for employment permits for migrant workers in construction and in agriculture. There is no such quota in the caregiving sector. However, there is a limit to the number of new migrant workers who may be recruited from overseas every year.

be carried out by private agencies that would be set up both in Israel and in the country of origin. Although a maximum recruitment fee allowed for collection from potential migrant workers was set (approximately 1000USD), private companies collected exorbitant fees from migrants who desired to work in Israel (Rajjman and Kushnirovich, 2012). In order to fight this phenomenon, the government of Israel decided in 2005 to sign bilateral agreements (hereafter BLAs) with countries from which migrant workers would be recruited. The first agreement was signed with Thailand in 2010<sup>4</sup> in order to recruit workers for the agriculture sector by the government, without the involvement of private recruitment companies. In order to recruit migrant workers to the construction sector, BLAs were signed with Bulgaria (2011), Moldova (2012), Romania (2014) and Ukraine (2016).<sup>5</sup> According to these agreements, the recruitment is carried out by government or public agencies, without the involvement of private, unauthorized agencies in the country of origin and in Israel.<sup>6</sup> In 2017, a BLA was signed with the Government of China that included an agreement for implementing the recruitment of foreign workers to the construction sector, in which part of the recruitment activities were carried out by four authorized Chinese companies under government supervision. In the caregiving sector, special pilot agreements were signed with Nepal (2015) and Sri Lanka (2016), and migrant workers arriving under these agreements do not pay any recruitment fees. It should be noted that while these pilot agreements are being carried out, the majority of labor migration in the caregiving sector is taking place as it has been - privately through recruitment agencies.<sup>7</sup>

According to the new regulations for the recruitment of migrant workers in construction and agriculture, and for the recruitment of some of the caregiving workers from Sri Lanka and Nepal, the main objectives of the agreements are: 1. to ensure fairness and transparency in the recruitment process; 2. to do away with the exorbitant agency fees through government supervision and control of the migration process of labor migration in the country of origin and in Israel; and 3. to bring to Israel skilled and professional workers who are aware of their obligations and rights in Israel (PIBA, 2017: p. 2).<sup>8</sup>

The objective of the current report is to examine the effect the BLAs have had on the recruitment process and working conditions of labor migrants in Israel. The report includes three main parts. Part one deals with the agriculture sector, part two deals with the construction sector, and part three deals with the caregiving sector. Each part has two main objectives: 1. to examine the implementation of the BLA and its effect on the payment of recruitment fees by

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4 It should be noted that although the government decided to sign a BLA with Thailand as early as 2005, the agreement was signed only in 2010 and was implemented at the end of 2012.

5 The implementation of the agreement with Ukraine began in the end of 2017, and workers began to arrive in the summer of 2018.

6 According to PIBA procedure 9.7.0003 (June, 13th, 2017), authorized construction companies and/or representatives on their behalf are prohibited from contacting potential candidates in the countries of origin prior to their arrival in Israel. The employers are involved only in the professional testing process administered to the workers in their country of origin.

7 Descriptions of the agreements will be presented in each of the sections on agriculture, construction and caregiving sectors.

8 PIBA, Procedure for inviting and employment of foreign workers from China in the construction sector in Israel, procedure number 9.7.003, June 2017 p. 2.

[https://www.gov.il/BlobFolder/policy/inviting\\_chinese\\_workers\\_for\\_constructions\\_procedure/he/9.7.0003\\_with\\_form.pdf](https://www.gov.il/BlobFolder/policy/inviting_chinese_workers_for_constructions_procedure/he/9.7.0003_with_form.pdf)

the workers prior to their departure; and 2. to examine the working and living conditions of the workers after their arrival in Israel. Each part will include a comparison of the data collected before the implementation of the BLA with the data collected after the implementation of the agreement.

## METHODOLOGY

Due to the inherent difficulty in the process of collecting data from migrant workers, it was not possible to select a representative sample. Instead, a convenience sample was used, in addition to quotas according to the geographical location of participants. Data was collected using a survey conducted among migrant workers in the agriculture, construction and caregiving sectors. The first survey was conducted in 2011, prior to the implementation of the BLAs, and additional surveys were conducted in 2014, 2016, and 2017/18, after the implementation of the agreements. All interviews were conducted by interviewers who speak the native language of the workers. The sample included a total of 386 workers, distributed as follows:

In the agriculture sector 180 workers from Thailand, of which 55 of whom were interviewed in 2011 prior to the implementation of the BLA, and the rest after the implementation of the agreement: 50 in 2014, 25 in 2016, and 50 in 2018.

In the construction sector 78 workers from China were interviewed, of which 32 of whom were interviewed in 2011 prior to the implementation of the BLA, and 46 in 2017 after the implementation of the agreement.

In the caregiving sector 128 workers from Sri Lanka and Nepal were interviewed. From Sri Lanka a total of 70 workers were interviewed: 34 in 2011 and 25 in 2016 prior to the implementation of the pilot agreement. 11 workers were interviewed in 2018 after the implementation of the agreement, comprising 85% of the entire group who arrived as part of the pilot agreement at the time of the survey (only 13 workers who arrived under the agreement were in Israel, of which two refused to be interviewed). From Nepal a total of 58 workers were interviewed: 40 in 2011 prior to the pilot agreement, and 18 who arrived under the agreement in 2017-2018, out of a total of 112 workers who arrived under this agreement.<sup>9</sup> The small number of interviewees from Nepal was due to the poor accessibility and widespread nature of their geographical distribution, in addition to the isolated nature of their work as caregivers. The workers in this sector cannot leave their employers alone, and therefore they often were not able to leave the house in order to be interviewed, and interviews were not possible at the employers' homes. As a result, many workers refused to be interviewed when approached by us.

<sup>9</sup> The geographical distribution of the interviews in 2018: workers from Thailand were interviewed in a large number of villages and kibbutzim according to the following areas - the northern region (18 workers), the central region (16), and the southern region (16). Workers from China were interviewed in Petah Tikvah (19), Tel Aviv (19), Jaffa (2), Bat Yam (3), and Kfar Yona (3). The workers from Nepal were interviewed in the Sharon area - Hod Hasharon, Kfar Saba and Netanya (6), Jerusalem (3), and the central region - Tel Aviv, Holon, Ramat Gan, Petah Tikvah and Rosh Haayin (9). The workers from Sri Lanka were interviewed in the Jerusalem area (7), the central region - Herzliya, Rehovot and Tel Aviv (3) and Haifa (1). Details on the samples of the previous surveys may be found in the previous reports. (Raijman and Kushnirovich, 2012, 2015; Kushnirovich and Raijman, 2017).

## 11

## RECRUITMENT OF MIGRANT WORKERS FOR AGRICULTURE THROUGH BILATERAL AGREEMENTS

The bilateral agreement with Thailand is implemented by the TIC project (Thailand-Israel Cooperation on the Placement of Workers) run by PIBA and the Thai Ministry of Labor, and supported by the International Organization for Migration (IOM) in Thailand and by the Center for International Migration and Integration (CIMI) in Israel. These organizations manage the temporary labor migration program to the agriculture sector in Israel. Private agencies in Thailand are not involved in this process. According to this agreement, a limited number of Israeli manpower agencies with a permit are responsible for the workers only after their arrival, and are permitted to collect a predetermined fixed fee for this service.

During the years 2012-2017, 27,009 migrant workers from Thailand arrived in Israel under BLAs in order to work in agriculture (see table 1.1).

**TABLE 1.1: MIGRANT WORKERS FROM THAILAND THAT ARRIVED UNDER BILATERAL AGREEMENTS (BY YEAR)**

2012	2013	2014	2015	2016	2017	Total
2,137	5,783	4,680	5,717	4,539	4,153	27,009

Source: Department of policy planning and strategy, PIBA, special analysis

The number of workers arriving after the implementation of the agreements has increased consistently, and in the end of 2017 there were 22,361 migrant workers from Thailand in Israel, of which 21,551 (approximately 96%) arrived under the BLAs (PIBA, 2018).<sup>10</sup> It seems that out of the total workers coming from Thailand to work in this sector to this day (see table 1.1), it seems that most if the workers complete a five year stay in Israel (PIBA, Employers and Foreign Workers Service Department, 2018:4).

Table 1.2 provides information on selected socio-economic characteristics of migrant workers from Thailand that participated in the study. Most of the participants were men<sup>11</sup>, 33 years old on average, that have completed an average of 9.5 years of schooling. Most of the migrant workers were employed in their country of origin before their arrival. There are significant differences in the distribution of the family status of migrant workers before and after the implementation of the BLA: the percentage of non married workers coming to Israel has declined drastically from 45.5% to 19.2%, whereas the percentage of married workers has increased from 34.7% to 68%. Both before and after the BLA, nearly half of the respondents stated that they had prior work experience abroad. Most of the respondents (80%) arriving after the implementation of the BLA stated that they had work experience in agriculture.<sup>12</sup>

**TABLE 1.2: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF THE SAMPLE OF MIGRANT WORKERS FROM THAILAND**

	Agriculture (Before BLA)	Agriculture (After BLA)
<b>Women (%)</b>	5.5	3
<b>Men (%)</b>	94.5	97
<b>Average age (standard deviation, s.d.)</b>	32 (5.2)	33 (4.6)
<b>Average years of schooling (s.d.)</b>	9.9 (3.3)	9.5 (4.2)

<sup>10</sup> In addition to the migrant workers from Thailand, there were also approximately 277 seasonal migrant workers from Sri Lanka in Israel working in the agriculture sector (PIBA, 2018, Table 6). Also, there are approximately 3,000 trainees from different countries in Asia and Africa, working in Israel as part of a work-study program. These trainees are not included in the maximum quota of migrant workers in agriculture and do not receive work permits, but rather a student visa, and they are allowed to undertake agricultural work only within the work-study program. According to Kav LaOved, Workers' Hotline (2014), the number of trainees has increased dramatically after the implementation of the BLA with Thailand, and there is concern that this has become an alternative recruitment track to the agreement.

<sup>11</sup> According to IOM data, approximately 3% of migrant workers coming to Israel to work in agriculture are women. In 2017, the research sample included 10% women in the analysis of questions specific to female Thai workers.

<sup>12</sup> In the 2016 survey, the respondents were asked about prior occupational experience (in construction or agriculture) for the first time. The percentage of workers stating that they had experience in agriculture decreased from 96% in 2016 to 72% in 2017.

	Agriculture (Before BLA)	Agriculture (After BLA)
<b>Marital status</b>		
Single (%)	45.5	19.2
Married (%)	43.7	68
Divorced (%)	10.9	12.2
<b>Activity in the workforce before arrival in Israel</b>		
Employed (%)	98.2	94.6
Unemployed (%)	-	4
Not part of the workforce (%)	1.8	1.4
Previous work experience abroad (%)	44	45.6
Previous work experience in employment sector – yes(*)	-	80
<b>N</b>	<b>55</b>	<b>125</b>

(\*) this question was asked in the 2016 and 2017 samples.

## 1.1 THE MIGRATION PROCESS TO ISRAEL

### 1.1.1. DISTRICTS OF ORIGIN IN THAILAND

Table 1.3 presents the geographical distribution of residency of migrant workers from Thailand who arrived in Israel after the implementation of the BLA.<sup>13</sup> The data indicate that a majority of migrant workers (84%) came from Northeast Thailand, and approximately 30% came from Nakhon Rachasima and Udon Thani specifically. Due to high poverty rates in these areas, they have become prominent “exporters” of manpower abroad (especially to Arab countries and Taiwan). The “recruitment industry” that developed over the years and also recruited migrant workers to Israel was concentrated in these areas (Cohen, 1999).

**TABLE 1.3: DISTRIBUTION OF MIGRANT WORKERS BY DISTRICT IN THAILAND<sup>14</sup>**

District in Thailand	% of Workers
Central	1.9
Northern	14.0
Northeastern	84.0
Southern	0.1
Total	100% (28,443)

13 There are no data regarding the distribution of residency prior to the implementation of the BLA.

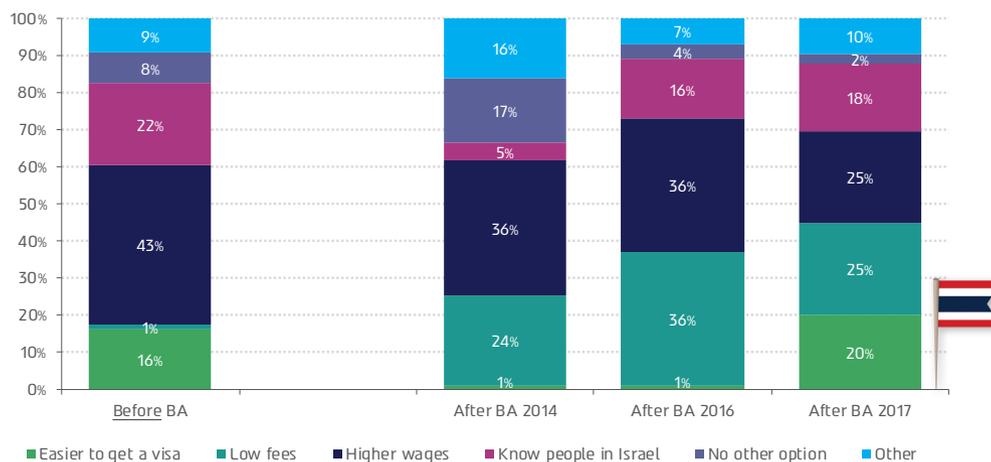
14 According to IOM data.

There is also an apparent trend of expansion of the labor migration phenomenon to new districts: in 2012 migrant workers from Thailand came from 49 districts, while in 2017 they came from 59 districts. The geographical distribution of the migrant workers may indicate an improvement in the accessibility of information about working opportunities in Israel, and thus serves as a measure for the success of the BLA. It may be assumed that the availability of information to a wider audience of potential migrant workers and transparency in the recruitment and control mechanisms has helped expand recruitment.

### 1.1.2. REASONS FOR CHOOSING ISRAEL AS A DESTINATION

Figure 1.1 presents the reasons migrant workers choose Israel over other countries as a destination for migration. The data indicates that the migration decisions of Thai workers in Israel are based mainly on economic considerations, such as higher wages and lower recruitment fees. Another prominent reason in the 2017 sample is the ease of receiving a work visa to Israel (20%). These findings indicate the success of the new arrangements in two main aspects: 1. the drastic decrease in the recruitment fees to suit the financial ability of the applicants; and 2. transparent and fair recruitment procedures that are less complicated compared to other destinations. It is important to note that social networks are also an important factor especially as recruitment expands to greater areas in Thailand.

**FIGURE 1.1: REASONS FOR CHOOSING ISRAEL AS A DESTINATION AMONG MIGRANT WORKERS FROM THAILAND<sup>15</sup>**

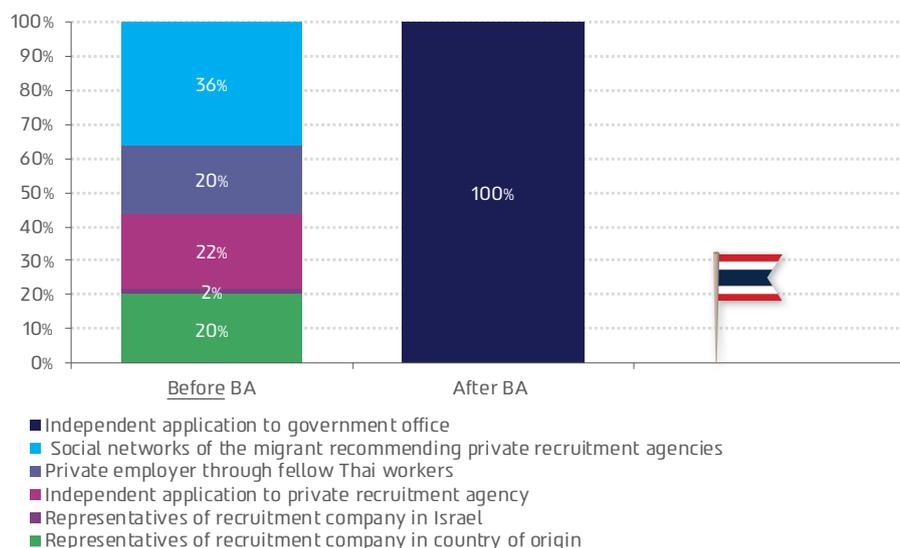


<sup>15</sup> Columns totaling 99% or 101% in this report are the result of rounding off fractions to the nearest whole number.

### 1.1.3 FORMS OF RECRUITMENT

Prior to the implementation of the agreement, the workers were recruited through private recruitment agencies or subcontractors in Israel and Thailand which were in charge of selecting the workers, and which collected recruitment fees (see figure 1.2). This recruitment method fueled the “industry” around migration in both countries prior to the BLA (for a comprehensive analysis of the manpower recruitment methods in Israel (Rajjman & Kunirovich, 2012). However, since the implementation of the BLA, all Thai migrant workers in Israel arrange their migration through government offices such as local or regional employment bureaus and the Thai Labor Ministry. The government involvement and control of the recruitment process has annulled the role of the private recruitment agencies and the subcontractors associated with them both in Thailand and in Israel. This change and its continuity and stability over time attest to the success of the bilateral agreement.<sup>16</sup>

**FIGURE 1.2: FORMS OF RECRUITMENT OF MIGRANT WORKERS FROM THAILAND**



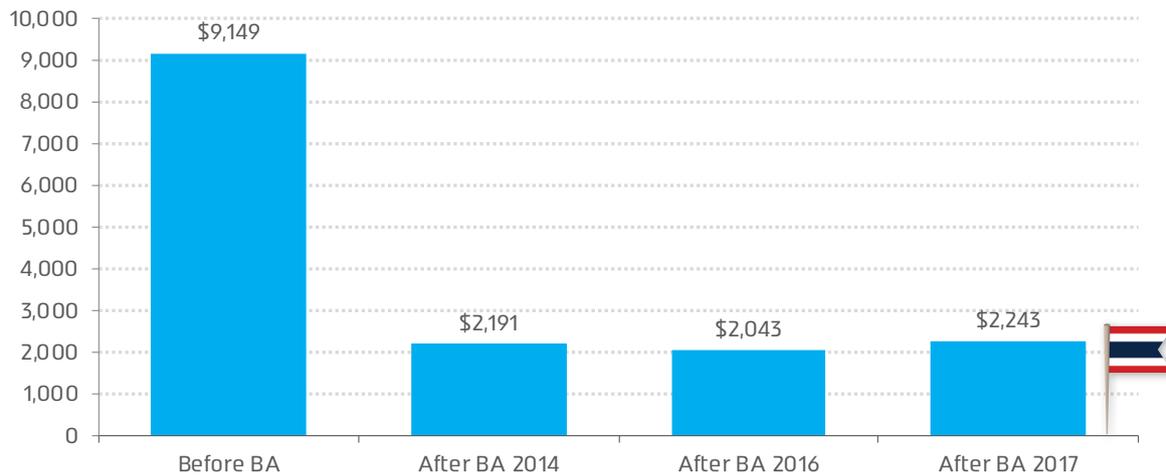
### 1.1.4. THE COST OF MIGRATION

Figure 1.3 presents the sums of money that Thai workers paid in order to come to work in Israel before the implementation of the BLA and thereafter. The data indicate that prior to the implementation of the agreement they were required to pay excessive and illegal fees in order to work in Israel. A previous report indicated that the

<sup>16</sup> The questionnaire includes questions that are supposed to identify illegal fees and/or the involvement of someone who is unauthorized to be involved in the recruitment process. We did not come across any migrant worker that paid illegal fees or organized their move to Israel privately.

recruitment agencies collected an average sum of over \$9,000 for the placement of migrant workers in Israel, and in the years prior to the BLA there were even migrant workers that paid up to \$12,000 in order to obtain a work visa (Raijman & Kushnirovich, 2012). After the implementation of the BLA, the total cost of migration (in dollars) decreased radically to \$2,100-\$2,200 on average, and the sums are collected according to Israeli law.<sup>17</sup> These findings indicate the effect of the new recruitment method on the change in the fees paid by migrant workers in the past.<sup>18</sup>

**FIGURE 1.3: SUMS OF MONEY PAID BY MIGRANT WORKERS FROM THAILAND IN ORDER TO COME TO ISRAEL [US DOLLARS, AVERAGE]**

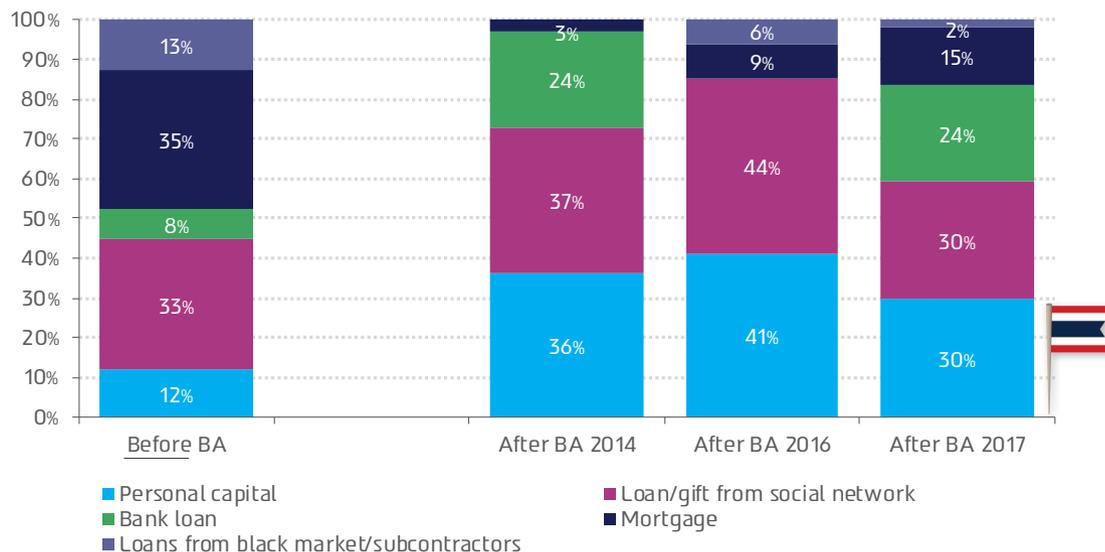


### 1.1.5. FINANCING THE COSTS OF MIGRATION

The drastic decrease in recruitment fees has had a major effect on both how migrants finance their migration moves, and the amount of time needed to repay migration debts. The data presented in figure 1.4 show the proportional part of each source in financing the costs of migration to Israel. The data indicate some significant changes following the implementation of the BLA: previously migration was mainly financed through loans that migrant workers took from relatives and friends or from banks, often by mortgaging their homes or land, or through loans on the black market. Only a few (12%) relied on personal capital. This finding is not surprising due to the exorbitant sums that were required to come work in Israel.

<sup>17</sup> Currently the sums are collected according to Israeli law: the recruitment agent abroad may collect up to 3,677NIS, and the actual costs of the recruitment services collected by IOM are lower than this amount and are currently \$450. The private office in Israel may collect an additional fee of 2,715 NIS plus VAT (approximately \$889) for providing services to the worker throughout his stay in Israel. There are also additional costs for a flight ticket, a medical examination and issuing a passport if necessary. See The Employment Service regulations (fees from work applicant for work mediation), 2006: [https://www.nevo.co.il/law\\_html/Law01/999\\_625.htm](https://www.nevo.co.il/law_html/Law01/999_625.htm)

<sup>18</sup> The range in costs is due to changes in Dollar exchange rate in Thailand in 2014-2017.

**FIGURE 1.4: FINANCING SOURCES FOR LABOR MIGRATION FROM THAILAND**

After the implementation of the BLA, and with the drastic decrease in costs, more migrant workers have succeeded in financing their trip using personal capital, and the percentage has increased drastically to 36%. Nevertheless, figure 1.4 indicates that after the increase in the use of personal capital in 2014 and 2016 (36% and 41% respectively), in 2017 there is a decrease, and only 30% of migrant workers financed the migration costs using this source. Generally, after the implementation of the BLA there is a constant increase in the percentage of migrant workers from Thailand who financed their trip using loans from their social network (especially family members, but also friends), usually with no interest: from 33% before the BLA, to 37% and 44% after (the 2014 and 2016 sample respectively). However, the percentage of those using this source of financing has also decreased in 2017 to 30%. On the other hand, the data indicate an upward trend in the number of bank loans intended to finance the trip: the percentage of migrant workers turning to banks for loans has increased from 8% before the BLA to 24% in the samples after the BLA (in 2014 and 2017).<sup>19</sup> These figures indicate that the decrease in the travel expenses enabled migrant workers to take bank loans without getting into large debts. Accordingly, the percentage of workers from Thailand that had to mortgage their property in order to finance the recruitment fee has decreased significantly after the implementation of the BLA: 35% of the respondents who arrived before the implementation of the agreement mortgaged their property in order to finance the recruitment fee, while only 3% had to do so in the 2014 sample. However, since 2016 there is an increasing trend in the percentage of those using this source for financing their trip: 9% in the 2016 sample and 15% in

<sup>19</sup> In the 2016 sample none of the participants stated that they had taken a bank loan. Differences among the samples is often a result of a small number of participants.

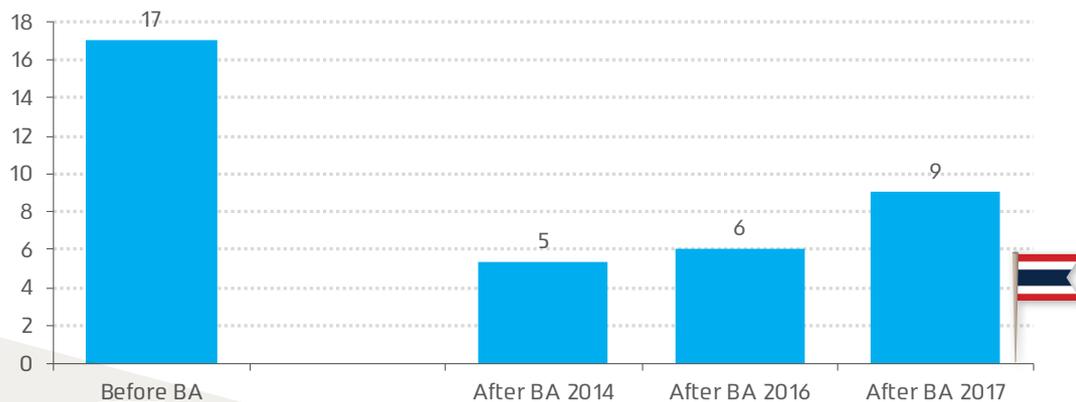
the 2017 sample. At the same time, the percentage of migrant workers using the black market to finance their move to Israel has decreased from 13% before the BLA to only 2% in the 2017 sample.

In conclusion, it may be argued that the low fees that migrant workers are required to pay in order to come to Israel enable them to diversify their financing sources, leading to trends such as bank financing (loans and mortgages) becoming a reasonable and economically feasible source. These changes attest to the effects of the BLA on reducing the debt bondage migrant workers arriving before 2012 found themselves in. Prior to the implementation of the agreement, approximately 55% of migrant workers relied on bank loans, mortgaging homes and the black market, compared to 30% after the implementation of the agreement.

### 1.1.6. REPAYING DEBTS

One of the main concerns is the length of time it takes the workers to repay their debts. This is so because if they are in debt and are afraid to lose their livelihood, they tend not to report problems with their employment, violations of the law or fraud. It should be noted that at the time of the interview, 60% of the migrant workers that had taken out a loan to finance their move to Israel had already repaid their debts. Figure 1.5 presents a drastic decrease in the number of months needed by the migrant workers in order to repay the debt: from 17 months prior to the BLA to 5-6 months after the agreement. However, in the 2017 sample there is a significant increase in the number of estimated months needed in order to repay the debt: from 6 months in 2016 to 9 months in 2017. In other words, if on average, a third of the five-year period was dedicated to repaying the costs of migrating prior to the agreement, it now takes both groups several months to repay the debt.<sup>20</sup>

**FIGURE 1.5: TIME NEEDED TO REPAY DEBT AMONG MIGRANT WORKERS FROM THAILAND (IN MONTHS)**



<sup>20</sup> Migrant workers who did not repay their loans stated in 2017 that they would need 14.8 months to return the amount they had loaned in their country of origin, while migrant workers who had already repaid their loan did so within 5.8 months.

How might we explain the increase in the number of months required to repay the debt? Table 1.4 shows the total amount of loans by arrival year after the implementation of the BLA. The data indicate that in the 2017 sample there was a significant increase in the amount of the average loan (from a bank, from family and from friends) from \$1,600-\$1,700 to \$2,200. It seems that a migrant worker who took out a loan in 2017 tended to borrow enough to cover all the expenses of the move, and it is possible that this resulted in a longer repayment period for this group. Another explanation might be related to the family status of the migrant workers included in the sample: 1. the percentage of married and divorced workers was significantly higher in the 2017 sample - 90%, compared to 76% and 74% in the 2014 and 2016 samples; and 2. only 14% of the interviewees in the 2017 sample did not have children, compared to 32% and 26% in the 2014 and 2016 samples. It is possible that family obligations have an effect on the repayment period, because a larger share of the remittances sent to the family is devoted to living expenses and not to repaying loans, and therefore repayment takes a longer period of time.

**TABLE 1.4: AVERAGE LOAN AMOUNT OF MIGRANT WORKERS FROM THAILAND ACCORDING TO SAMPLES**

2014	2016	2017
\$1,619	\$1,737	\$2,209

In conclusion, similar to previous studies, the data indicate that the implementation the BLA has had a great impact on both the recruitment process of the workers and on the sums of money they are required to pay in order to come to Israel. After the implementation of the BLA the payments had decreased significantly, and the average amount of debt taken on by Thai workers has decreased accordingly. Since they are not bound by financial debt, the workers are free to move between employers, are free to complain about violations of their rights and even return to their countries before the maximum work period allowed in Israel - 63 months. In the agriculture sector, a worker returning to his country permanently before completing 36 months in Israel is entitled to a partial reimbursement of the permitted fee of approximately \$800, which the worker must pay to the Israeli manpower company, as set out in the Employment Service regulations. CIMI reports that from January 2013 to December 2015, PIBA received requests from 498 workers from Thailand returning to their country permanently before completing 36 months of work in Israel, asking for a partial reimbursement of the fee paid to the Israel recruitment agency. 464 of these applicants were entitled and received reimbursements. In 2016, 298 requests were submitted and all were refunded. In 2017, 348 workers submitted a refund request and all were found to be eligible, excluding 2 cases in which the refund was already given before the worker left Israel. The BLA also has the potential to serve as an effective framework for protecting the rights of migrant workers. The next section will examine the employment conditions and the living conditions of migrant workers from Thailand in Israel.

## 1.2. EMPLOYMENT CONDITIONS AND SOCIAL RIGHTS OF MIGRANT WORKERS FROM THAILAND IN THE AGRICULTURE SECTOR

This section includes an overview of the employment conditions and social rights of migrant workers from Thailand employed in the agriculture sector in Israel. The analysis includes the following issues: 1. Breaches of contract; 2. Wages; 3. Rest days; 4. Overtime pay; 5. Holiday, vacation and convalescence pay; 6. Payment for sick days and medical insurance; 7. Living conditions; 8. Hazardous working conditions; 9. Difficulties & violations of rights in the workplace; 10. Expectations vs. reality of work in Israel; 11. Effectiveness of pre-departure orientation in country of origin; and 12. Conclusions.

Israeli law determines that migrant workers are entitled to the same working conditions as Israeli workers in the same sector. In addition, the employers must provide every migrant worker with an employment contract in a language the migrant understands, as well as provide the worker with health insurance and adequate housing. Prior to their arrival in Israel, migrant workers sign a contract in their own language which sets out the employment conditions in their future workplace. In order for the workers to know the employment conditions they will be entitled to in Israel, and in order for them to be able to approach the authorities on this matter, the BLA includes special conditions such as: holding pre-departure orientation, distribution of information booklets about worker rights and setting up a telephone line (Call Center) for workers' questions and complaints in their mother tongue both in Israel and in Thailand.

### 1.2.1. BREACHES OF CONTRACT

Figure 1.6 presents the correspondence rate between the contract and the actual working conditions in Thai workers' first workplace in Israel, based on the self-reports of respondents. After the implementation of the BLA, there was an increase in the number of workers that reported discrepancies between the contract signed abroad and the actual employment conditions: prior to the implementation of the BLA, 58% reported discrepancies, whereas after the agreement the percentage of those reporting a disparity between the contract and actual employment conditions had increased to as much as 100% in 2016, this increase can be attributed to the workers being more aware of the employment conditions they are entitled to: prior to the implementation of the agreement 15% of the respondents did not know at all whether the conditions matched the contract, and in 2017 only one worker did not know.

**FIGURE 1.6: CORRESPONDENCE BETWEEN CONTRACT CONDITIONS AND ACTUAL WORKING CONDITIONS AMONG MIGRANT WORKERS FROM THAILAND**

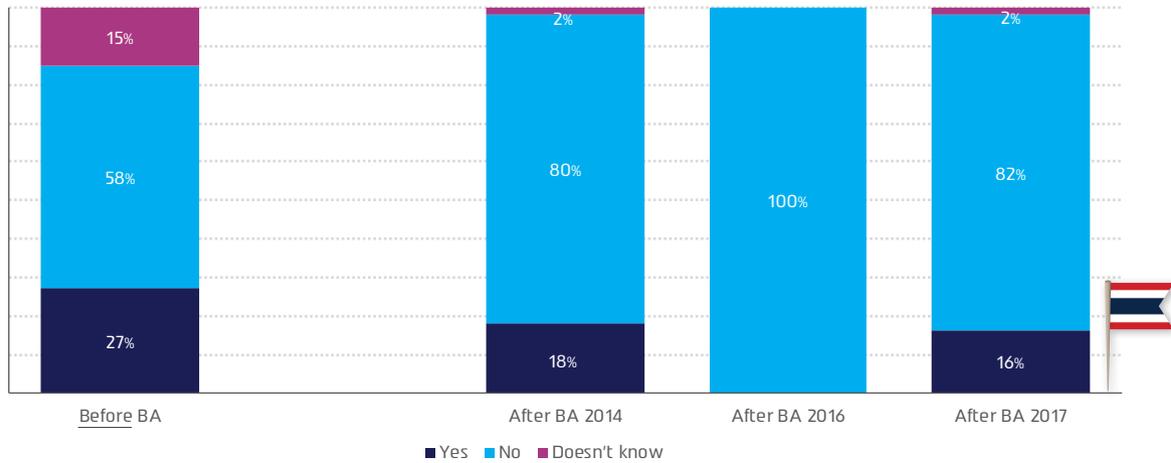
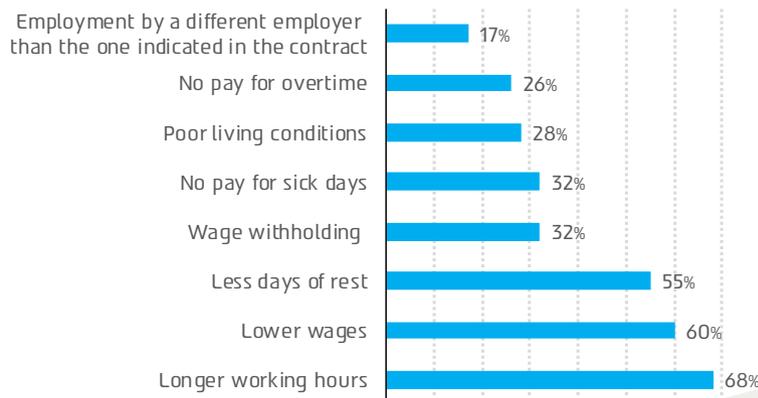


Figure 1.7 presents the type of violations that the interviewees had experienced in 2017: 68% of the respondents reported longer working hours than indicated in the contract; 60% reported lower wages; 55% reported a smaller number of monthly rest days than they were entitled to according to the contract; 32% reported wage withholding; 32% reported they did not receive payment for sick days; 28% reported poor living conditions; 26% reported they did not receive payment for overtime; and 17% reported that they were employed by a different employer than the one indicated in the contract.

**FIGURE 1.7: TYPES OF BREACHES OF CONTRACT AMONG MIGRANT WORKERS FROM THAILAND, 2017**



## 1.2.2. WAGES

After the implementation of the BLA, none of the respondents reported being employed by two employers at the same time, while prior to the implementation of the agreement 7% of the respondents reported so. In addition, in 2017 only 44% of the respondents reported that they had received a pay slip. Although this is an increase compared to the period prior to the implementation of the agreement, when only 31% reported that they had received a pay slip, nevertheless the percentage of workers receiving a pay slip is relatively low. Furthermore, among those who did receive a pay slip, only 12% reported that they could understand it.

According to the PIBA directive, the workers' wages must be deposited into their bank accounts. Figure 1.8 indicates whether the workers had a bank account as required, and in the event that they did not - what were the reasons. The data indicate that only about a third of the respondents (32% in 2016 and 34% in 2017) reported that they had a bank account in Israel, and there was an increase in the number of workers that reported that their employers refused to open a bank account for them (41% in 2017 compared to 27% in 2016). There was also an increase in the percent of cases in which the workers did not know at all about the possibility of opening a bank account (28% in 2017 compared to 20% in 2016). Nevertheless, only a small number of workers reported in 2017 that it was not convenient for them to open and manage a bank account in Israel (24% in 2017 compared to 26% in 2016). It is important to note that some of the workers live in places that are far from any bank branch, which may be the reason that some prefer not to open a bank account in Israel, but instead have their wages transferred directly to their bank account in Thailand.

**FIGURE 1.8: PREVALENCE OF PERSONAL BANK ACCOUNTS AMONG THAI MIGRANT WORKERS & REASONS**

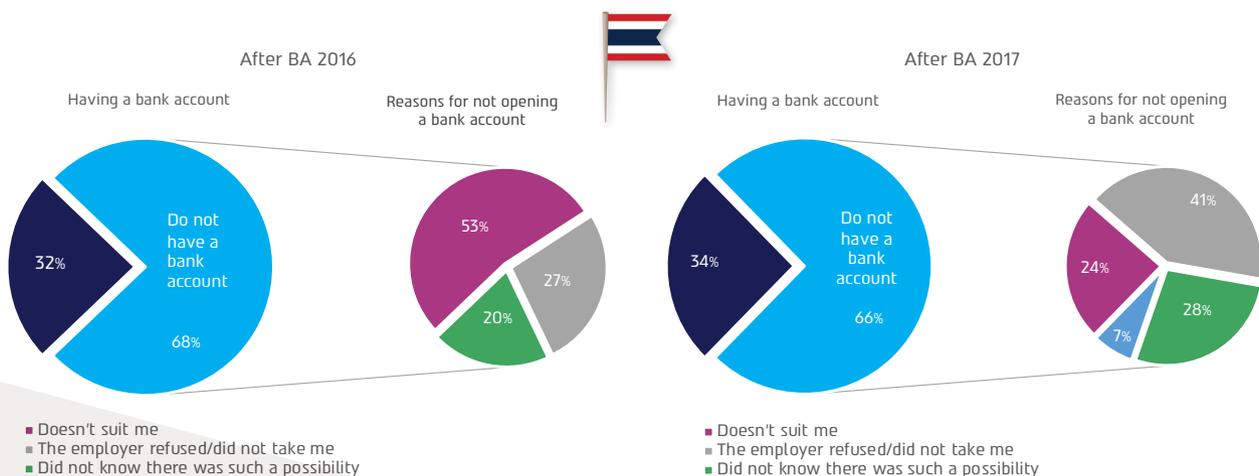
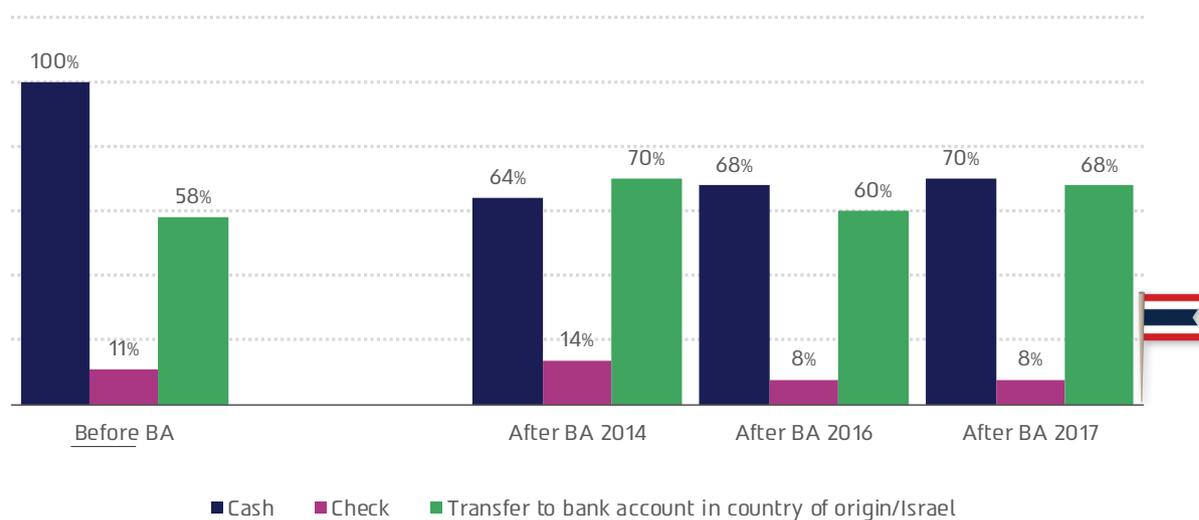


Figure 1.9 shows ways in which the workers received their wages. After the implementation of the BLA there was an increase in the percentage of workers that receive their wages by deposit to their bank account (from 58% prior to the implementation of the agreement to 68% in 2017). Out of the 68% that received their wages by deposit to a bank account, 32% received wages to their account in Israel and 36% to an account abroad. At the same time, the percentage of workers who received at least part of their wages in cash had decreased (approximately 64%-70% after the implementation of the agreement, compared to 100% prior to it). However, many still receive some part of their wages in cash, and there is also a disturbing trend of a gradual increase in the number of workers reporting this (approximately 64% in 2014; 68% in 2016; 70% in 2017). Payment in cash is not necessarily a violation of the law,<sup>21</sup> but it may lead to various violations of workers' rights by their employers.

**FIGURE 1.9: WAYS OF PAYING WAGES TO MIGRANT WORKERS FROM THAILAND<sup>22</sup>**



Migrant workers who are employed full-time in Israel are entitled to minimum wage as defined by law. During the period of this study, the monthly minimum wage in agriculture increased from 3,850 NIS in January 2011 to 5,000 NIS in January 2017. Figure 1.10 presents average monthly salaries (net value in NIS) of Thai migrant workers in the agriculture sector before and after the implementation of the BLA. The data indicate that the employers have

<sup>21</sup> As indicated in the Wage Protection Law (Amendment No. 30) 2018: "A wage shall be paid in cash; but it may be paid by check or postal order if this mode of payment has been fixed by collective agreement or by contract of employment or if the employee has otherwise consented thereto, so long as the employee can obtain payment of the check or postal order from the drawee thereof at the time fixed in whichever is applicable of sections 9 to 14".

<sup>22</sup> The total in the figure may exceed 100%, because workers can receive different parts of their wages in different ways, and therefore there could be multiple responses.

complied with minimum wage requirements both prior to the implementation of the agreement and thereafter. However, while in the years 2011-2017 the wages of the workers from Thailand increased by 11%, the minimum wage increased by 30% during the same period. Therefore, the actual wage increase of workers from Thailand was much more moderate than the increase in the overall minimum wage.

**FIGURE 1.10: AVERAGE MONTHLY WAGE OF MIGRANT WORKERS FROM THAILAND (IN NIS)**

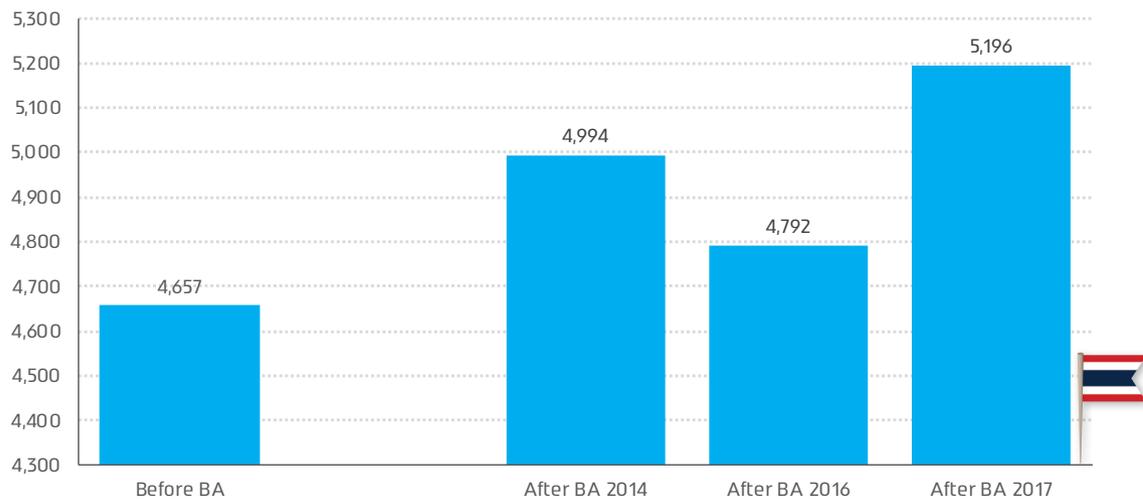
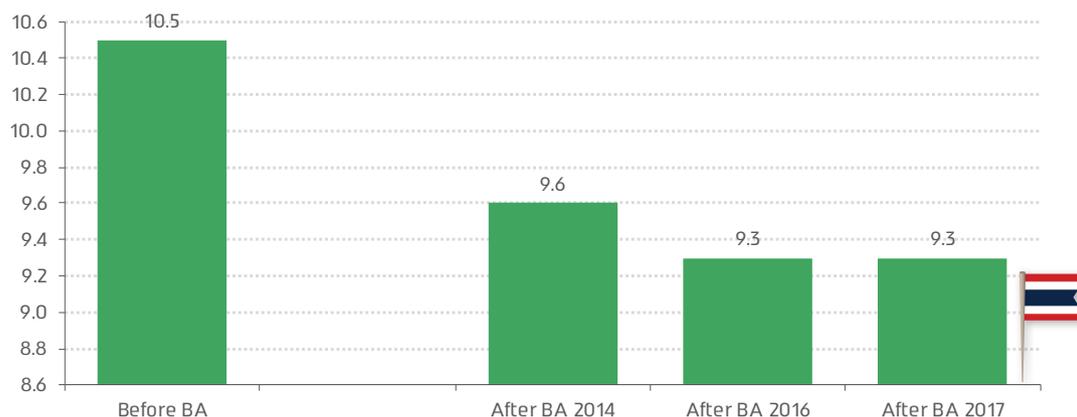


Figure 1.11 shows that after the implementation of the BLA, the number of working hours of the Thai workers gradually decreased from 10.5 in 2011 to 9.3 hours a day in 2017. Since the working week in Israel is determined by law as 43 working hours, it appears that the number of working hours of for Thai migrants is very close to the number of weekly working hours determined by law, with about 0.7 overtime hours a day. In 2017, 24% of the respondents from Thailand reported that they worked at night, similar to their percentage prior to the implementation of the BLA (27.3%).

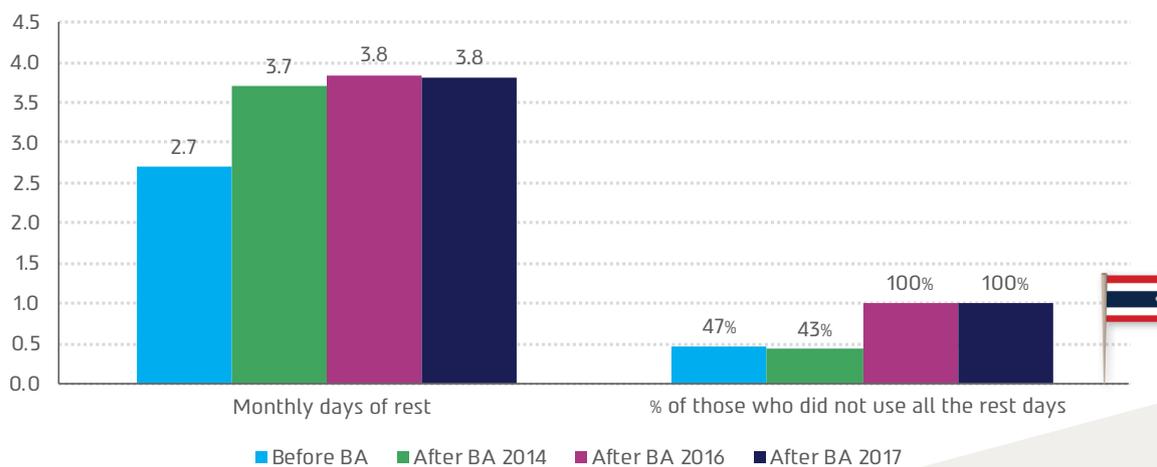
**FIGURE 1.11: AVERAGE DAILY WORKING HOURS OF MIGRANT WORKERS FROM THAILAND (NET)<sup>23</sup>**



### 1.2.3. REST DAYS

Figure 1.12 shows that after the implementation of the BLA, the number of monthly rest days increased significantly from 2.7 in 2011 to 3.8 in 2017. However, all of the respondents from Thailand who did not take advantage of their rest days during the week prior to the interview did not do so of their own free will. The data indicate that in the years 2016-2017 the situation stabilized, and there was no significant change in the use of rest days.

**FIGURE 1.12: NUMBER OF MONTHLY REST DAYS AMONG MIGRANT WORKERS FROM THAILAND**

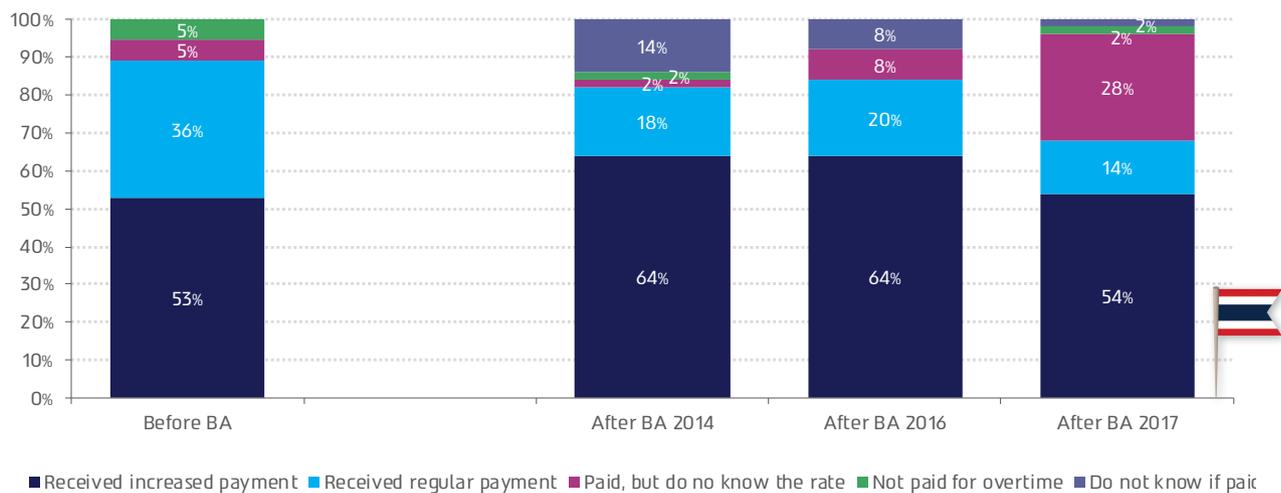


<sup>23</sup> The workers reported in the questionnaire about the beginning of their work day and the end of it, as well as on the number of breaks and their duration during the day. The net working hours were calculated based on this data.

### 1.2.4. OVERTIME PAY

An analysis of the data reveal that migrant workers from Thailand work in Israel on average 9.3 hours a day (approximately 0.7 extra hours a day). According to Israeli law, a worker who works six days a week is entitled to increased pay for each additional hour beyond eight hours a day, and a worker who works five days a week is entitled to increased pay for every hour beyond nine hours a day. Figure 1.13 presents data regarding increased pay for those who reported working overtime. The data indicates that after the implementation of the BLA, the situation did not improve significantly: approximately half of the respondents from Thailand still reported not receiving adequate payment for overtime. Furthermore, in 2017 the percentage of workers that reported receiving payment for extra hours decreased to 54%, similar to the level before the implementation of the agreement (53% in 2011). The awareness regarding payment decreased: in 2017, 28% of the respondents did not know if they received increased pay, or any pay, for overtime, compared to 5%-8% that did not know in previous years. In order to ensure payment for overtime, it is necessary to raise awareness about the rates, and to increase enforcement of such payments.

**FIGURE 1.13: OVERTIME PAY FOR MIGRANT WORKERS FROM THAILAND**



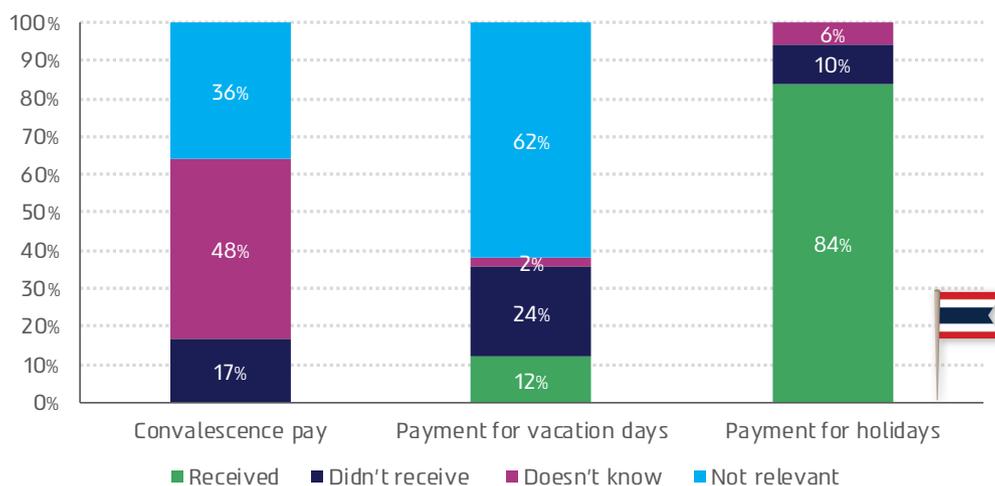
### 1.2.5. HOLIDAY, VACATION AND CONVALESCENCE PAY

According to the extension order in the agriculture sector, workers are entitled to pay for 10 holidays and 1 vacation a year.<sup>24</sup> The holidays do not have to coincide with the common holidays in Israel, but the worker may choose the dates him-/herself at the beginning of their employment period. As seen in figure 1.14, 84% of the respondents from

<sup>24</sup> According to the Hours of Work and Rest Law every worker is entitled to pay for 9 holidays (Israeli or foreign).

Thailand reported receiving payment for their holidays in 2017. However, none of the respondents employed by the same employer for over a year reported that they had received convalescence pay<sup>25</sup>. In 2017, 16 out of 50 workers took a vacation during their work in Israel, and only 5 of them received payment for it.<sup>26</sup>

**FIGURE 1.14: HOLIDAY, VACATION AND CONVALESCENCE PAY FOR MIGRANT WORKERS FROM THAILAND AFTER THE IMPLEMENTATION OF THE BILATERAL AGREEMENT**



## 1.2.6. HEALTH INSURANCE AND SICK PAY

The Foreign Workers Law (1991) requires that employers provide health insurance at their own expense and with the participation of the worker for the entire duration of their employment, including services determined in an ordinance by the health minister, since migrant workers are not entitled to national health services. Figure 1.15 shows that immediately after the implementation of the BLA, there was a significant improvement in all aspects relating to health insurance, but over time the situation deteriorated. In 2017 only 70% of the respondents thought that they had health insurance, and 26% did not know whether they had health insurance or not, compare to 81% and 7% respectively in 2011, prior to the implementation of the agreement. Knowing the increased enforcement of health insurance for migrant workers in Israel, it is possible that in effect the percentage of those insured has not decreased significantly. The decrease in the percentage of workers reporting that they have health insurance may be explained by a decline in awareness, which requires further examination in future surveys.

<sup>25</sup> Workers who have completed at least one year at their workplace are entitled to convalescence pay according to seniority accrued in the workplace for 5 days. Convalescence pay was 378 NIS a day in the private sector.

<sup>26</sup> In Israel, as of January 1, 2017, workers are entitled to at least 14 days of paid annual vacation.

In 2017, 70% of the respondents that reported that they had health insurance knew what Health Maintenance Organization (HMO, in Hebrew "Kupat Holim") they belonged to, a higher percentage than prior to the implementation of the agreement (25%), but lower than in 2016 (77%). Only 14% reported that health insurance was set up for them during their first month in Israel, compared to 23% in 2016. 77% reported that the insurance policy was written in a language they do not understand, and 23% reported that they had not even seen the insurance policy and therefore do not know what language it is written in. Nevertheless, with time there has been an increase in the percentage of workers holding an HMO membership card (from 42% in 2016 to 61% in 2017). The delay in receiving the membership card is due to two main reasons: (1) the requirement by the insurance companies that the worker sign a current health declaration from the day of arrival; and (2) the technical procedure of issuing a magnetic card, that takes time even after the approval of the insurance company.

**FIGURE 1.15: HEALTH INSURANCE FOR MIGRANT WORKERS FROM THAILAND**

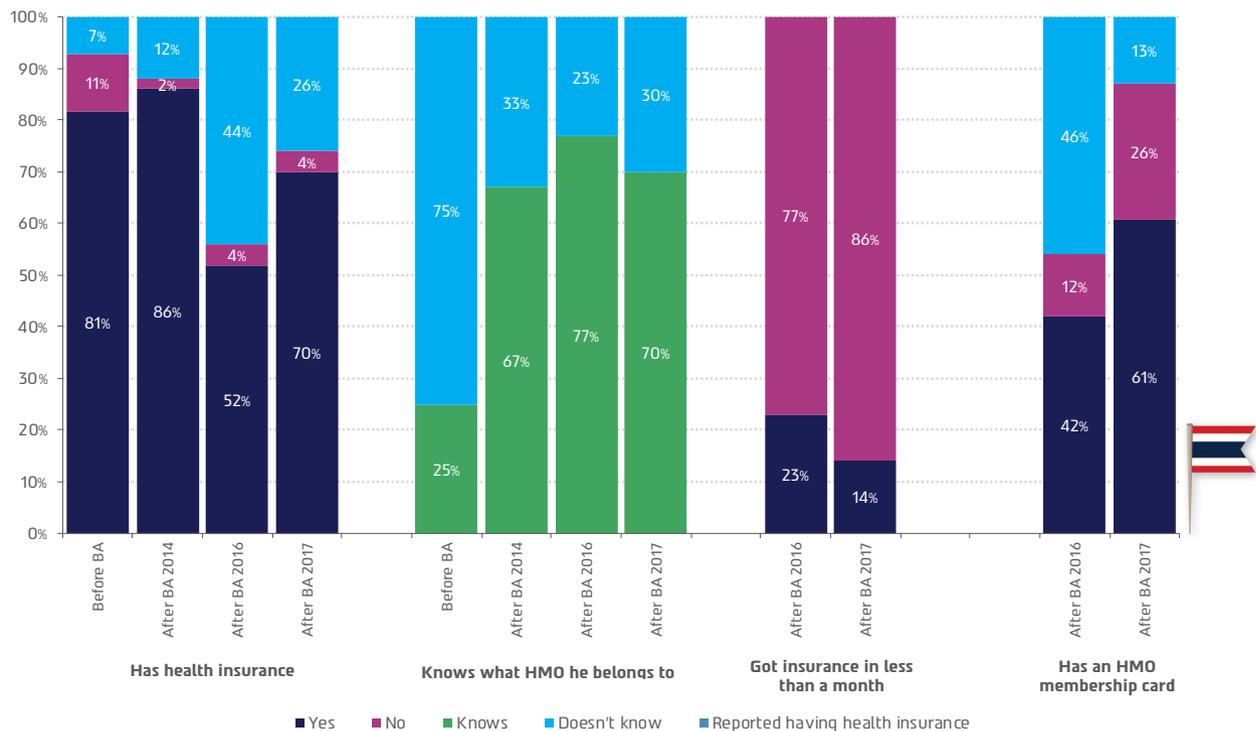
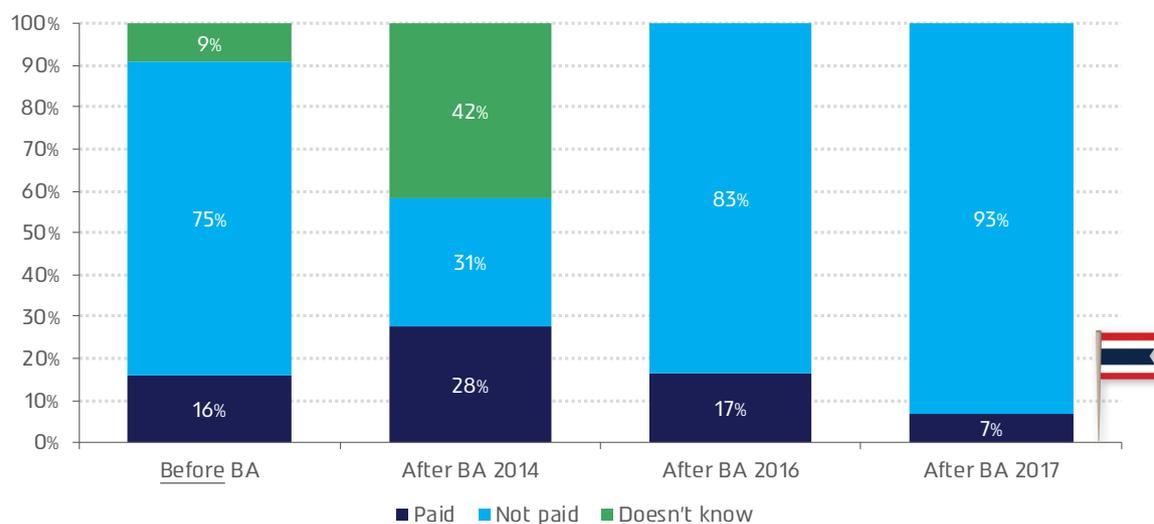


Figure 1.16 shows data regarding payment for sick leave for workers who were sick. The data show a decrease in the percentage of workers that reported that they had received payment for sick leave in 2017 compared to 2016. In the 2017 survey, out of 50 workers that responded to the questionnaire, 30 were sick during their work period in Israel, and

of them only 7% reported that they had received payment for sick leave. The situation prior to the implementation of the agreement was similar to the situation in 2016: 16% of the respondents for whom this pertained reported that they had received payment for sick leave. Nevertheless, the awareness regarding entitlement has increased - prior to the signing of the BLA 9% of the respondents from Thailand did not know whether they received payment for sick leave. In 2014, 43% of those who were sick reported that they do not know whether they received payment for sick leave or not, while in 2016 and 2017 all of those who were sick knew whether they received payment for sick leave or not.

**FIGURE 1.16: PAYMENT FOR SICK LEAVE FOR MIGRANT WORKERS FROM THAILAND**



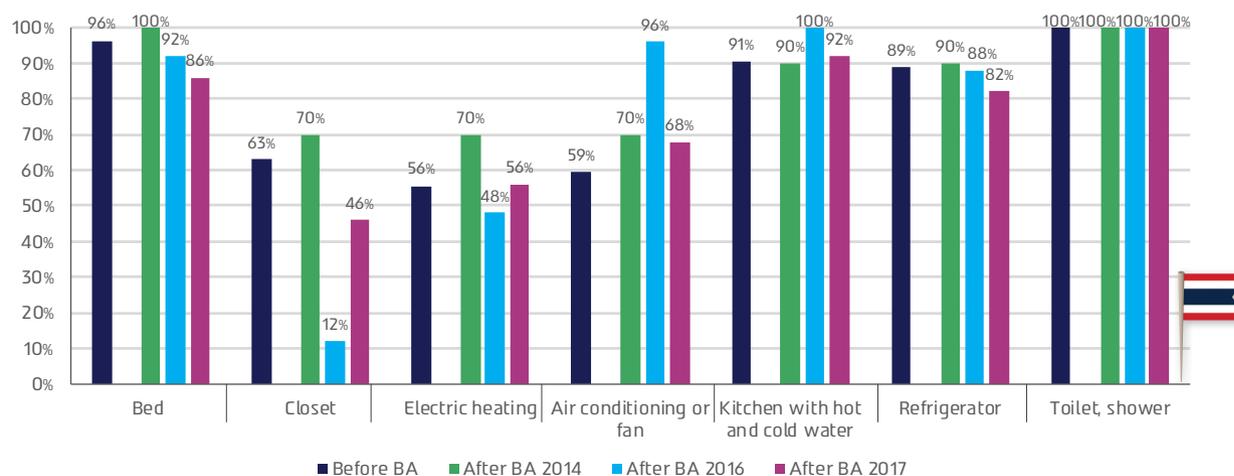
The workers were then asked how they would act if they had a health problem. 80% responded that they would turn to the employer for help in contacting a doctor, two workers intended to use medicine they had brought with them from home, another worker responded that he would turn to other workers, and 14% reported that they would not know what to do in this situation.

### 1.2.7. LIVING CONDITIONS

Figure 1.17 indicates that after a temporary improvement in living conditions that occurred right after the implementation of the BLA, there was a slight decline in the living conditions of the respondents from Thailand. In 2017 only 86% of the respondents were provided a bed by the employer, compared to 96% prior to the implementation of the agreement, 100% in 2014, and 92% in 2016. In addition, in 2017 the employers provided a refrigerator to only 82% of the respondents, compared to 88%-90% in previous years. Also, in 2017 54% did not receive a closet and 44%

of them did not receive electric heating. Most of the respondents who were not equipped with electric household appliances (despite the requirement by law) purchased them on their own and at their own expense.

**FIGURE 1.17: LIVING CONDITIONS OF MIGRANT WORKERS FROM THAILAND**



Israeli law determines that if the place of residence is provided by the employer, a maximum of 6 workers may reside in one room. In 2017 all of the respondents reported that the number of their roommates did not exceed 5 (8% share a room with only one worker; 27% with two workers; 41% with three workers; 16% with four workers; and 8% with five workers). Prior to the implementation of the BLA, approximately 6% of the respondents reported on living in one room with more than 6 workers.

However, in 2017 the workers described their living conditions as mostly poor:<sup>27</sup> 22% of them indicated that the living conditions were very poor, 52% indicated that the living conditions were poor, 22% reported that the living conditions were not good and not poor, and only 2 workers (4%) assessed their living conditions as good or very good on average. The women assessed their living conditions as even worse than the men: 80% indicated that the living conditions were poor or very poor, and not even one assessed the living conditions as good or very good. Additionally, seven out of ten women reported that they share their place of residence with men. Three female interviewees reported that also the toilet and shower in their place of residence was not for women only and their use was shared with men. One out of ten women reported that the lock for the room she resided in could be easily broken.<sup>28</sup> Three women reported that

<sup>27</sup> An average of 2.1 on a scale from 1 (very poor) to 5 (very good).

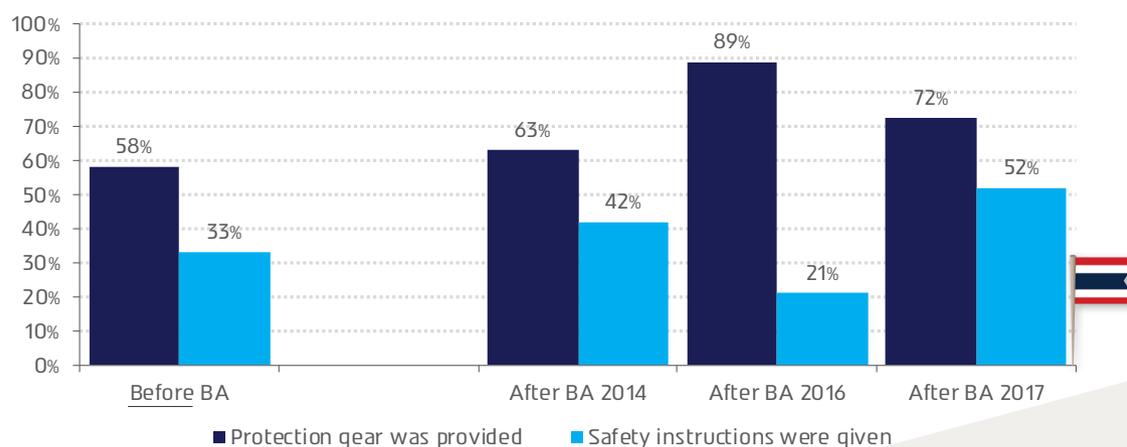
<sup>28</sup> According to PIBA regulations, before approving the invitation of a female foreign worker to the agriculture sector in Israel, the employer must declare that s/he will provide the worker with a room that is separate from men, as well as a separate toilet and shower.

there were no other women in their workplace. As a result, the women felt unsafe in their place of residence: out of 10 female migrant workers who participated in the 2017 sample, 4 indicated that they felt unsafe (40% of all the women), compared to 23% of the male migrant workers who felt this way. This indicates that women's living conditions need to be given special attention, and the demand for these conditions and their enforcement must be increased.

### 1.2.8. HAZARDOUS WORKING CONDITIONS

Figure 1.18 presents data reported by migrant workers regarding the safety conditions at the workplace. The data indicate that after the implementation of the agreement, there was an improvement in the provision of protective gear, but in the most recent year of the study (2017) there has been a certain deterioration: 72% of the Thai workers employed in agriculture reported that they were equipped with protective gear while working under hazardous conditions (compared to 89% in 2016, and 58% prior to the implementation of the agreement in 2011). However, only 50% of the respondents received a mask, while for 23% of them the mask was in poor condition; 62% received gloves, and 31% of them reported that the gloves were in inadequate condition; 62% received work shoes, and among 13% of them the work shoes were in inadequate condition; and only 31% received a jacket, although everyone reported that the jackets were in good condition. In addition, 80% reported that they could not shower after working with chemical substances, and 35% reported that they did not feel well after working with chemical substances - compared to only 9% of workers who reported this prior to the implementation of the BLA.

**FIGURE 1.18: WORKING WITH HAZARDOUS MATERIALS AND IN HAZARDOUS CONDITIONS**



Nevertheless, there has been an improvement regarding the provision of safety instructions when working with hazardous materials or under hazardous conditions. In 2017, 52% of the Thai workers received safety instructions, compared to 21% in 2016 and 33% in 2011, prior to the implementation of the BLA. However the finding that is of concern is that out of the respondents who received instructions in 2017, 7% did not understand the instructions at all, 14% only understood some of them, and 29% understood only a portion of the instructions. The reason for that is that only 31% of the respondents received instructions in the Thai language, 15% received instruction in English, and the majority (53.8%) received the instruction in Hebrew. Additionally, 46% of the respondents reported that they were required to drive during work, but for 54% of them the employer did not verify that they had a driver's license.

### **1.2.9. DIFFICULTIES AND VIOLATIONS OF RIGHTS IN THE WORKPLACE**

In 2017, out of the 50 workers interviewed, seven workers (14%) reported difficulty lifting heavy objects; six workers (12%) indicated a difficulty working with pesticides; four workers (8%) indicated that the hot weather was very difficult for them; three workers (6%) complained about the employer's negative attitude towards them; and three (6%) indicated that they had difficulties with heights (climbing trees) in the workplace. In total, 60% of the respondents reported at least one difficulty they had to deal with at work. In addition, two of the 50 interviewees reported that the employer took away their passport, and one worker reported that the employer took a security deposit from him. These actions are a criminal offence according to Israeli law. One woman reported that she experienced violence from another worker who entered her room at night, and five men indicated that they had experienced verbal violence.

### **1.2.10. EXPECTATIONS VS. REALITY OF WORK IN ISRAEL**

The workers were asked to examine in hindsight the reality of their life in Israel compared to their expectations prior to their arrival. Figure 1.19 summarizes their responses.

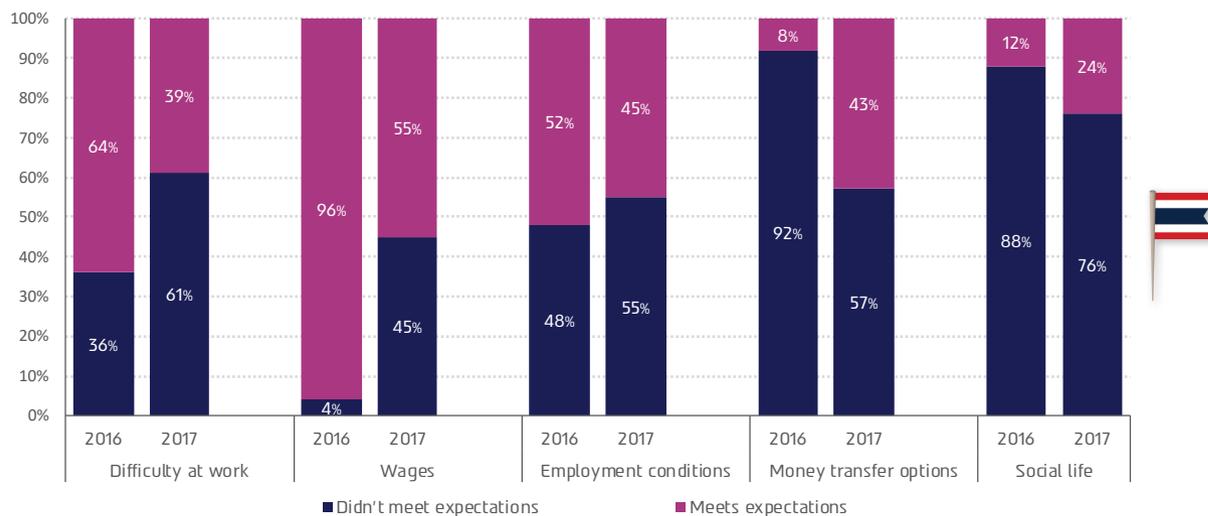
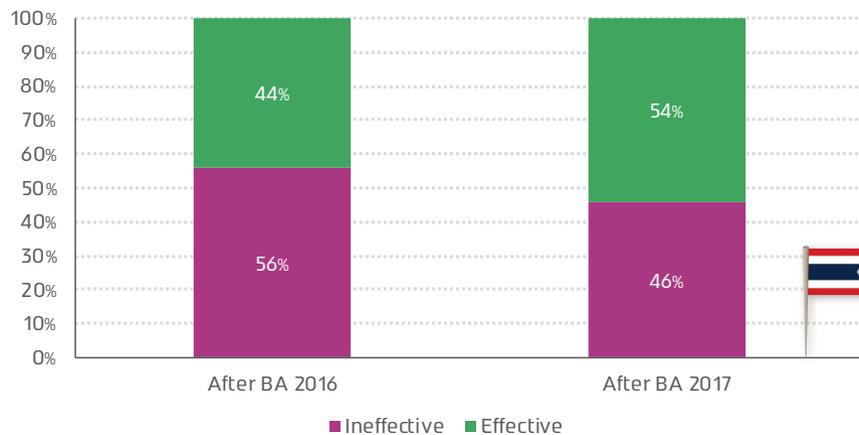
**FIGURE 1.19: EXPECTATIONS VS. REALITY OF WORK IN ISRAEL AMONG THAI MIGRANT WORKERS BEFORE AND AFTER THE BLA**

Figure 1.19 shows that there has been a decline in the difference between expected and actual difficulty at work (from 64% in 2016 to 39% in 2017), wages (from 96% to 55%) and employment conditions (from 52% to 45%). On the other hand, the difference between their expectations before migration and the reality in Israel has increased regarding the possibility to transfer money (from 8% to 43%), and social life (from 12% to 24%). It may be assumed that greater awareness of the employment conditions and wages prior to migration made workers more critical of them. This issue requires deeper examination in subsequent studies. In addition, 20% of the respondents reported that they intend to return to their country of origin before completing the work period approved, and none of the respondents expressed the desire to stay in Israel after the expiration of their visa.

### 1.2.11. EVALUATION OF THE EFFECTIVENESS OF THE PRE-DEPARTURE ORIENTATION (PDO) IN THE COUNTRY OF ORIGIN

Prior to their arrival in Israel, the migrant workers undergo an orientation session in which they receive information regarding their rights, their employment contract and general information about life in Israel. In order to understand how effective the Pre-departure Orientation (PDO) was in preparing them for work in Israel, the respondents were asked to assess whether the PDO helped them deal with the reality in Israel. The results are presented in figure 1.20.

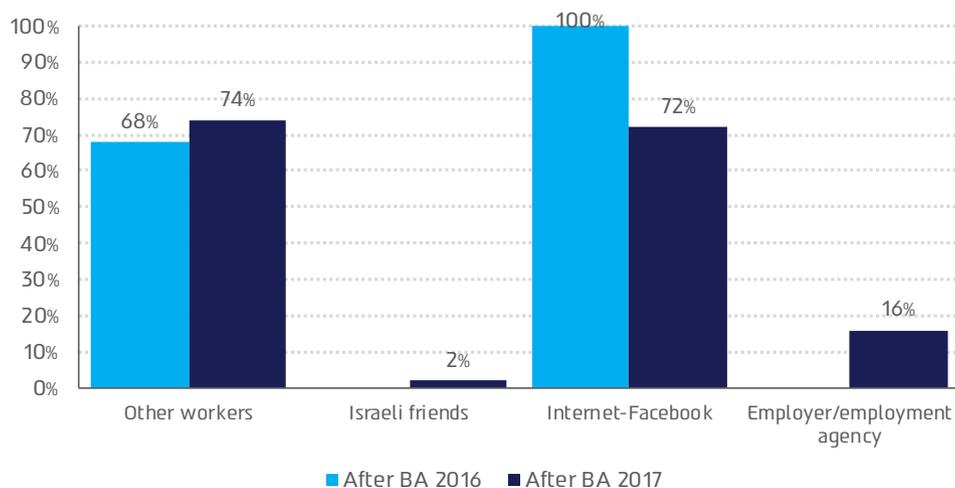
**FIGURE 1.20: EFFECTIVENESS OF THE PRE-DEPARTURE ORIENTATION (PDO) IN THAILAND IN HELPING THEM DEAL WITH THE REALITY IN ISRAEL**



The data indicate that the PDO has become more beneficial to participants over the years: in 2017, 54% reported that the PDO helped them deal with the reality in Israel, compared to 44% who reported this in 2016. Nevertheless, 46% of the respondents in 2017 reported that the PDO did not benefit them. It is important to note that the PDO is one day only, and it is also difficult to explain to the workers all the details of their future employment in a comprehensive manner, without having information overload. The information at the PDO is general and does not deal with the individual conditions of each of their employers. In this regard, it would be beneficial to examine in depth the issues that still require more detail and more elaborate explanation.

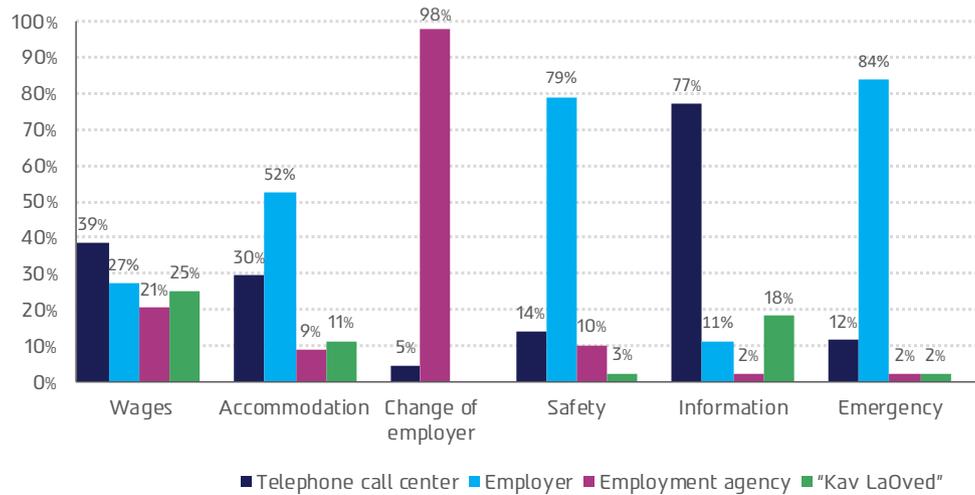
### 1.2.12. SOURCES OF INFORMATION ABOUT LABOR RIGHTS

Figure 1.21 presents the sources from which the migrant workers receive information about labor rights in Israel. The figure shows that the most common sources are the internet and social networks (other workers). In 2017, a greater percentage of the workers reported that they had received information from other workers (74% in 2017 compared to 68% percent in 2016), and the significance of the internet as a source of information has declined (72% reported this source in 2017 compared to almost 100% in 2016). However, in 2017 there was a new positive trend: the workers began receiving information about their rights from their employers, as 16% of the respondents reported.

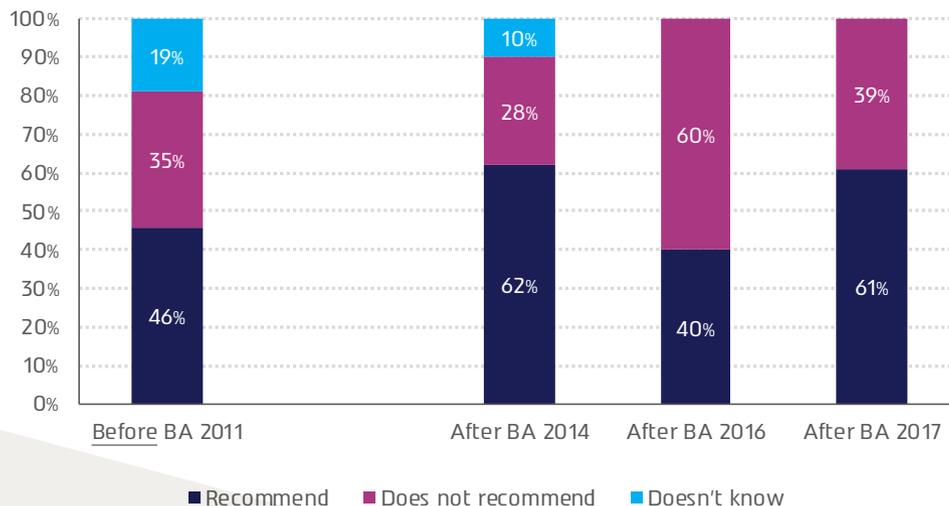
**FIGURE 1.21: SOURCES OF INFORMATION ABOUT LABOR RIGHTS AMONG MIGRANT WORKERS FROM THAILAND**

In addition, the workers were asked where they would turn to if they had problems with wages or housing issues, changing employers, safety, receiving information, or in any emergency situation. Figure 1.22 presents their responses. The figure shows that for problems regarding wage issues, the workers would turn to the Call Center<sup>29</sup> (39%); to the employer (27%); and to the *Kav LaOved* Workers Hotline (25%). Also, in order to obtain information the workers will prefer to turn to the Call Center (77%) and to *Kav Laoved* (18%). In order to change employers almost all of the respondents would turn to their manpower company (98%). To resolve other problems the workers prefer to turn to the employer and not to non-governmental organizations: for instance, if they run into problems with residential issues, 52% of the respondents will turn directly to their employer, and only 30% of them will turn to the Call Center. On the issue of safety problems, 79% will turn to their employer and only 15% to the Call Center. Also in case of emergency they would prefer to turn to their employer (84%), and only 12% would turn to the Call Center. None of the respondents expressed their desire to turn to a lawyer, and only one worker intended to turn to the police in an emergency.

<sup>29</sup> Among the respondents, only one out of 50 did not know about the existence of the Call Center for workers.

**FIGURE 1.22: SOURCES OF ASSISTANCE (BY SUBJECT) FOR MIGRANT THAI WORKERS, 2017**

The workers were asked whether they would recommend to their friends and relatives to come to work in Israel. The responses to this question are presented in figure 1.23. The results show that the percentage of those who would recommend Israel as a worthwhile migration destination to others has increased from 46% in 2011 before the implementation of the BLA to more than 60% after the implementation of the agreement.<sup>30</sup> It may be assumed that this increase is a result of the drastic decrease in the recruitment fees.

**FIGURE 1.23: RECOMMENDING ISRAEL AS MIGRATION DESTINATION TO ACQUAINTANCES IN THAILAND**

<sup>30</sup> In 2016 the percentage of those recommending to come to work in Israel was 40%.

## 1.3. CONCLUSIONS

Table 1.5 summarizes the changes in the recruitment and the employment conditions of migrant workers from Thailand before and after the implementation of the BLA.

**TABLE 1.5: SUMMARY OF THE CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS AFTER SIGNING A BILATERAL AGREEMENT WITH THAILAND**

	Prior to the implementation of the agreement, 2011 N=55	After the implementation of the agreement, 2014 N=50	After the implementation of the agreement, 2016 N=25	After the implementation of the agreement, 2017 N=50	Major differences before and after the BLA
Reasons for coming to Israel	High wages	High wages; Low recruitment fees	High wages; Low recruitment fees	High wages; Low recruitment fees; easier to get a work visa.	An increase in the percentage of statements that the reduction in recruitment fees is a reason for choosing Israel as a destination.
Recruitment fees	\$9,149 (average)	\$2,191 (average)	\$2,043 (average)	\$2,243 (average)	A dramatic decline
Recruitment method	Private employment agencies.	Government offices and the International Organization for Migration.	Government offices and the International Organization for Migration.	Government offices and the International Organization for Migration.	A shift from private organizations to government and international organizations
Wages	4,657 NIS	4,994 NIS	4,792 NIS	5,196 NIS	Wages have increased by 11% in 2017 compared to 2011, however during this period minimum wage increased by 30%.
Daily Working hours	10.5	9.6	9.3	9.3	A decline
Monthly days off	2.7	3.7	3.8	3.8	A significant improvement, however all the workers who did not take any days off did so by choice. No improvement in the most recent year.

	Prior to the implementation of the agreement, 2011 N=55	After the implementation of the agreement, 2014 N=50	After the implementation of the agreement, 2016 N=25	After the implementation of the agreement, 2017 N=50	Major differences before and after the BLA
Overtime pay	53% reported receiving higher pay.	64% reported receiving higher pay.	64% reported receiving higher pay.	54% reported receiving higher pay.	An improvement right after the implementation of the agreement, with a decline during the most recent period. An increase in unawareness regarding payment.
Sick leave pay	16% received sick leave pay; 9% didn't know	28% received sick leave pay; 42% didn't know	17% received sick leave pay; everyone could respond whether they received pay.	7% received sick leave pay; everyone could respond whether they received pay.	A decline in those who reported receiving sick leave pay, and an elimination of those who don't know whether they received pay or not.
Knowing which HMO provides their healthcare	25%	67%	77%	70%	A significant improvement after the implementation of the agreement. A slight decline in the most recent period.
Living conditions	Approximately half did not get a closet, electric heating, air conditioning/fan and a washing machine	Approximately a third did not get a closet, electric heating, air conditioning/fan and a washing machine	Approximately 88% did not get a closet. Approximately half did not get electric heating; approximately 12% did not get a refrigerator.	Approximately half did not get a closet, electric heating; approximately a third did not get air conditioning/fan; approximately 12% did not get a refrigerator.	A gradual decline.
Protection for hazardous working conditions	58% received protective gear.	63% received protective gear.	89% received protective gear.	72% received protective gear.	An improvement after the implementation of the agreement. A slight decline in the most recent period.

	Prior to the implementation of the agreement, 2011 N=55	After the implementation of the agreement, 2014 N=50	After the implementation of the agreement, 2016 N=25	After the implementation of the agreement, 2017 N=50	Major differences before and after the BLA
Safety instructions	33% received safety instructions.	42% received safety instructions.	21% received safety instructions.	52% received safety instructions.	An improvement, however, 21.4% of the respondents did not understand the instructions because they were given in the language they did not understand.
Would recommend to their friends and relatives to come to work in Israel	46% would recommend	62% would recommend	40% would recommend	61% would recommend	An improvement.

In conclusion, over the years the process of recruiting workers from Thailand has gained stability. The process is managed and supervised by governmental and non-governmental organizations (IOM and CIMI) in Thailand and in Israel. Immediately after the implementation of the BLA there was an improvement in most of the employment conditions and in the realization of the rights of the migrant workers, which as apparent in the decrease in working hours, an increase in taking advantage of rest days, an increase in overtime pay, and an increase in receiving information about health services they are entitled to. In addition, the findings indicate that the workers prefer to get information about their rights from other workers, and although they are aware of the existence of the Call Center, they prefer to turn to the employer for problems related to their employment conditions.

Nevertheless, during the most recent period there has been a deterioration in some of the areas - protections for hazardous working conditions, and payment for sick leave. In some of the areas, such as in overtime pay and living conditions, the situation has returned to its original state. Also, in the areas that did show an improvement, the situation is still far from what is required by law, and there are still violations of the rights of migrant workers in the agriculture sector: all of the respondents that did not take advantage of their rest days did not do so of their own will. Approximately one third of them did not know what HMO they belonged to, some received protection gear in poor condition, and many did not understand the security instructions because they were provided in a language they were not familiar with. Not all of the respondents had a bank account, despite the PIBA requirement. There

are still employers that pay the workers part of their wages in cash, or transfer the money for them to their country of origin, thus in effect controlling their money. Additionally, some workers reported physical and verbal violence. Female workers faced special problems - for instance, some reported that they shared a toilet and shower with men. As a result, almost half of them (4 out of 10) felt unsafe in their place of residence. However, despite these violations, after the implementation of the BLA there has been an improvement in the satisfaction of the respondents with their work, and more than 60% of them would recommend to friends and relatives to come to work in Israel.

# 21

## RECRUITMENT OF MIGRANT WORKERS IN CONSTRUCTION THROUGH BILATERAL AGREEMENTS

In 2017 a BLA was signed with China to recruit construction workers to Israel. Unlike the previous recruitment procedure, which was managed by corporations in Israel through direct contact with Chinese recruitment companies, the new procedure for recruitment is managed by PIBA and by public organizations in China. The BLA between China and Israel for recruitment of construction workers is different from agreements Israel signed with other countries in the construction sector, such as Bulgaria, Moldova, Ukraine and Romania. Since there is no government employment service in China that deals with the recruitment of workers to Israel, it was agreed that the Chinese Ministry of Commerce will authorize the China International Contractors Association - CHINCA affiliated with the Ministry of Commerce to carry out the agreement with PIBA. According to the procedure, the Israeli Ministry of Construction and Housing will estimate the number of workers needed in consultation with the Construction Contractors Organization, and will then turn to CHINCA

and the Chinese Ministry of Commerce to request the recruitment of construction workers. After receiving the request, CHINCA will widely publicize recruitment advertisements that include, "information about the available positions in Israel for Chinese construction workers, estimated wages and deductions in Israel, details of the costs for the worker for all stages of the recruitment, and an explanation that these are the only fees and payments allowed in the recruitment process, a general description of the recruitment process including a description of the random selection among the qualified applicants and of the required tests, as well as a phone number in Israel for inquiries and complaints" (PIBA 2017 :3).<sup>31</sup>

Additionally, the Chinese Commerce Department selected several authorized Chinese manpower companies in agreement with PIBA and CHINCA, whose job is to locate Chinese candidates to work in construction in Israel and to refer them to apply on the CHINCA website. At the end of the application procedure, CHINCA will provide to PIBA the details of all the candidates who applied and met the threshold requirements, and PIBA will randomly select 75% of them. Those selected will be invited for professional tests and interviews organized by CHINCA in China, according to specifications that set the minimum requirements for each of the specializations in the construction field. The details of the workers who passed the tests are transferred from CHINCA to PIBA, 90% of candidates are randomly selected and enter a worker database. PIBA then advertises to construction companies in Israel that they are able to submit a request to receive qualified Chinese workers according to required specifications, and then PIBA randomly matches candidates from the database to each request. All of the migration procedures - including health checkups for the workers, issuing visas to Israel, signing employment contracts, purchasing flight tickets, pre-flight orientation and coordination of arrivals, are carried out in coordination between CHINCA and PIBA.

The new procedure eliminates the involvement of the construction corporations in the recruitment procedures. Unlike the BLAs Israel signed with other countries to recruit migrant workers, in the agreements with China the representatives of the Israeli corporations are not allowed to take part in the testing and the selection of candidates. Additionally, similar to the procedures established in other BLAs, corporations are not allowed to contact candidates prior to their arrival in Israel. The agreement also determines that the workers who will come to Israel will pay the Chinese companies a recruitment fee only up to the amount permitted by Israeli law - up to 3,677 NIS (approximately \$1,000) and the cost of the flight from China to Israel.<sup>32</sup>

31 PIBA, Procedure of inviting and employing foreign workers from China in Israel in the construction sector, number 9.7.003, June 2017 p. 2. [https://www.gov.il/BlobFolder/policy/inviting\\_chinese\\_workers\\_for\\_constructions\\_procedure/he/9.7.0003\\_with\\_form.pdf](https://www.gov.il/BlobFolder/policy/inviting_chinese_workers_for_constructions_procedure/he/9.7.0003_with_form.pdf)

32 According to Chinese law, Chinese recruitment companies are permitted to receive a recruitment fee from the workers of up to 12.5% of the annual wages of the worker. In order to supplement this amount, the construction companies will pay the Chinese companies \$600 a year in monthly installments. It is prohibited to deduct the payments made to the Chinese companies from the workers' wages. Additionally, every Israeli construction company that employs a Chinese worker during his first four months in Israel will be required to reimburse the Ministry of Construction and Housing for the cost of the tests and recruitment expenses accrued pre-departure in China, equaling a total of \$410 per worker (see PIBA, 2017 :9)

Table 2.1 presents the number of migrant workers in construction that arrived under BLAs. From 2012 until the first half of 2018, 12,810 workers arrived in Israel. The majority came from Moldova (60%), and nearly a third (30%) came from China.

**TABLE 2.1: MIGRANT WORKERS IN CONSTRUCTION THAT ARRIVED UNDER BILATERAL AGREEMENTS (BY COUNTRY & YEAR)**

	2012	2013	2014	2015	2016	2017	2018*	Total
<b>Construction sector</b>								
Bulgaria	764	244	-	1	122	19	-	1,150
Moldova		211	773	2,301	1,121	1,969	1,253	7,628
Romania	-	-	-	152	84	-	-	236
China	-	-	-	-	-	390	3,406	3,796
<b>Total in construction sector</b>	764	455	773	2,454	1,327	2,378	4,659	<b>12,810</b>

Source: Department of policy planning and strategy, PIBA, special analysis

\*data available up to mid-2018

Migrant workers from China began to arrive under a BLA in November 2017, and in less than a year, by the end of October 2018, 4,281 workers had already arrived.

Table 2.2 provides information on selected socio-economic characteristics of migrant workers from China before and after the implementation of the agreement. All of the participants are married young men, 40 years of age on average, have completed an average of 9 years of schooling, and most of them were employed in construction jobs in their country of origin prior to their arrival. Most of the respondents (96%) stated that they had occupational experience in the construction sector.<sup>33</sup> Prior to the agreement, most of the respondents from China reported that they were employed in their country of origin (93.8%) prior to their arrival, while after the implementation of the agreement most of the respondents (65%) testified that they were employed in a different country prior to their arrival.<sup>34</sup> Additionally, 24% of them were employed in China, and approximately 11% were unemployed.

<sup>33</sup> The question of to what extent the participant had occupational experience related to their occupation in Israel was asked only in 2018. These findings are not surprising because workers recruited to work in construction undergo professional tests during the recruitment process.

<sup>34</sup> The finding that indicates a high percentage of Chinese workers who worked in a different country prior to their arrival in Israel is not surprising since the advertisement in China indicated that prior work in Singapore was an advantage (see appendix 1).

**TABLE 2.2: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF THE SAMPLE - MIGRANT WORKERS FROM CHINA**

	Before BLA	After BLA
<b>Average age (s.d.)</b>	39.6(6.7)	39.8 (4.8)
<b>Family Status</b>		
Single	6.25	-
Married	90.6	100
Divorced/widowed	3.1	-
<b>Average years of schooling (s.d.)</b>	9.2(1.8)	9.1 (2.4)
<b>Activity in the workforce before arrival in Israel</b>		
Employed in China (%)	93.8	23.9
Employed in another country (%)	6.3	65.2
Unemployed (%)	-	10.9
Previous work experience in employment sector – yes(*)	-	96
<b>Wages before arrival in Israel (\$)(s.d.)</b>	378.4 (221.64)	1094.4 (275.15)
<b>N</b>	32	46

(\*) This question was asked for the first time in the 2018 sample.

The average monthly wage in China prior to the arrival in Israel was close to \$380 in the 2011 sample, while in the 2018 sample the average wage reported by the workers was close to \$1,100. It should be taken into consideration that during that period many of the workers arrived in Israel after working outside China, and therefore it is not surprising that the total income declared prior to migrating was considerably higher. The workers from China in the 2018 sample arrived from provinces in eastern China, areas that are known to have higher income compared to the national average. Approximately 28% arrived from the province of Jiansu, which is ranked fifth out of 31 provinces in terms of income levels, 34.3% arrived from Shandong (ranked ninth), and 13% arrived from Hebei (ranked 12th).<sup>35</sup>

## 2.1. THE PROCESS OF MIGRATION TO ISRAEL

### 2.1.1. FINDING EMPLOYMENT OPPORTUNITIES IN ISRAEL

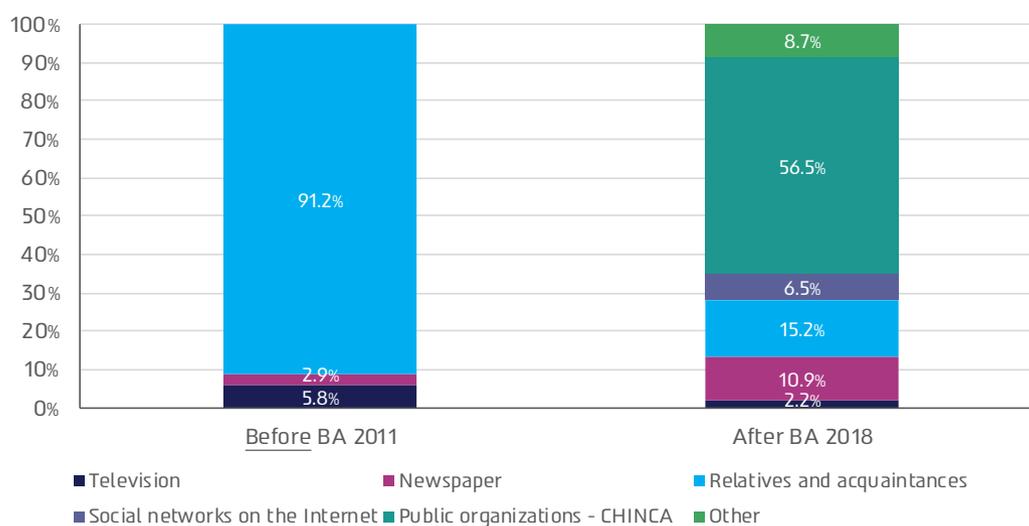
Figure 2.1 presents the ways in which migrant workers learned about employment opportunities in Israel. The data indicate that prior to the implementation of the BLA with China, the main way in which migrant workers were informed about the possibility to work in Israel was social networks (friends, relatives or acquaintances) who referred them to private agencies through which the recruitment process took place. These agencies collected

<sup>35</sup> See data about socio-economic levels of provinces in China (Wen & Reinbold, 2018): <https://www.stlouisfed.org/on-the-economy/2018/january/income-living-standards-china>.

illegal mediation fees from the workers in order to come to work in Israel.

After the implementation of the agreement, the methods of finding job opportunities changed completely. The percentage of migrant workers that learned about employment opportunities in Israel through relatives and friends declined dramatically from 91.2% prior to the BLA to 15.2% in 2018. At the same time there was an increase in the percentage of migrant workers learning about employment opportunities from newspapers: from 2.9% to 10.9%. The Internet has also become a source of information, according to 6.5% of the participants in the 2018 sample.<sup>36</sup> A prominent change is the role of public organizations (CHINCA) as an important source of information for migrant workers: 56.5% of the participants in the 2018 sample stated that they had learned about employment opportunities in Israel from CHINCA or from a manpower company affiliated with the organization.<sup>37</sup>

**FIGURE 2.1: FINDING WORK OPPORTUNITIES IN ISRAEL AMONG MIGRANT WORKERS FROM CHINA**



The changes in the way potential migrant workers are exposed to the occupational opportunities in Israel may attest to the success of the BLA in the recruitment aspect. After the implementation of the agreement, the information has reached a wider public audience and not only those who are connected in social networks or through agents from private recruitment companies. These findings lead to some important conclusions: 1. the information about

<sup>36</sup> Use of social networks through WeChat (a popular application in China that combines WhatsApp, Facebook and LinkedIn) enables the Chinese migrant workers to not only learn about employment opportunities but also to be in contact with the Chinese manpower companies and with other Chinese workers who provide information about the recruitment process and employment conditions.

<sup>37</sup> It is important to note that according to bilateral agreements and arrangements, the first stage of the process is widespread public advertising of the possibility to apply for employment in Israel. The agreements indicate that the wording of the publication will be agreed upon by PIBA and the relevant public office in China.

employment opportunities in Israel has become more accessible to a wider public; 2. worker recruitment is no longer dependent on the actions of subcontractors or representatives of private companies in China or in Israel; and 3. the role of public organizations has grown after the BLA, and now exercises complete control of the recruitment process.

## 2.1.2. REASONS FOR CHOOSING ISRAEL AS A DESTINATION

Figure 2.2 presents the reasons migrant workers from China choose Israel as a destination over other countries. The data indicate that for fifty percent of the workers, both before and after the agreement, choosing Israel was based on financial considerations of higher wages. In addition, workers who arrived after the implementation of the agreement had a greater tendency than workers who arrived before to state that they did not have other work possibilities abroad (12.3%), and 10.9% stated that one of the reasons for coming to Israel was its status as the Holy Land. Also, for approximately one quarter (23.3%) of the respondents who arrived after the BLA, the reduction of the recruitment fees was an important reason for this decision. This finding is further evidence of the success of the new arrangements in reducing recruitment costs to become more compatible with the financial resources of the workers.

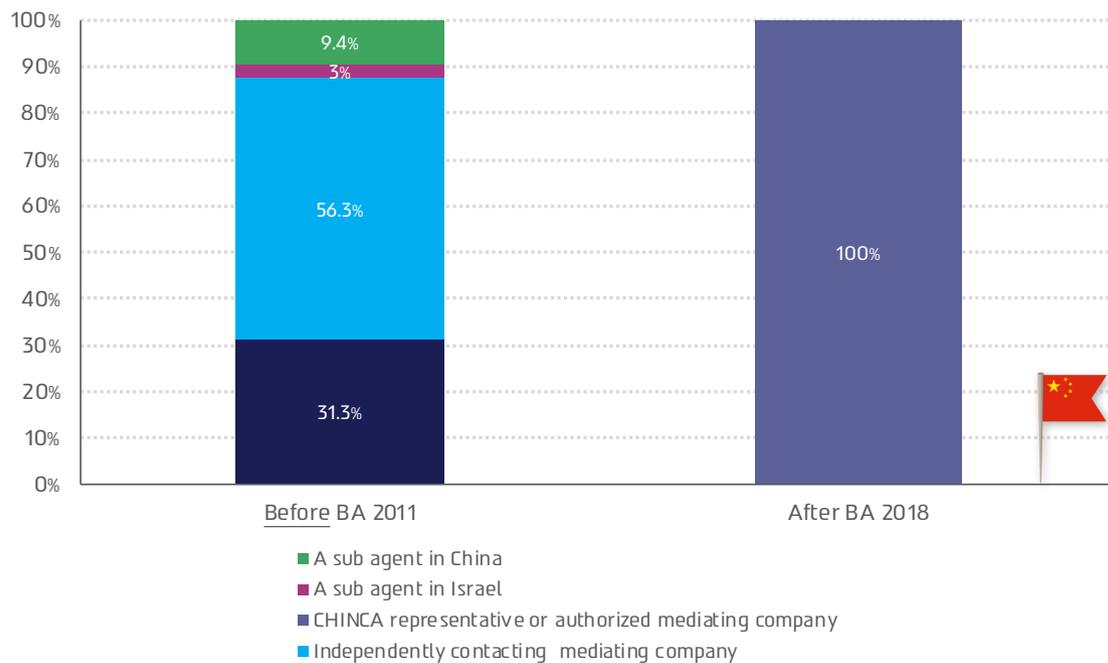
**FIGURE 2.2: REASONS FOR CHOOSING ISRAEL AS A DESTINATION AMONG MIGRANT WORKERS FROM CHINA**



### 2.1.3. FORMS OF RECRUITMENT

Figure 2.3 clearly shows a significant change in the way workers are recruited from China after the implementation of the BLA. Prior to the implementation of the agreement, workers were recruited through subcontractors of private recruitment agencies or through social networks that referred the candidate to a manpower company. These companies collected exorbitant and illegal recruitment fees that put the migrant workers from China under heavy debts (Rajjman and Kushnirovich, 2012). However, since the implementation of the BLA, all of the migrant workers from China in Israel arrange their arrival through PIBA in Israel and CHINCA in China. The governmental and public involvement in both countries has eliminated the role of the construction companies in Israel and the private recruitment companies in China in the recruitment processes, except for four companies that have been authorized to operate under government supervision. This finding attests to the success of the BLA in reducing the number of players in the recruitment process. It is important to note that there was not even one report in the current study of a deviation from these procedures.<sup>38</sup>

**FIGURE 2.3: FORMS OF RECRUITMENT OF MIGRANT WORKERS FROM CHINA**

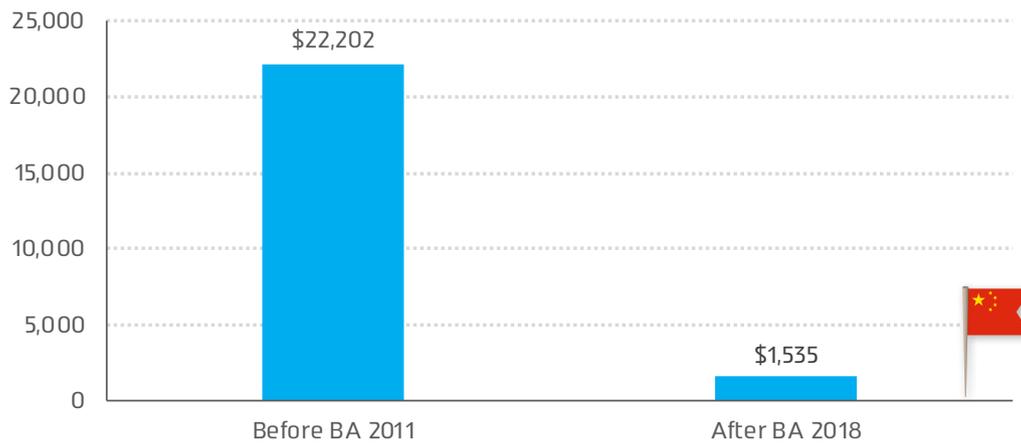


<sup>38</sup> This finding is very important in light of complaints raised by migrant workers on issues such as wages, employment conditions and safety at work. It may be assumed that if there were violations in the implementation of the recruitment procedures, the Chinese workers would report them.

### 2.1.4. THE COST OF MIGRATION

Figure 2.4 shows the amounts paid by the workers from China in order to work in Israel prior to the BLA and thereafter. The data indicate that before the implementation of the agreement, the workers were required to pay exorbitant fees to obtain a visa to work in Israel, with an average of slightly over \$22,000 collected by the recruitment agencies. A previous study revealed that the average recruitment fee increased sharply in the first decade of the 21st century: from \$9,400 in 2004, to \$20,000 in 2006 and up to \$30,000 in 2011 (Rajjman and Kushnirovich, 2012).<sup>39</sup>

**FIGURE 2.4: SUMS OF MONEY PAID BY MIGRANT WORKERS FROM CHINA IN ORDER TO COME TO ISRAEL (US DOLLARS)**



After the implementation of the BLA, the total cost of migration (in dollars) decreased considerably to \$1,535, of which approximately \$1000 are permitted mediation fees and the rest are related expenses such as a flight ticket, issuing a passport etc. This change is clearly a result of the new recruitment method. It is important to note that this area also found no reports of any deviations from the amount determined in the procedures.

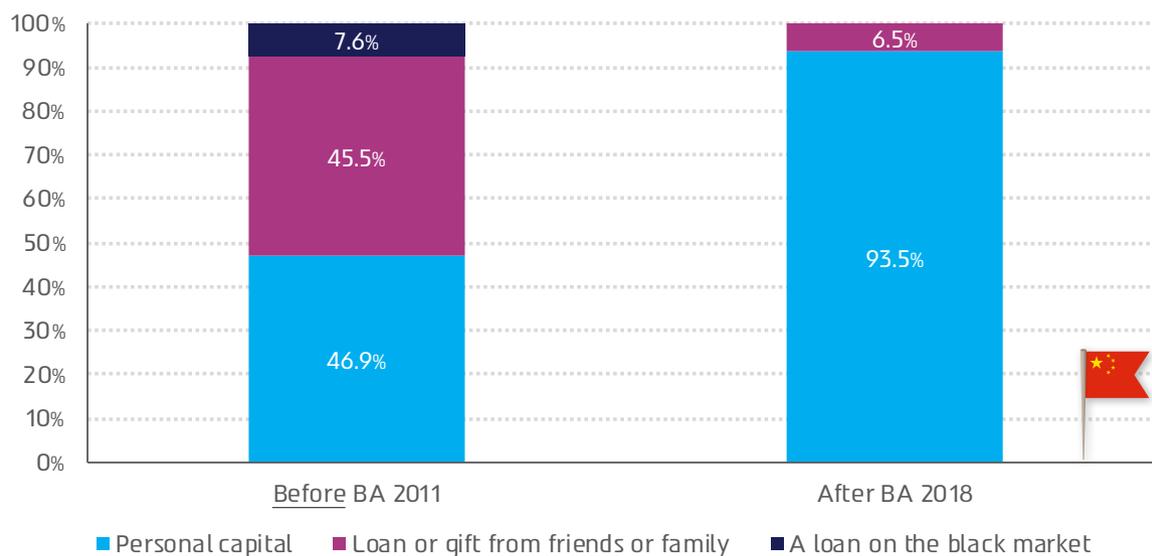
### 2.1.5. FINANCING THE COSTS OF MIGRATION

The sharp reduction in recruitment fees significantly affected the sources of funding for the migration moves of Chinese migrants to Israel, and accordingly also the time needed to repay the debts. The data in figure 2.5 show the relative share of each financial source for migrant workers to come work in Israel. The data indicate significant

<sup>39</sup> Potential migrant workers were required to also pay for medical checkups, tests and various additions that further increased the cost of migration.

changes as a result of the BLA. Prior to the implementation of the agreement, the migrant workers relied on three main sources to finance the cost of migration: personal capital (46.9%), loans from relatives and friends (45.5%), and loans on the black market (7.6%). After the implementation of the BLA and the sharp reduction in costs, most of the respondents (93.5%) financed the cost of migrating to Israel using personal capital.

**FIGURE 2.5: FINANCING SOURCES FOR LABOR MIGRATION FROM CHINA**



The possibility of self-financing the cost of migration is a clear indicator of the success of the agreement. One of the main concerns is the time it takes the workers to repay their debts, because if they are in debt and are afraid to lose their livelihood, they tend not to report problems, violations of the law or fraud related to their employment. Prior to the BLA migrant workers needed 15 months on average to repay their loans, or in other words, almost a quarter of their five year stay in Israel. On the other hand, the workers that have arrived until now under the BLA returned their loans within one month, if they were required to take out loans in the first place. This change is a result of the low recruitment fees. Since many of the migrant workers worked in a different country prior to their arrival in Israel, many apparently had the financial means to finance the move without getting into any debt. Therefore, the BLA succeeded in greatly reducing one of the main reasons that migrant workers became more vulnerable to violations of their rights.<sup>40</sup>

<sup>40</sup> A migrant worker with debts will be afraid to complain about exploitation from fear of losing their job. People without debt feel freer to report violations of the law or fraud.

## 2.2. EMPLOYMENT CONDITIONS AND SOCIAL RIGHTS OF MIGRANT WORKERS FROM CHINA IN THE CONSTRUCTION SECTOR

Workers in the construction sector are entitled to special rights and special employment conditions, usually better than those given in other sectors, due to the collective agreement in this sector. Thus, for instance, the minimum wage in the construction sector is 5,600 NIS compared to 5,300 NIS in other sectors. Monthly salary deductions for severance pay, pension, and more, amounting to 710 NIS per month, are deposited into an account managed by PIBA on behalf of each worker. Unlike other sectors, employers in the construction sector are required to employ the worker at least 211 hours a month, 29 of which are considered overtime and require payment according to a higher rate.<sup>41</sup> The rest of the workplace/living conditions and social rights are similar to those in other sectors.

### 2.2.1. BREACHES OF CONTRACT

The Chinese companies, under the supervision of CHINCA, are responsible for having the workers in China sign an employment contract with the construction company in Israel. The contract is written in the workers language, and its standard wording was agreed upon between the authorities of both countries according to the labor laws of the construction sector in Israel. While in China, the workers also sign a contract for receiving recruitment services from the Chinese company. Therefore, 100% of the workers that participated in the 2018 survey signed an employment contract prior to their arrival in Israel, compared to 72% of the respondents who signed the contract in 2011.<sup>42</sup>

The workers were also asked about the correspondence between the contract conditions and the actual employment conditions (see figure 2.6). The data indicate that after the implementation of the BLA, the workers report a deterioration in the extent of correspondence between the contract conditions and the actual employment conditions right after their arrival in Israel. The percentage of workers that reported a complete correspondence between the contract signed in the country of origin and the actual employment conditions decreased from 35% to only 11%; the percentage of workers who indicated a partial correspondence increased from 25% in 2011 to 50% in 2018, and the percentage of workers who reported a non-correspondence almost doubled, from 20% to 39%. The increase in the number of workers reporting non-correspondence may be explained by a higher awareness of the contents of the contract and of the employment conditions promised: prior to the implementation of the agreement, 20% of the respondents did not know at all whether the conditions corresponded with the contract, and in 2018 all of the respondents could answer this question.<sup>43</sup>

<sup>41</sup> Procedure for inviting and employment of foreign workers from China in the construction sector in Israel from June 13, 2017, PIBA.

<sup>42</sup> 13% of them signed the contract only after their arrival in Israel, and 59% signed the contract abroad.

<sup>43</sup> Migrant workers from China are entitled to change employers within the list of authorized employers, without the employer's consent, on the following dates: January 1st, April 1st, July 1st and October 1st. In order to realize this right due to a violation of their employment contract by the employer, the worker may request approval from the Ombudsman for Foreign Worker Rights in the Ministry of Labor and Welfare and Social Services.

**FIGURE 2.6: CORRESPONDENCE BETWEEN CONTRACT CONDITIONS AND ACTUAL WORKING CONDITIONS AMONG MIGRANT WORKERS FROM CHINA**

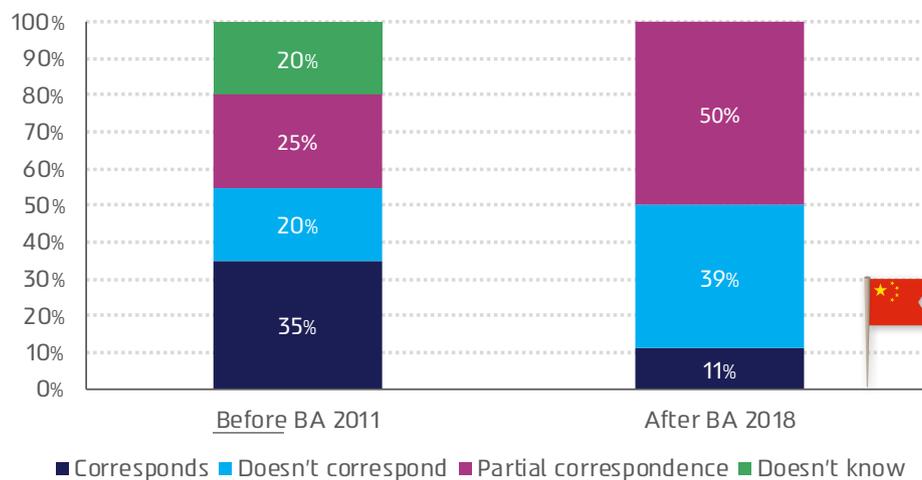
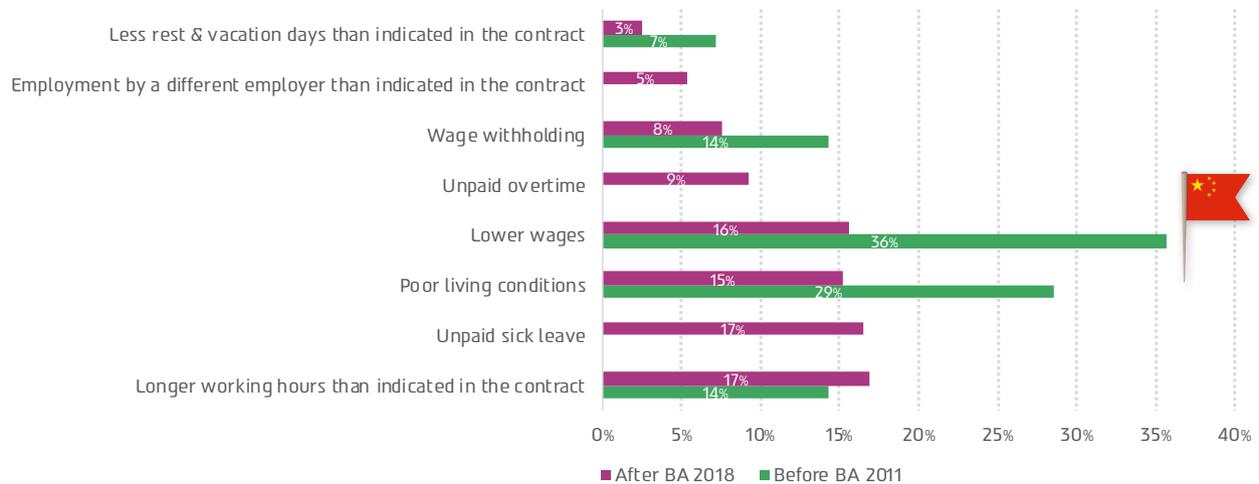


Figure 2.7 presents the types of violations that the interviewees reported: The percentage of workers from China who reported longer working hours than those indicated in the contract was almost unchanged (17% in 2018 compared to 14% in 2011). Nevertheless, a considerably high percentage of the respondents (17%) reported that they had not received payment for sick leave, compared to no report of such a violation in 2011, possibly due to unawareness regarding this right. Additionally, in 2018 the number of workers reporting a non-correspondence of their living conditions had decreased (15% in 2018 compared to 29% in 2011) and on lower wages (16% compared to 36% respectively).<sup>44</sup> 9% of the respondents in 2018 reported a lack of payment for overtime, and 5% reported employment by a different employer than the one indicated. Only 8% of the respondents in 2018 complained about wage withholding compared to 14% in 2011, and only one worker (3%) reported a lack of rest and vacation days compared to 7% in 2011. The data indicate that in 2011 the main complaints about contract violations were low wages and poor living conditions, while in 2018 the variety of violations identified by the workers had expanded, probably due to a higher awareness of the employment conditions indicated in the contract.

<sup>44</sup> Later in the report it is apparent the actual wages decreased and did not correspond to the workers' expectations. The decrease in the percentage of those complaining about lower wages as a violation of the contract may be explained by the fact that the contract only indicates the minimum wage required, however the workers must have expected higher wages. Therefore they perceived the low rate as a problem but not as a violation of the contract.

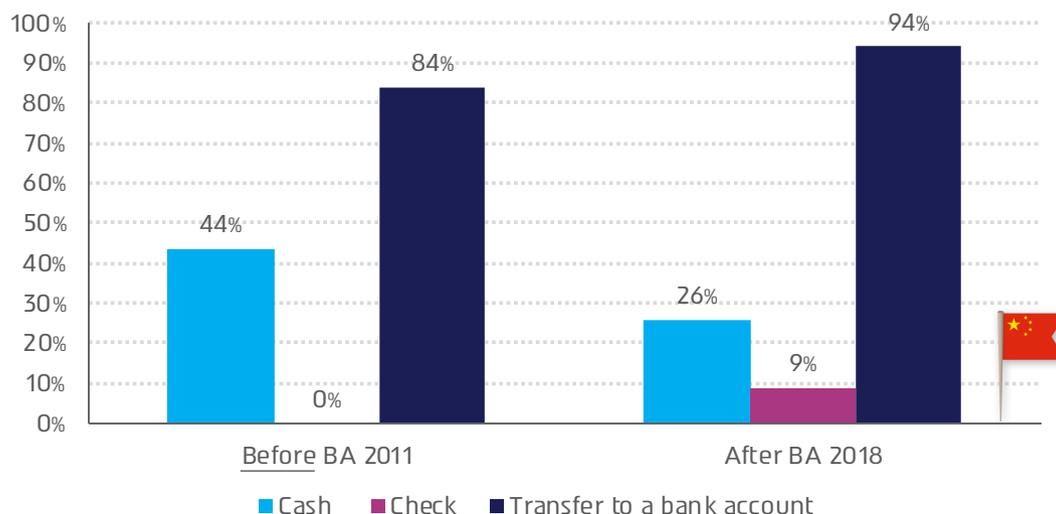
**FIGURE 2.7: TYPES OF BREACH OF CONTRACT OF MIGRANT WORKERS FROM CHINA, 2017**

## 2.2.2. WAGES

According to the PIBA procedure,<sup>45</sup> an employer must deposit the wages on a monthly basis into a bank account opened by the worker in an Israeli bank, and the worker may transfer the wages deposited in his name abroad as he sees fit. The study shows that after the implementation of the BLA, almost all the workers from China (96%) reported that they had a bank account in Israel. Only one worker (4%) reported that he did not have a bank account in Israel, however the reason for that was personal preference.

The ways in which the workers received their wages are presented in figure 2.8. The figure shows that prior to the implementation of the BLA, approximately half of the respondents (44%) received at least part of the wages in cash, and 84% received the wages directly into their bank account in China. It is important to note that the payment of wages in cash is a loophole which often leads to violations of workers' rights, since it is an undocumented form of payment. After the implementation of the BLA, there has been an improvement in the ways wages are transferred: most of the respondents (94%) reported that they had received their wages to their accounts (85% to accounts in Israel and 9% to accounts in China), although 26% reported that they still received at least part of their wages in cash. Only 9% reported that they had received wages by check.

<sup>45</sup> Procedure of inviting and employing foreign workers from China in Israel in the construction sector from June 13, PIBA.

**FIGURE 2.8: WAYS OF PAYING WAGES TO MIGRANT WORKERS FROM CHINA<sup>46</sup>**

According to the PIBA procedure of inviting and employing foreign workers from China in Israel in the construction sector from June 13, 2017, during the first year of employment, the employer will pay the workers a base wage of an amount that is no less than the first rank in the wage tables of the collective agreements for the regular working hours in each month, with lawful payment for working overtime. In 2018 the base wage in the construction sector was 5,600 NIS a month, not including extra pay for working at least 29 hours overtime. The employer may deduct payment from the worker's wages for their residence owned by the employer, additional residential expenses such as electricity, water, municipal taxes etc., health insurance and financial debts of the worker. However, the total monthly deductions of the employer may not exceed 25% of the worker's monthly wage. Additionally, the employer must deduct income tax and social security from the worker's wages and transfer them to the authorities.

The minimum wage in the construction sector has increased by approximately 26% between 2011 and 2018. Moreover, during this period the average wage in the construction sector for all of the workers employed increased by 7%, from 7816 NIS a month in 2011<sup>47</sup> to 8,380 NIS in May 2018.<sup>48</sup> Figure 2.9 presents the average monthly wage (net in NIS) of migrant workers from China in the construction sector prior to the implementation of the BLA and thereafter. The figure shows that employers did comply with the minimum wage requirements both before and after the

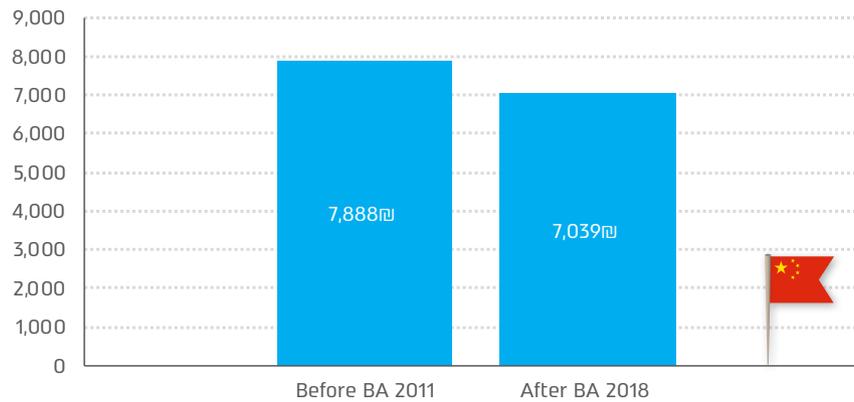
46 The total in the figure may exceed 100%, because workers can receive different parts of their wages in different ways therefore there could be multiple responses.

47 Central Bureau of Statistics (CBS) database: <https://www.cbs.gov.il/en/publications/Pages/2018/Wages-and-Employment-Monthly-Statistics-July-2018.aspx>

48 See Labor and Wages, July 2018, CBS, figure 1.2: [www.cbs.gov.il/www/y\\_labor/e1\\_02.pdf](http://www.cbs.gov.il/www/y_labor/e1_02.pdf)

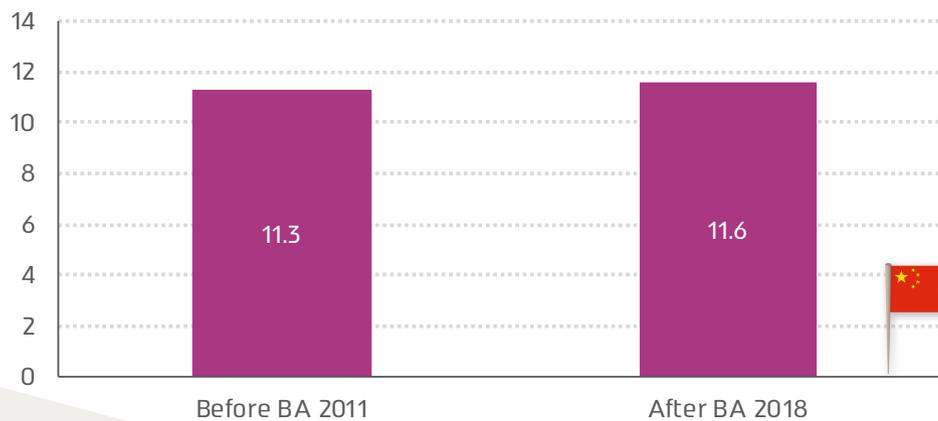
implementation of the agreement. Nevertheless, it is apparent that during the study period, not only did the workers' wages not increase, it actually decreased by 10.8%.

**FIGURE 2.9: AVERAGE MONTHLY WAGE OF MIGRANT WORKERS FROM CHINA (IN NIS)**



The decrease in wages occurred even though after the implementation of the BLA the number of working hours of the workers from China did not decrease, but actually increased slightly by 0.3 hours a day, or approximately 20 minutes on average (see figure 2.10). This suggests that in 2018 workers from China worked almost the same amount of hours daily as in 2011, but for a lower wage.<sup>49</sup>

**FIGURE 2.10: AVERAGE DAILY WORKING HOURS OF MIGRANT WORKERS FROM CHINA (NET)**



<sup>49</sup> One of the reasons for the lower wages might be the fact that part of the wages is paid in cash illegally, and the workers do not report it (see explanation in the "payment for overtime" section ahead).

According to the procedures, the employer must provide the worker with a pay slip that includes all wage components and deductions. After the implementation of the BLA, there was a significant improvement in the percentage of workers receiving pay slips: prior to the implementation of the agreement, only 13% of the respondents reported that they had received a pay slip that included the entire salary, 31% reported that they had received a pay slip that included only a part of the salary, and 56% reported that they had not received a pay slip at all. After the implementation of the agreement, 72% of the respondents reported that they had received pay slip that included the entire salary, and 28% reported that they had not received a pay slip. However, 46% of the respondents that reported that they had received a pay slip reported that they could not understand it due to language problems. Additionally, after the implementation of the BLA, none of the respondents reported that they worked for two employers at the same time, while prior to the implementation approximately one third (31%) of the respondents reported doing so.

### 2.2.3. REST DAYS

Migrant workers from China in the construction sector are entitled to a weekly rest period of 36 consecutive hours. The worker's weekly rest period must include the entire Saturday, unless otherwise agreed upon by the worker and the employer. After the implementation of the BLA, the workers from China reported that they had taken four rest days a month. Also in 2011, prior to the implementation of the agreement, the workers from China reported 4.1 monthly rest days, therefore there was no change in rest days. All workers took advantage of their day of rest during the week prior to the interview.

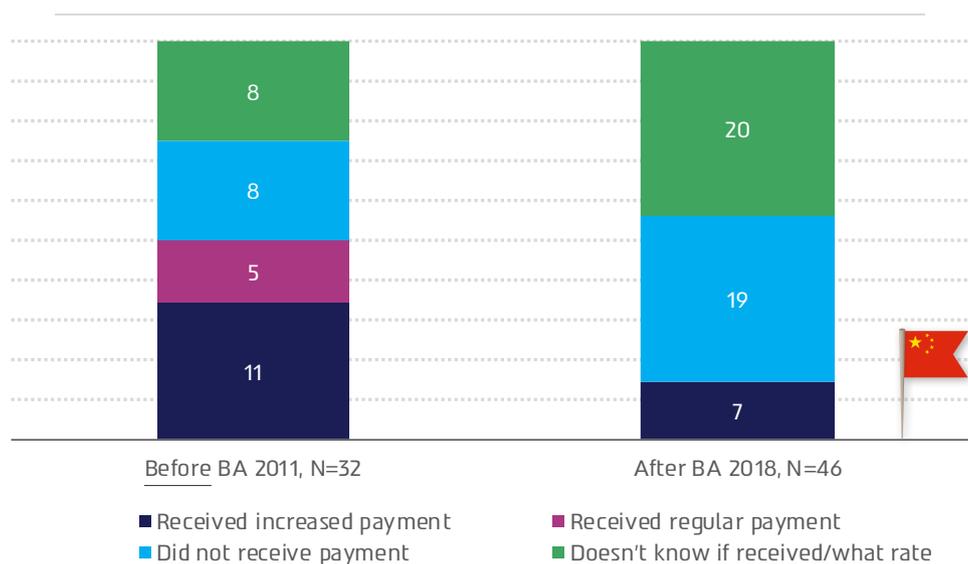
### 2.2.4. PAYMENT FOR OVERTIME

The worker's regular working hours are 182 hours per month. However, the PIBA procedure determines that beyond the regular working hours, employees can and should work additional overtime hours each month (up to 29), and that the employer should pay for the extra hours. Therefore, the minimum total working hours per month for a Chinese employee, including overtime, is 211 working hours, or 9.6 working hours per day (under the assumption there are 22 working days a month). Migrant workers from China worked an average of 11.6 hours a day, an average of 3.3 hours of overtime per day. Workers in Israel are entitled to increased compensation for working overtime at a rate of 125% of their regular wage for the first two extra hours, and at a rate of 150% for each hour beyond that.

Figure 2.11 presents data about receiving increased payment by workers who worked overtime. The data in this figure indicate a deterioration in the payment for overtime employment. In 2018 only 14.6% of the respondents (7 out of 46) reported that they had received increased payment for overtime, compared to 34.4% of the respondents

(11 out of 32) in 2011. 41.5% of the respondents (19 out of 46) reported that they did not receive any compensation for overtime, neither at an increased rate, nor at the regular rate, compared to 25.0% of the respondents (8 out of 32) that reported this in 2011. Additionally, the workers' awareness regarding receiving payment for overtime decreased significantly: 43.9% of the respondents (20 out of 46) in 2018 did not know what rate they received for overtime, compared to only 25% of the respondents (8 out of 32) in 2011.

**FIGURE 2.11: OVERTIME PAY FOR MIGRANT WORKERS FROM CHINA (NUMBER OF WORKERS)**



The workers reported that part of the payments for overtime were paid by the Chinese foremen and not by the corporations. These foremen, called "Raisim", were recruited by the contractors in order to manage the groups of workers from China and communicate with them at the construction sites. The overtime payment beyond the 29 hours stipulated by the contract is paid by the "Raisim" in cash, and presented to the workers as a bonus. Furthermore, this illegal payment is often used for the illegal binding of the worker: the corporations usually pay the wages on the 10th of each month while the "Raisim" pay the cash bonus on the 20th of each month, so that a worker who wants to leave cannot do so before the 20th of the month if he does not wish to lose this money. In addition, the workers are afraid of the "Raisim", and are not always willing to talk about them. This subject requires a more in-depth examination.

### 2.2.5. HOLIDAY AND VACATION PAY

After three months of work in Israel with the employer<sup>50</sup>, the worker will be entitled to paid leave on holidays, according to their religious observance or on Jewish holidays, for up to nine days a year, as well as an additional day of leave of their choice. However, in 2018 only two of the respondents from China (4%) reported that they had received payment for holidays, 70% of the respondents reported that they did not receive payment for holidays, and 26% did not know whether they received payment. In addition, the worker is entitled to an annual paid vacation on dates agreed upon with his employer. Generally, the annual vacation will be given on the last month of the work year for which it is provided, or during the next work year. Since at the time of the study the workers worked in Israel for less than a year, they did not receive an annual vacation.<sup>51</sup>

### 2.2.6. HEALTH INSURANCE AND PAYMENT FOR SICK LEAVE

The employer is required to arrange private health insurance for the worker for the entire employment period and at his own expense. The health insurance is provided by an authorized insurance provider and must include all health services as determined in "Foreign Workers Regulations (Workers Health Services Package), 2001". The employer must provide the worker with the insurance conditions and the relevant contact information in his own language. Figure 2.12 shows that the percentage of workers that believed that the employer opened a health insurance plan on their behalf decreased from 81% in 2011 to 67% in 2018. There is strict supervision of health insurance for workers in the construction sector, therefore the decrease in the reports on having health insurance may be explained by lower awareness rather than a decrease in actual coverage: in 2011 only 16% of the respondents did not know whether they had health insurance, but in 2018 31% did not know to respond to that. Despite the lower percent of workers who did not know which HMO they belong to (45% in 2018 compared to 74% in 2011), in 2018 approximately half of them still did not know to respond to this. Only 32% reported that the insurance was arranged for them during the first month of their arrival in Israel. Only 13% reported that the policy was written in a language they understand, and another 13% reported that they had not seen the policy at all and therefore they do not know what language it was written in. Only approximately one half (48%) of the respondents had an HMO membership card.

<sup>50</sup> Provided that the worker was not absent from work without the permission of the employer on the day preceding a holiday or on the day after.

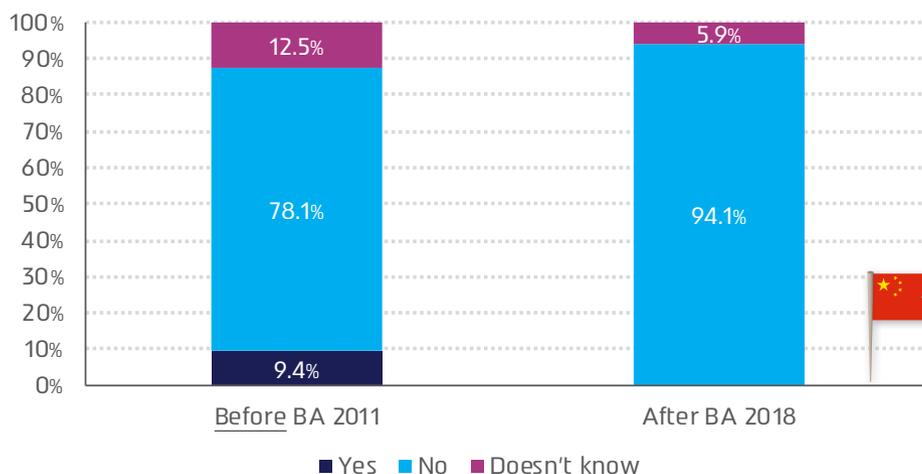
<sup>51</sup> Convalescence pay is only given to workers employed for over a year, therefore this payment was not relevant to the workers from China who have been in Israel for less than a year.

**FIGURE 2.12: HEALTH INSURANCE FOR MIGRANT WORKERS FROM CHINA<sup>52</sup>**

In the construction sector in Israel, the employer is required to pay the worker (local or foreign) for sick leave. Workers are entitled to 18 sick days a year and have the right to accumulate up to 90 days. Subject to providing a sick-note from a physician, workers are entitled to sick leave pay as follows: for the first day of absence due to illness, there is no payment due; for the second and third day of absence due to illness the worker is entitled to 50% of their daily wage; and from the fourth day on, the worker is entitled to 100% of their daily wage.

Figure 2.13 presents sick leave payment to workers who were sick. It is evident that after the implementation of the BLA there has been a deterioration in the payments: in 2018, 17 out of 46 workers were sick, and none of them reported that they had received sick leave payment. One worker (5.9%) reported that he did not know whether he received payment or not, and all the rest (94.1%) reported that they did not receive sick leave payment. On the other hand, prior to the implementation of the agreement only 78.1% of the respondents that were sick reported not receiving payment. However, the awareness of this right has increased: prior to the signing of the BLA 12.5% of the respondents from China did not know whether they received sick leave payment, while in 2018 5.9% of those who were sick reported that they do not know whether they received payment or not.

<sup>52</sup> The questions "was health insurance arranged within less than a month" and "do the workers have an HMO membership card" were asked only in 2018.

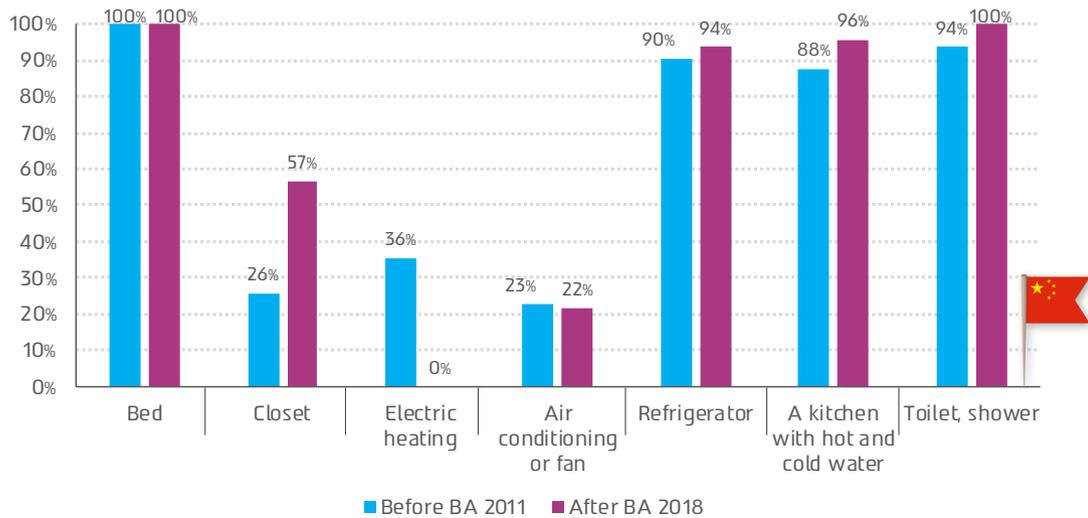
**FIGURE 2.13: PAYMENT FOR SICK LEAVE FOR MIGRANT WORKERS FROM CHINA**

## 2.2.7. LIVING CONDITIONS

An employer must provide the migrant worker with decent housing that meet the conditions determined in the relevant ordinances for the entire duration of their employment, and for a period of at least seven days after the termination of their employment. The housing must include sleeping quarters that are at least 4 square meters in size per worker; no more than six workers per room; personal closets and a bed for each worker; heating and ventilation; decent lighting and electrical outlets in each room; cold water and hot water in the bathrooms, kitchen and showers; sinks, counters and cabinets in the kitchen; a stovetop; a refrigerator; a table and chairs; a washing machine for six workers; and a fire extinguisher. There must also be reasonable access to the living area and to the toilet and bathroom.

The living conditions before and after the implementation of the BLA are presented in figure 2.14. The data indicate that there has been an improvement in some conditions but deterioration in others. For example, there has been an increase in the percentage of workers that received a closet, from 26% in 2011 to 57% in 2018, however the percentage of workers who were provided with electric heating decreased from 36% in 2011 to 0% in 2018. The situation in the rest of the conditions was unchanged or only showed a slight improvement.<sup>53</sup> Most of the respondents who were not equipped with household electrical appliances by their employers purchased them on their own and at their own expense.

<sup>53</sup> The answer to the question, "Was the equipment provided?" does not enable us to see the full picture of the living conditions of the workers. For example, only 4.3% of the workers in 2018 reported that they did not have a kitchen. However, one of the interviewers disclosed that the stovetop provided to the workers was located outside of their residence, and that there are only four stovetops in a compound that inhabited 30 workers. So, the equipment provided was not enough for the simultaneous use of all the workers.

**FIGURE 2.14: LIVING CONDITIONS OF MIGRANT WORKERS FROM CHINA**

In 2018, 10.9% of the respondents reported that they share a room with more than six workers, which is a violation of Israeli law. Of the rest of the respondents, 15.2% shared a room with only one or two workers, 34.8% shared a room with three workers, 32.6% shared a room with four workers, and 6.5% shared a room with five workers. Prior to the implementation of the BLA in 2011, a slightly lower percentage of workers (7.8%) reported living in one room with more than six workers. In 2018 the workers evaluated their living conditions as poor on average:<sup>54</sup> 11% of them reported that their living conditions were very poor, 32% reported that they were poor, 48% reported that they were medium (not good and not poor), and only 9% evaluated their living conditions as good.

### 2.2.8. HAZARDOUS WORKING CONDITIONS

According to an extension order in the construction sector, the employer must provide the worker with a good quality set of clothing that includes shoes, pants, a shirt and a cap. In addition, when the work requires protective clothing such as boots, a hat etc. to maintain safety at work, the employer will provide the worker with protective clothes at his own expense. Safety conditions reported by the workers are presented in figure 2.15. The data indicate that after the implementation of the agreement there has been an improvement in the provision of protective gear: 91% of the respondents from China employed in construction were equipped with protective gear while working under hazardous conditions, compare to 84% in 2011. All of the respondents (100%) received a helmet (only one

<sup>54</sup> An average of 2.5 on a scale from 1 (very poor) to 5 (very good).

workers received a helmet in inadequate condition); 96% received work shoes (13% percent of them reported that the shoes were not in adequate condition); 89% received safety harnesses (only 49% reported that they were in adequate condition); and 94% received a vest (8% reported that it was not in adequate condition). However, there has been a deterioration in the provision of safety instructions when working in hazardous conditions: in 2011 85% reported that they had received instructions, and in 2018 only 78% reported this. Additionally, 11% of the respondents that received instructions reported that they did not understand them completely because they were given in Hebrew and not in Chinese.

**FIGURE 2.15: WORKING WITH HAZARDOUS MATERIALS AND HAZARDOUS WORKING CONDITIONS AMONG MIGRANT WORKERS FROM CHINA**



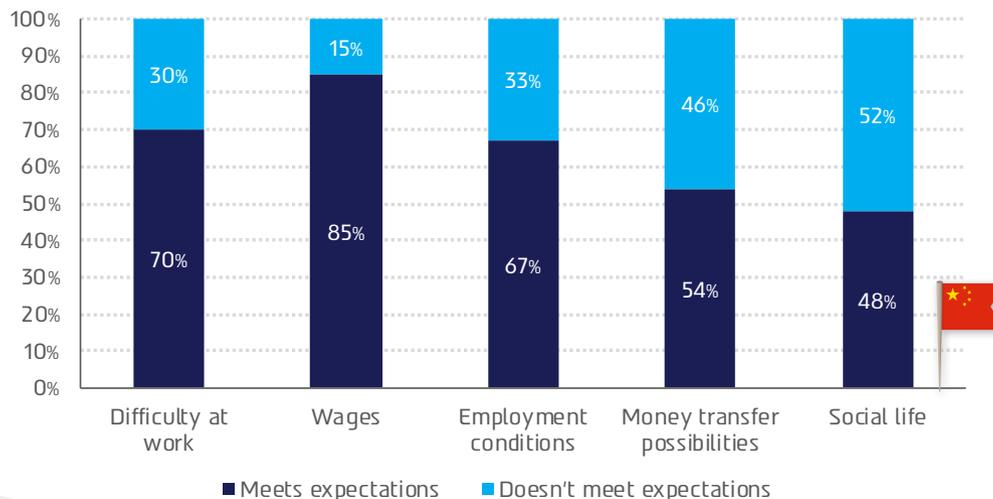
These findings indicate an improvement of the safety situation in the construction sector because most of the respondents received protective gear and safety instructions. However, in practice the situation is far from optimal: 67% of the respondents indicated that they felt danger while at work, especially during work at high altitudes without the provision of a protective barrier to prevent falling. According to the workers, in China construction sites are usually wrapped in order to prevent workers from falling from high altitudes, but Israeli law does not require this, and it puts the workers in danger. In general, the migrant workers interviewed complained about poor safety conditions in Israel compared to China. They also claimed that workers who were injured in work accidents had undergone difficult experiences in Israel: for example, one of the respondents reported that after he had an accident, none of the employer's representatives or representatives of the Chinese companies in Israel came to the hospital to help him.

According to Kav LaOved<sup>55</sup>, within the duration of 10 and a half months of 2018 the number of those injured in work accidents in the construction sector was 196 workers (an average of 18.7 workers injured every month), and of these 38 died, 40 were seriously injured and 118 were moderately injured. In 2017 the number of those injured was 264 workers (an average of 22 injured every month), of them 35 died, 56 were seriously injured and 173 were moderately injured. Despite a slight decrease in 2018, the number of those injured is still very high. According to the National Insurance Institute work accident report, the construction worker's life is four times more at risk than the life of an industrial worker.<sup>56</sup> As a result, in May 2018 the Chinese government has stiffened its attitude toward contractors with a history of accidents, and the Chinese government therefore prohibited workers from working on 36 construction sites in Israel.<sup>57</sup> In November 2018 the Histadrut - General Organization of Workers in Israel, and the Ministry of Finance signed a layout to improve safety in the construction sector on a national level. However, until now it has remained a document of principles, and the way to improve safety is still long.

## 2.2.9. EXPECTATIONS VS. REALITY OF WORK IN ISRAEL

The workers were asked to examine in hindsight the reality of their life in Israel compared to their expectations prior to their arrival. Figure 2.16 summarizes their responses.

**FIGURE 2.16: EXPECTATIONS VS. REALITY OF WORK IN ISRAEL AMONG MIGRANT WORKERS FROM CHINA BEFORE AND AFTER THE BLA, 2018**



<sup>55</sup> Work accidents in construction - regular updates: Kav LaOved <http://www.kavlaoved.org.il/work-accidents-data>.

<sup>56</sup> Work Accidents and Occupational Illness report. 2012-1016 snapshot. The National Insurance Institute, The ministry of Labor, Welfare and Social Services.

<sup>57</sup> Darel, Y. Not safe for Chinese: Israel's poor record on construction sites' Irks Beijing. The Marker, May 30, 2018. <https://www.haaretz.com/israel-news/china-vetoes-participation-at-36-israeli-building-sites-1.6133045>

The figure shows that the greatest correspondence (approximately 85%) was with regard to wages. Regarding difficulty at work and employment conditions, a considerably high percentage of the respondents (67%-70%) reported a correspondence between the expectations and the reality. However, only about 54% of the respondents indicated that there was a correspondence between their expectations and the reality regarding transferring money, and only 48% reported a correspondence regarding the possibilities of social life in Israel.

### **2.2.10. SOURCES OF INFORMATION ABOUT LABOR RIGHTS AND AN EVALUATION OF THE EFFECTIVENESS OF THE PRE-DEPARTURE ORIENTATION (PDO) IN THE COUNTRY OF ORIGIN**

The Chinese companies are responsible for arranging an orientation day for the workers in China prior to their arrival in Israel, in which the workers receive explanations and information about the employment contracts, rights and obligations in Israel, the culture in Israel and important contact numbers, including the phone number of the Call Center operated in Chinese in Israel by PIBA. In this survey, 69% of the respondents reported that the orientation they received in their country of origin helped them deal with the reality in Israel, and approximately one third (31%) reported that it did not help.

The Chinese companies under the supervision of CHINCA were responsible to ensure that each worker signed an employment contract, a declaration regarding obligations and rights in Israel, and a contract for receiving services from the Chinese recruitment company; after they had understood the contents of the documents. The companies are also required to make sure that every worker receives a rights handbook prepared by PIBA and translated in to Chinese. Figure 2.17 presents the sources from which the migrant workers obtained information about labor rights in Israel (the workers were requested to provide one main source of information). Approximately one third of the respondents indicated that they had learned about their rights at the PDO and from the handbook they received prior to their arrival (31.3% and 32.2% respectively). 27.9% reported that they had received information from their employer or from the representatives of the Chinese companies. Only two workers stated that they received information from the Internet or from other workers, and only one worker reported that he had received information from Israeli friends. None on the workers indicated the workers union as a source of information, even though the interviewers presented this option to them.

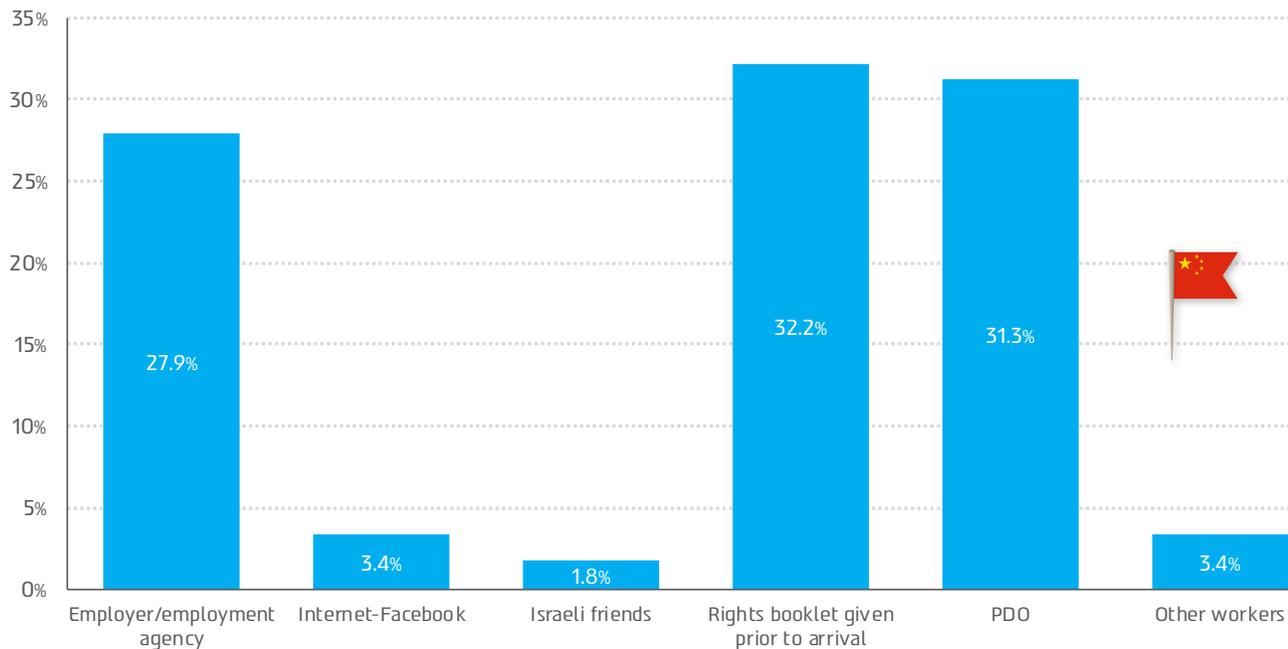
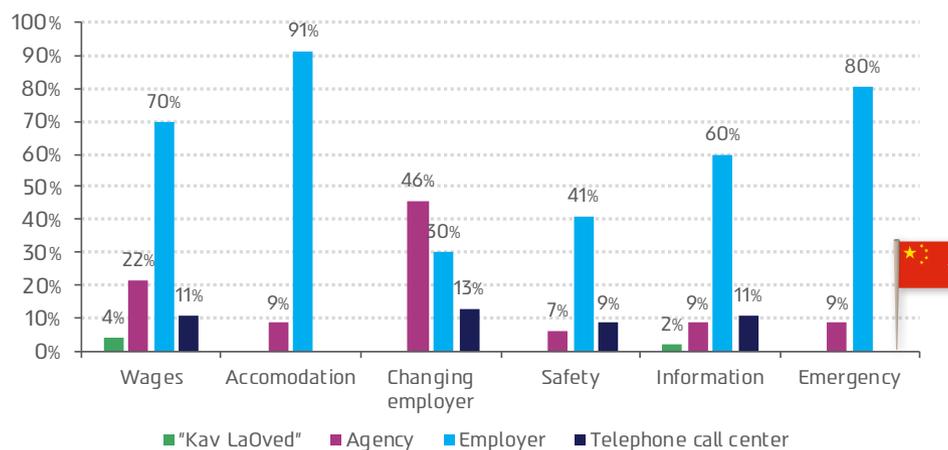
**FIGURE 2.17: SOURCES OF INFORMATION ABOUT LABOR RIGHTS AMONG MIGRANT WORKERS FROM CHINA, 2018**

Figure 2.18 presents the sources the workers stated they would turn to if they encountered different problems. The figure indicates that if wage issues arise, the workers would turn to the employer (70%), to the representative of the Chinese agency (22%), to the Call Center (11%)<sup>58</sup>, and to the Kav LaOved Workers Hotline (4%). If confronted with problems with residential issues, 91% of the respondents would turn directly to the employer, and 9% of them will turn to the Chinese agency. Also in an emergency the workers would prefer to turn to the employer (80%), and 9% to the Chinese agency. In order to receive information, 60% will turn to the employer, 11% to the Call Center, 9% to the Chinese agency and 2% to the *Kav LaOved* Workers Hotline. In the event of safety problems, 41% will turn to the employer, 9% to the Call Center and 7% to the Chinese agency. Therefore we may conclude that with regards to almost any problem the workers will prefer to turn to their employer (company), their second choice would be the Chinese agency, only a few of them will turn to the Call Center, and a very low percentage will turn to the *Kav LaOved* Workers Hotline. Only on the issue of changing employers will the workers prefer to turn to the Chinese agency (46%), 30% will still turn directly to the employer (probably to the new employer), and only 13% will turn to the Call Center.

<sup>58</sup> Out of 50 workers, only one worker did not know about the existence of the call center for workers.

**FIGURE 2.18: SOURCES OF ASSISTANCE (BY SUBJECT) FOR MIGRANT WORKERS FROM CHINA<sup>59</sup>, 2018**

## 2.2.11. DIFFICULTIES & VIOLATIONS OF RIGHTS IN THE WORKPLACE

In 2018 the workers were asked about the most troubling issues related to their employment conditions. More than half of them (53%) indicated that they were troubled by the safety conditions at their work place, approximately one quarter (24%) complained about difficult working conditions (strenuous physical work and long hours, short breaks, working in the heat etc.), 14% indicated difficulty receiving all payments due to them (at least, according to their understanding), 7% complained about the employer's negative attitude towards them,<sup>60</sup> and one worker (2%) indicated a difficulty in communicating with the employer and with other workers at the construction site in which he was employed.

The respondents stated that the working conditions in Israel were poor compared to other countries in which they had worked, such as Korea, Malaysia and Singapore, as well as compared to China itself. For example, many of the workers live in basements or caravans located in construction sites, unlike in China - where they are supposedly not allowed to live in construction sites. Additionally, according to the workers, the cost of living in Israel is high, therefore labor migration to Israel is less worthwhile: according to them, food is much cheaper in other countries, and in countries such as Malaysia and Korea the employers even provide meals to the workers at the construction site. The high prices of food in Israel do not enable the workers from China to buy readymade food, and after a long work day they have no time left to cook, therefore they need to get up at four thirty in the morning in order

<sup>59</sup> This question was asked for the first time in 2017.

<sup>60</sup> The workers also complained about the attitude of the Chinese foremen ("Raisim") recruited by the construction companies to manage the groups of Chinese workers and to communicate with them at the construction sites. According to the workers, these Chinese supervisors do not properly explain the tasks at work and their attitude toward them was inappropriate.

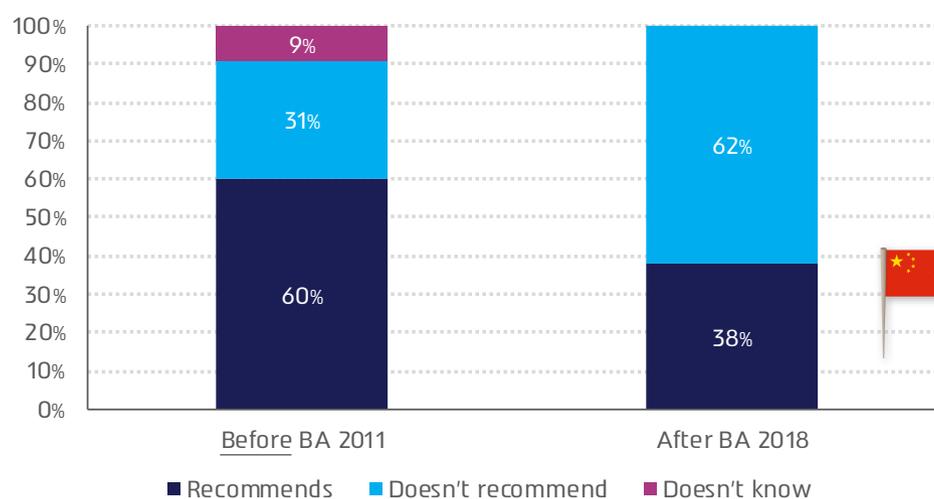
to prepare themselves meals for the entire day. Some of the workers live a great distance from the construction sites, and it takes them a considerably long time to get to work, which further cuts down their hours of sleep. The actual wages they receive, according to them, is not much higher than what they could get in China doing similar work. This claim was especially emphasized by workers that came from southeast China. Most workers came from areas in which the weather is cooler than in Israel, and they suffered considerably while working in peak summer temperatures at outdoor sites.

Many workers emphasized that there was discrepancy between what was advertised in China and the actual employment conditions (see for example ad in appendix 1). As we may see, the ad says that the workers will be able to get a total income in Israel in the amount of 200,000 RMB a year (approximately 10,000 NIS a month), including a pension deposit collected in a separate account and given to the worker only upon leaving Israel. In reality, the average income of the workers did not exceed 7,500 NIS a month, of which 6,761.4 NIS was the net wages and 710 NIS was the pension deposit. In addition, the ad says that the agency in Israel will be responsible for food, but it is not clear from the ad if the employer provides food as in other countries or if the workers will need to buy it themselves. As stated above, the issue of food supply and its cost was very important to the Chinese workers. In addition, according to the ad, priority will be given to workers with work experience in Singapore, however, in Singapore they claim to have received higher wages than in Israel, the cost of living was lower, and the employment conditions were better. It seems that the information in the ads created false expectations and a mistaken assessment of how worthwhile working in Israel actually is.

Another difficulty stated by the workers from China was transferring money to their country of origin. Since they work almost 12 hours a day, and some of them live a great distance from their work sites, banks and post offices were already closed when they could get to them. Moreover, you cannot transfer more than 2,000 USD at the post office. For many workers this was a problem since they were interested in sending money only once every few months, because they did not have time to go to the post office every month. Furthermore, many of them do not speak English and thus have a difficult time dealing with the bureaucracy of transferring money abroad. Therefore, the workers usually go on Saturdays to a Chinese agency near the central bus station in Tel Aviv in order to transfer money to their families. Transferring money through this agency is also cheaper - they pay a commission of 1.75 RMB per NIS instead of a commission of 2.0 RMB collected by the bank. The workers believe that this method of transferring money is illegal, but it is possible that these are legal money changers providing a cheap and legitimate service. Data collected in this survey were not sufficient to support or refute the workers' claims.

All these difficulties and discrepancies have led to the fact that in 2018, after the implementation of the BLA, only one third (38%) of the migrant workers coming from China reported that they would recommend to others to come to work in Israel, compared to 60% that would recommend this in 2011 prior to the implementation of the agreement (figure 2.19) - even though the workers who arrived after the implementation of the agreement paid lower recruitment fees and could start saving from their earnings almost from the day they started working.

**FIGURE 2.19: RECOMMENDING ISRAEL AS MIGRATION DESTINATION TO ACQUAINTANCES IN CHINA**



## 2.3. CONCLUSIONS

Table 2.3 summarizes the changes in the recruitment and employment conditions of migrant workers from China before and after the implementation of the BLA.

**TABLE 2.3: SUMMARY OF THE CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS FROM CHINA AFTER THE IMPLEMENTATION OF THE BLA WITH CHINA**

	Prior to the implementation of the agreement, 2011 N=32	After the implementation of the agreement, 2018 N=46	Differences in the situation after the signing of the agreement compared to the situation prior to the signing
Reasons for coming to Israel	Higher wages	Higher wages Low fees	Low fees became one of the reasons
Recruitment fees	\$22,254 (On average)	\$1,535 (On average)	A dramatic decrease

	Prior to the implementation of the agreement, 2011 N=32	After the implementation of the agreement, 2018 N=46	Differences in the situation after the signing of the agreement compared to the situation prior to the signing
Recruitment method	Through private manpower companies	Through CHINCA (China) and PIBA (Israel)	Recruitment moved from the private sphere to the public sphere, with government organizations in Israel and public organizations in China
Wages	7,888 NIS	7,039 NIS	Wages have decreased by 10.8% in 2018 compared to 2011, even though during this period the average wage of all workers (both migrant and Israelis) in the construction sector increased by 7%
Daily working hours	11.3	11.6	No significant change
Monthly days off	4.1	4	Within the legal requirements. The workers took one day of rest weekly, both before and after the agreement
Overtime pay	34.4% reported receiving increased pay, 25% did not know whether they were compensated	14.6% reported receiving an increased rate, 43.9% did not know whether they were compensated	A deterioration after the implementation of the agreement. An increase in awareness regarding payment
Sick leave pay	78% did not receive sick leave pay; 9% didn't know whether they received	94% did not receive sick leave pay; 6% didn't know whether they received	A deterioration
Awareness of HMO type	22.8%	55.3%	A significant improvement after the implementation of the agreement.
Living conditions	77% of the respondents did not receive air conditioning or a fan, 74% did not receive a closet, 64.5% of the respondents did not receive electric heating	78% of the respondents did not receive air conditioning or a fan, 43.5% did not receive a closet, all of the respondents did not receive electric heating	Neither improvement nor deterioration

	Prior to the implementation of the agreement, 2011 N=32	After the implementation of the agreement, 2018 N=46	Differences in the situation after the signing of the agreement compared to the situation prior to the signing
Protection for hazardous working conditions	84.2% received protective gear	90.9% received protective gear. Numerous complaints regarding poor safety conditions	A slight improvement after the implementation of the agreement. Nevertheless, there are many complaints among the respondents about the safety conditions
Safety instructions	85.0% received safety instructions	78.3% received safety instructions	A slight deterioration after the implementation of the agreement
Would recommend to their friends and relatives to come to work in Israel	60% would recommend	38% would recommend	A decline, most workers would not recommend to come to work in Israel.

According to the findings of this study, it seems that the BLAs had a significant effect on the recruitment process. The cost of migration decreased significantly from \$22,000 to \$1,500 per worker, and the entire recruitment process is now supervised by PIBA in Israel and CHINCA in China. In other words, it seems that the implementation of the agreement enabled the elimination of the for-profit migration 'industry,' and the role of private companies and subcontracting agencies that were involved in recruiting workers before the BLA.

However, after the implementation of the BLA there have been growing reports about a deterioration in most of the employment conditions, and in the realization of the rights of migrant workers from China: the wages decreased despite the increase in working hours,<sup>61</sup> there was a deterioration in payment for overtime and sick leave and in receiving safety instructions, and the living conditions are still considered unfit - most workers live in caravans or basements, sometimes without air conditioning, and approximately half did not receive a closet or heating as required. Only one area showed a significant improvement: many more workers now know which HMO provides their health services. Although there was a slight improvement in the provision of safety gear, the safety conditions at the workplaces are still far from the requirements, and the workers themselves as well as the Chinese government consider this a serious problem. Consequently, after the implementation of the BLA, most of the respondents from China (62%) stated that they would not recommend to others to come to work in Israel.

Despite the decrease in recruitment fees, workers' wages are still not as high as they expected, and therefore, considering the poor employment conditions and high costs of living, work in Israel is not perceived as worthwhile.

<sup>61</sup> The wages still met the minimum stipulated by law in the construction sector.

As a result, many workers leave before the end of the permitted working period in Israel: according to PIBA reports, between the end of November 2017 and September 2018 122 workers left. The information about the poor employment conditions in Israel passes through the Chinese social networks as well, and according to the workers, some of the potential migrant workers who had passed all the recruitment stages, ended up cancelling their arrival. In fact, according to PIBA data, 591 workers from China have cancelled their arrival to date.<sup>62</sup>

In conclusion, the BLA had a positive effect on the recruitment processes of migrant workers from China. However, its implementation also increased the reports about a deterioration in the employment conditions of the workers and the realization of the social rights they are entitled to. It is recommended that enforcement mechanisms are developed in order to create an effective framework for protecting the rights of the migrant workers in the construction sector.

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<sup>62</sup> Another possible reason for the cancelations is that Chinese workers were supposed to arrive within a half a year from the recruitment day, but in practice it took almost a year and a half until everyone was invited, and in the meantime some of them found other work.

# 3]

## RECRUITMENT OF MIGRANT WORKERS IN THE CAREGIVING SECTOR

In the caregiving sector special pilot arrangements were signed with Nepal (2015) and Sri Lanka (2016) to recruit migrant workers. The pilot agreements were not defined as an exclusive method for the recruitment of migrant workers in the caregiving sector, and at the same time recruitment continued through other channels as well. The agreements were intended to provide governmental oversight to the recruitment process, which up until then was exclusively carried out by private manpower companies in Israel and in the countries of origin. These companies collected exorbitant and illegal fees from the workers that arrived in Israel (see Rajjman and Kushnirovich, 2012; Kushnirovich and Rajjman, 2017). The pilot agreements were intended to protect the rights of the migrant workers during the recruitment stage by making essential changes in the recruitment process: instead of leaving them under the responsibility of private companies, the recruitment was now entrusted to PIBA in Israel and the Departments of Labor and Employment in Nepal and in Sri Lanka. In

September 2018 a BLA was also signed with the Philippines, the country from which the largest number of migrant workers come to Israel.

According to the pilot arrangements, candidates that are interested in working in Israel in the caregiving sector do not need to pay any recruitment fees to the Israeli private agencies that invited them, but only pay predetermined expenses to the employment services in their country, as well as additional payments for flight tickets and related expenses such as medical checkups, police certificates, training, issuing a passport etc.<sup>63</sup> According to the pilot agreement procedures, the manpower companies in Israel are forbidden to contact the applicants prior to their arrival in Israel, and any communication with them is done through PIBA (PIBA, 2018, p. 3).<sup>64</sup> The workers recruitment procedure starts with the publication of ads by the government offices in Sri Lanka and in Nepal about employment opportunities in Israel. Applicants for employment in Israel who answer the ads and meet the threshold criteria of age, health status etc., are selected in a lottery. PIBA sends the relevant documents and links to anonymous videotaped interviews with the applicants to the Israeli manpower companies. Once the manpower company finds suitable workers for nursing patients with valid employment permits, it must complete the relevant forms and submit them to PIBA for processing in order for the worker to come to Israel (PIBA, p.4).

Table 3.1 presents the number of migrant workers that arrived to work in the caregiving sector by country of origin and year of arrival. Since 2011 approximately 42,233 migrant workers arrived in Israel to work in the caregiving sector. Most of them (62%) arrived from Southeast Asia - the Philippines, India and Sri Lanka, and 38% arrived from Eastern Europe - especially from Moldova, Uzbekistan and Ukraine.

**TABLE 3.1: MIGRANT WORKERS IN THE CAREGIVING SECTOR (BY COUNTRY AND YEAR)**

	2011	2012	2013	2014	2015	2016	2017	Total
<b>East Asia</b>								
Philippines	1,033	957	1,094	1,424	2,075	2,632	2918	<b>12,133</b>
India	1,012	1,222	1,711	1,991	2,061	1,186	856	<b>10,039</b>
Sri Lanka	681	785	858	712	590	254	130	<b>4,010</b>
Nepal	85	10	-	1	1	60	20	<b>177</b>
other	5	1	1	1	1	-	2	<b>11</b>
Total	(2,816)	(2,975)	(3,664)	(4,129)	(4,728)	(4,132)	(3,926)	<b>(26,370)</b>
<b>East Europe</b>								

<sup>63</sup> The total related costs may not exceed \$1,000.

<sup>64</sup> PIBA, head of administration letter number 02/2018. January 31, 2018.

[https://www.gov.il/BlobFolder/policy/bilateral\\_nepal\\_srilanka/he/0218\\_bilateral\\_nepal\\_srilanka.pdf](https://www.gov.il/BlobFolder/policy/bilateral_nepal_srilanka/he/0218_bilateral_nepal_srilanka.pdf)

	2011	2012	2013	2014	2015	2016	2017	Total
Moldova	1,081	921	1,134	1,267	1,546	1,705	1560	<b>9,214</b>
Uzbekistan	141	125	175	277	347	716	1459	<b>3,240</b>
Ukraine	192	197	202	270	362	354	382	<b>1,959</b>
Romania	109	87	75	72	39	32	28	<b>442</b>
other - East Europe	56	58	70	91	95	78	112	<b>560</b>
Total	(1,579)	(1,388)	(1,656)	(1,977)	(2,389)	(2,885)	(3,541)	<b>(15,415)</b>
<b>Latin America</b>	22	47	47	54	55	78	134	<b>437</b>
other	-	1	1	1	3	4	1	<b>11</b>
<b>Total</b>	4,417	4,411	5,368	6,161	7,174	7,099	(7,602)	<b>(42,233)</b>

Source: Department of policy planning and strategy, PIBA, special analysis

According to PIBA data, in the end of 2018, 55,425 migrant workers with a permit in the caregiving sector were living in Israel, and 11,434 without a valid permit. Together they constitute approximately 58% of all migrant workers in Israel (PIBA, 2109).<sup>65</sup> The number of migrant workers who arrived under the pilot agreement is very low: according to PIBA, by the end of October 2018, 24 caregiving workers from Sri Lanka and approximately 112 workers from Nepal arrived within this framework. Which means that most of the migrant workers in caregiving are still recruited by private companies.

Table 3.2.a. provides data on selected socio-economic characteristics of migrant workers from Sri Lanka from the different samples. In both samples prior to the implementation of the pilot (2011 and 2016) most of the participants were women. The average age of the migrant workers is 40, and they have completed an average of 10 years of schooling. Most of them were employed prior to their arrival in Israel (82% in 2011 and 60% in 2016). In the 2018 sample there is an almost equal division between the gender groups: most of them are married, the average age is 37, and the average number of years of schooling is higher than in previous samples (12 years of schooling on average). Most of the participants in the study were employed in Sri Lanka or in a different country prior to their arrival in Israel. In 2016 only 36% of the participants stated that they had employment experience in the caregiving sector prior to their arrival in Israel, while in 2018 almost everyone reported that they had employment experience in the caregiving sector. The income of the participants prior to their arrival in Israel was low in all samples, but an upward trend may be seen in the 2018 sample.

<sup>65</sup> Foreign Workers Statistics, Summary 2019. [https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/q2\\_2018.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/q2_2018.pdf)

**TABLE 3.2.A: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF MIGRANT WORKERS FROM SRI LANKA ACCORDING TO THE SAMPLE (% , AVERAGES AND S.D.)**

	2011	2016	2018
<b>Women (%)</b>	79.4	80	46
<b>Men (%)</b>	20.6	20	54
<b>Family status</b>			
Single	29.5	12	36
Married	55.8	76	55
Divorced/Widowed	11.8	12	9
<b>Average age (s.d.)</b>	40 (7.1)	39.2 (6.09)	37 (5.4)
<b>Average years of schooling (s.d.)</b>	10 (1.9)	10.2 (1.8)	12 (2.7)
<b>Status in the workforce before arrival in Israel</b>			
Employed in Sri Lanka (%)	61.8	48	91
Employed in a different country (%)	20.6	12	9
Unemployed (%)	2.9	24	-
Did not work and did not seek work (%)	14.7	16	-
Previous work experience in relevant employment sector – yes (%) (*)	-	36	91
Wage prior to arrival in Israel \$(s.d.)	200 (171)	170 (72)	392 (99)
N	34	25	11

(\*) This question was not asked in 2011.

Table 3.2.b. provides data on selected socio-economic characteristics of migrant workers from Nepal from samples preceding the implementation of the pilot and thereafter. The data in this table indicate that most of the migrant workers from Nepal in both samples were women, the average age was 38-39, approximately one half of them are married, and they have an average of 12.5-13 years of schooling. Most of the migrant workers from Nepal (over 82%) in both samples were employed prior to their arrival in Israel. Over one half of the migrant workers from Nepal in the 2018 sample stated that they had prior employment experience in caregiving prior to their arrival in Israel. The income of the participants in their country of origin was low and amounted to an average of \$150 in 2011, and an average of \$163 in 2018.

**TABLE 3.2.B: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF MIGRANT WORKERS FROM NEPAL ACCORDING TO THE SAMPLE (% , AVERAGES AND S.D.)**

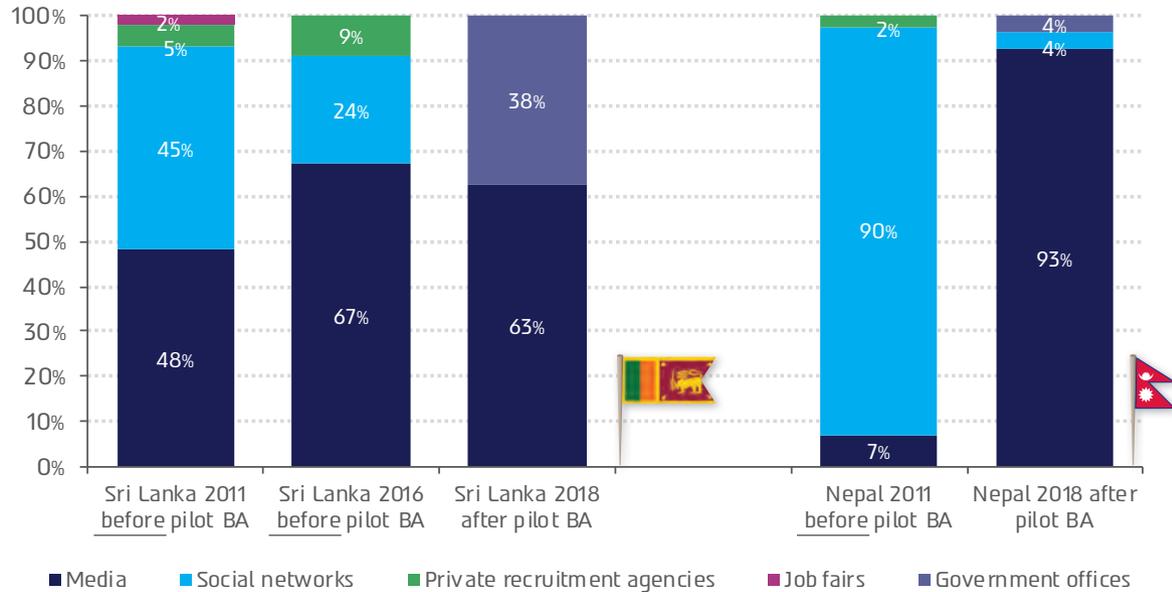
	2011	2018
<b>Women (%)</b>	75	67
<b>Men (%)</b>	25	33
<b>Family status</b>		
Single	33	50
Married	55	50
Divorced - Widowed	12	-
<b>Age (average and s.d.)</b>	38 (7.1)	39(3.9)
<b>Years of schooling (average and s.d.)</b>	13 (2.1)	12.5 (0.8)
<b>Activity in the workforce before arrival in Israel</b>		
Employed in Nepal (%)	82.9	89
Employed in a different country (%)	8.6	-
Unemployed (%)	-	5.6
Did not work and did not seek work (%)	8.6	5.6
Previous work experience in relevant employment sector – yes (%) (*)	-	55.6
Wage prior to arrival in Israel (\$)(s.d.)	150 (125)	163 (93)
N	40	18

(\*) This question was not asked in 2011.

## 3.1. THE PROCESS OF MIGRATION TO ISRAEL

### 3.1.1. FINDING EMPLOYMENT OPPORTUNITIES IN ISRAEL

Figure 3.1 provides information about the most popular ways in which migrant workers from Sri Lanka and Nepal learn about employment opportunities in Israel. The data indicate significant differences between the years before the implementation of the pilot agreement and thereafter. Among workers that arrived from Sri Lanka, the percentage of migrant workers that used social networks decreased sharply from 45% in 2011 to 24% in 2016, and in the 2018 sample social networks were almost not mentioned at all. In addition, the percentage of migrant workers that learned about employment opportunities through media such as radio, television and newspapers increased from 48% in the 2011 sample to 63% in 2018. Also, in the 2018 sample 38% of the respondents also learned about employment opportunities in Israel through government offices.

**FIGURE 3.1: FINDING EMPLOYMENT IN ISRAEL AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL**

Among the workers that arrived from Nepal there are also significant differences in finding employment opportunities in Israel between the respondents in 2016 (prior to the pilot agreement) and the respondents in 2018 (recruited under the pilot agreement). The workers recruited in 2011 stated that they had learned about employment opportunities in Israel mainly through social networks (90%) who referred them to Israeli manpower companies that assisted them with migration to Israel. In 2018 only 4% reported on finding employment opportunities through social networks. Comparing the role of the media in both samples, it seems that the percentage of those who used the media to find employment opportunities increased sharply from 7% in 2011 to 93% in 2018.

It appears that for migrant workers recruited under the pilot agreement in both countries, advertising through government mechanisms enabled direct access to relevant information about the recruitment process and employment conditions. Workers who arrived through the pilot agreement were less dependent on social networks, and were not dependent at all on private recruitment companies during the recruitment process, which suggests a more transparent and accessible process for those interested in working in Israel.

### 3.1.2. REASONS FOR CHOOSING ISRAEL AS A DESTINATION

Figure 3.2 presents the reasons migrant workers from Sri Lanka and Nepal chose Israel over other countries as a destination for migration.

**FIGURE 3.2: REASONS FOR CHOOSING ISRAEL AS A DESTINATION AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL**

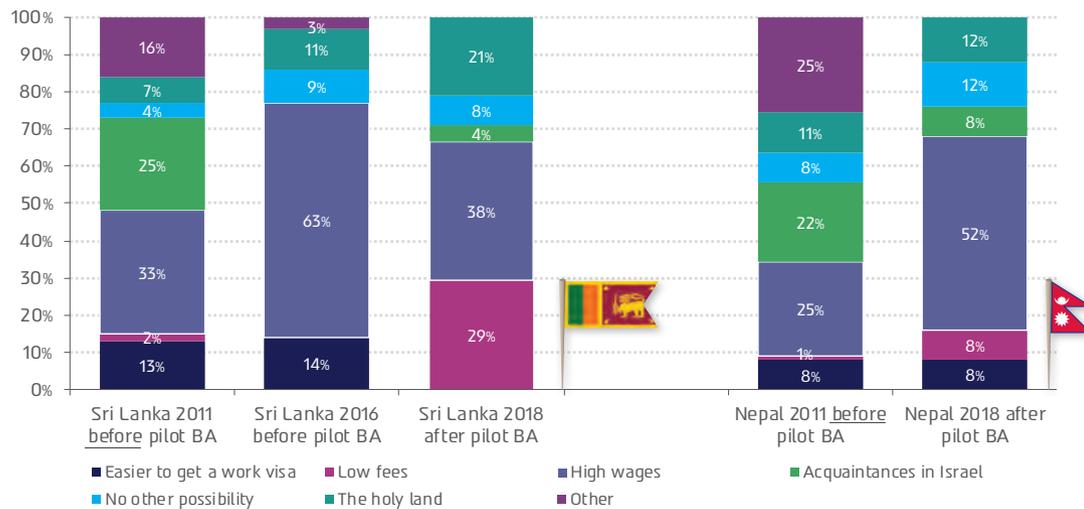


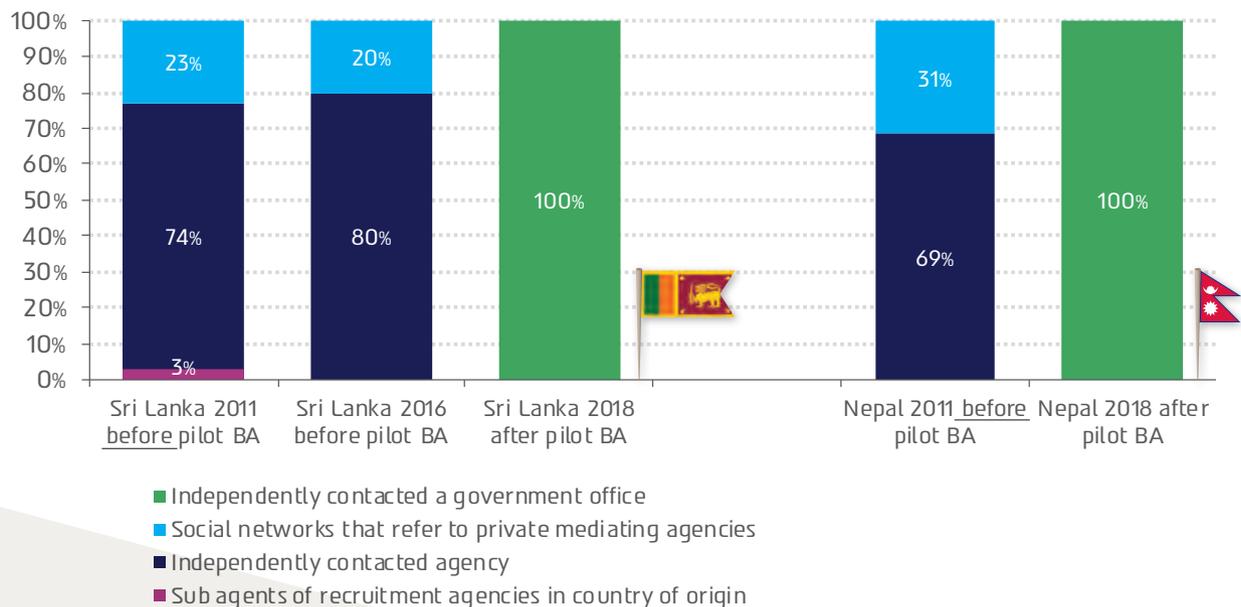
Figure 3.2 shows that the most popular reason migrant workers from Sri Lanka chose to come to Israel was high wages, as stated by 33% of the participants in 2011, and by 63% in 2016. In the 2018 sample, high wages were still a main attracting factor among 38% of participants, however another main attracting factor was low recruitment fees (29%). The percentage of respondents whose reason for choosing Israel as a destination was the ease of getting a visa did not change between 2011 and 2016 and remained low (13-14%), and in the 2018 sample was not considered a main attracting factor at all. There was also a change in the percentage of participants who chose Israel as an immigration destination because there were no other options, but these are still comparatively low: 4% in 2011, 9% in 2016 and 8% in 2018.

Among migrant workers from Nepal, there was an increase in the percentage of those reporting that their reason for choosing Israel as a destination was high wages: in 2011, prior to the implementation of the pilot agreement 25% of the participants chose this option, while in 2018 52% did so. Surprisingly, in the 2018 sample only 8% reported that low fees were a reason for choosing Israel as a destination.

### 3.1.3. FORMS OF RECRUITMENT

Figure 3.3 shows a significant change in the method of recruiting migrant workers from Sri Lanka and Nepal after the implementation of the pilot agreements. Prior to the implementation of the agreements, most of the migrant workers from Nepal and Sri Lanka had no choice but to turn directly to private recruitment agencies that collected exorbitant and illegal fees from them. Social networks also played an active role in the recruitment: approximately 20% of the migrant workers from Sri Lanka and 31% of the migrant workers from Nepal were referred by them to agents in Israel. In Sri Lanka's case, migrant workers were interviewed for this study at two points in time prior to the implementation of the pilot agreement (2011 and 2016), and the data clearly indicates that the recruitment mechanisms remained similar and did not change significantly until the implementation of the agreement. After the implementation of the agreement, the arrival of the migrant workers from both countries was handled by government offices. The new arrangement eliminates the role of private recruitment companies in the country of origin in the recruitment process. The Israeli companies still mediate between the workers and the employers, but do not carry out the actual recruitment, which is entrusted to government offices after the implementation of the agreements.

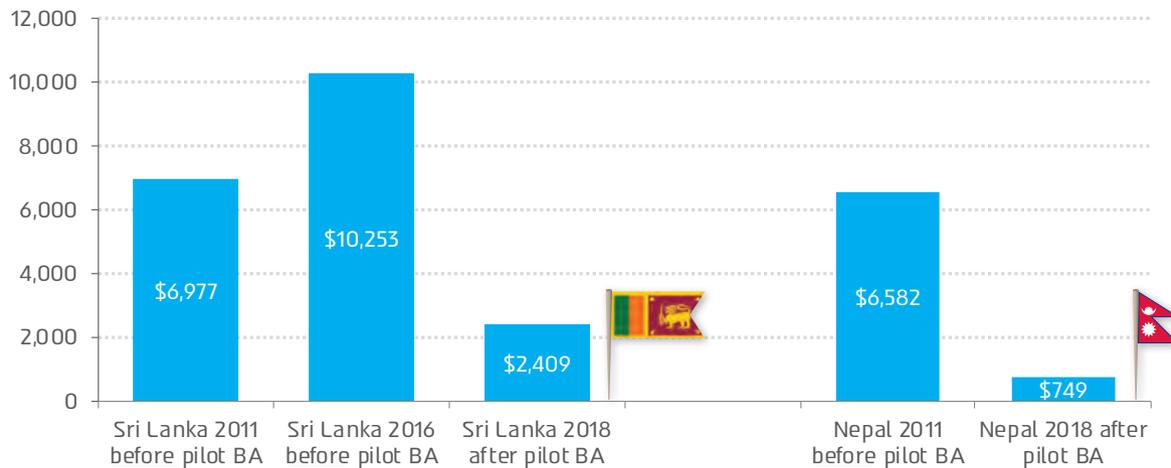
**FIGURE 3.3: FORMS OF RECRUITMENT OF MIGRANT WORKERS FROM SRI LANKA AND NEPAL**



### 3.1.4. THE COST OF MIGRATION

Figure 3.4 presents the average amount that workers from Sri Lanka and Nepal paid in order to work in Israel before and after the pilot agreement. The data indicate that prior to the implementation of the agreement there was a significant leap in the recruitment fees in Sri Lanka, from \$6,977 on average in 2011 to \$10,253 on average in 2016.<sup>66</sup> In other words, even though these amounts were collected illegally, for the profit of the private agencies and at the expense of the workers, the phenomenon continued to grow over time. After the implementation of the pilot agreement there was a dramatic decrease in the payments of the workers from Sri Lanka to \$2,400 on average (in seven cases the amount reported was \$2,000, while in four other cases \$3,000 was reported).<sup>67</sup> The decrease in recruitment fees was also dramatic among the workers from Nepal: from \$6,582 in 2011 to \$749 in 2018. This dramatic decrease reflects the success of the agreement in significantly reducing the cost of migration and the dependence of migrant workers on loans in order to finance their migration. Nevertheless, it seems that the costs of migration are still very high for migrant workers from Sri Lanka compared to migrant workers from Nepal.

**FIGURE 3.4: SUMS OF MONEY PAID BY MIGRANT WORKERS FROM SRI LANKA AND NEPAL IN ORDER TO COME TO ISRAEL [US DOLLARS, AVERAGE]**



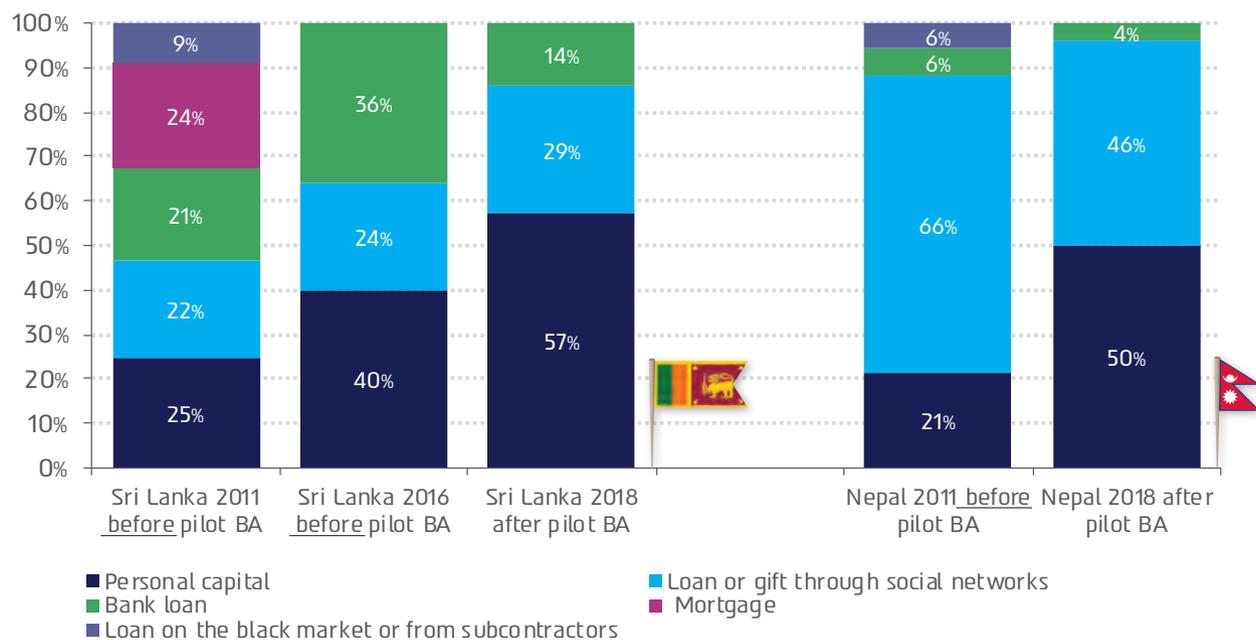
<sup>66</sup> The amounts paid by some of the workers reached up to \$9,600 in 2011 and up to \$13,646 in 2016.

<sup>67</sup> It is important to note that the respondents reported a total amount, and did not know to specify the payment components. The maximum amount permitted by law is \$1,000, not including a flight ticket.

### 3.1.5. FINANCING THE COSTS OF MIGRATION

The data presented in figure 3.5 indicate the relative share of each source in financing the costs of migration to Israel in the caregiving sector. In 2011, migrant workers from Sri Lanka relied mainly on loans from relatives, friends and banks, often having to mortgage their property. Only a small percentage of them (25%) relied on personal capital. However, in 2016 approximately 40% of the respondents financed the cost of migration using personal capital. The percentage of those relying on loans from social networks remained stable (24%), however, there is an increase in the use of bank loans (from 21% in 2011 to 36% in 2016). In 2018, alongside the sharp decrease in the recruitment fees, there is a significant increase in the percentage of migrant workers that finance the cost of their migration using personal capital (57%), and a decrease in the percentage of financing using bank loans (14%).

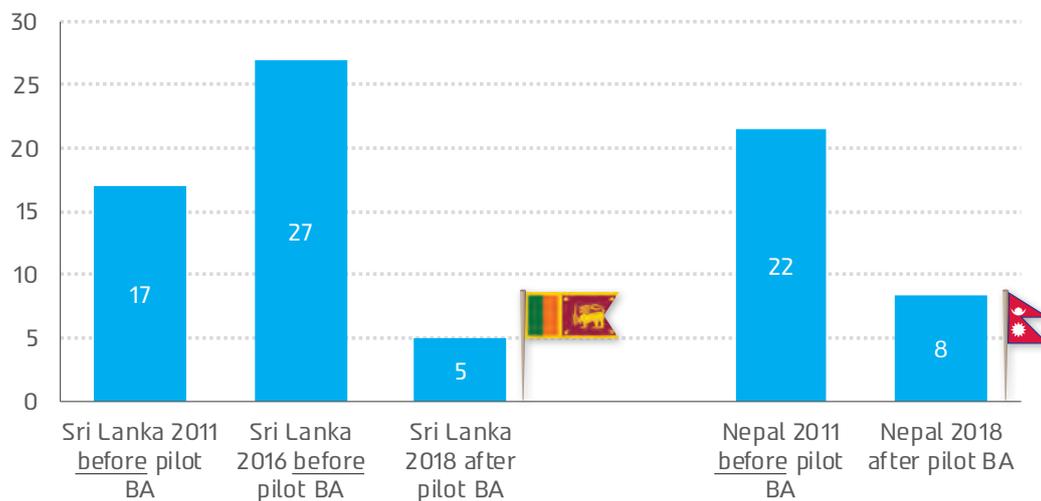
**FIGURE 3.5: FINANCING SOURCES FOR LABOR MIGRATION FROM SRI LANKA AND NEPAL**



The takes to pay off debts from initial recruitment fees is one of the workers' main concerns. Migrant workers who are in debt and are afraid to lose their livelihood tend to not report violations of the law and violations of their rights, and therefore may become victims of exploitation by their employers. Figure 3.6 presents the data about the number of months needed to repay the debt by country of origin and year.

Among migrant workers from Sri Lanka, it appears that the sharp increase in recruitment fees from 2011 to 2016 had a significant effect on the amount of time needed in order to repay the debts, which increased from 17 to 27 months. In other words, if in 2011 approximately 20% (on average) of the five year stay in Israel was dedicated to repaying the cost of migration, in 2016 approximately 40% of the stay was dedicated to repaying the debt. After the implementation of the pilot agreement, the number of months needed to repay the debt decreased sharply to as low as just 5 months on average. A similar trend may be seen among migrant workers from Nepal, and the number of months needed to repay the debt decreased from 22 months in 2011 to 8 months in 2018. This means that the decrease in recruitment fees significantly affected the size of the debts of the migrant workers, which now enables the repayment of debts within several months.

**FIGURE 3.6: TIME NEEDED TO REPAY DEBT AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL (IN MONTHS)**



In conclusion, it seems that prominent changes have occurred in the recruitment process of workers from Sri Lanka and Nepal under the pilot agreement. After the agreement, only government organizations in the countries of origin and in Israel are involved in the recruitment, the cost of migration decreased significantly, and as a result the size of the debts of the migrant workers also decreased significantly. Therefore, more migrant workers are now able to finance their migration to Israel using personal capital, and even those who took loans can now repay them in a short period of several months.

## 3.2. EMPLOYMENT CONDITIONS AND SOCIAL RIGHTS OF MIGRANT WORKERS IN THE CAREGIVING SECTOR

Requirements related to the employment conditions of the workers in the caregiving sector that arrived under the pilot agreements are consistent with the general labor laws. However, the nature of the work in the caregiving field is different from the nature of the work in other fields. For example, according to the High Court of Justice ruling, a caregiving worker living at the employer's residence is not entitled to overtime payment, and is entitled to a day of rest of only 25 hours. Moreover, the caregivers may change employers only under certain conditions, and are permitted to work only in geographical areas determined in their employment agreement. Their employment conditions and realization of social rights before and after the pilot agreements are described ahead in this chapter.

### 3.2.1. BREACH OF CONTRACT

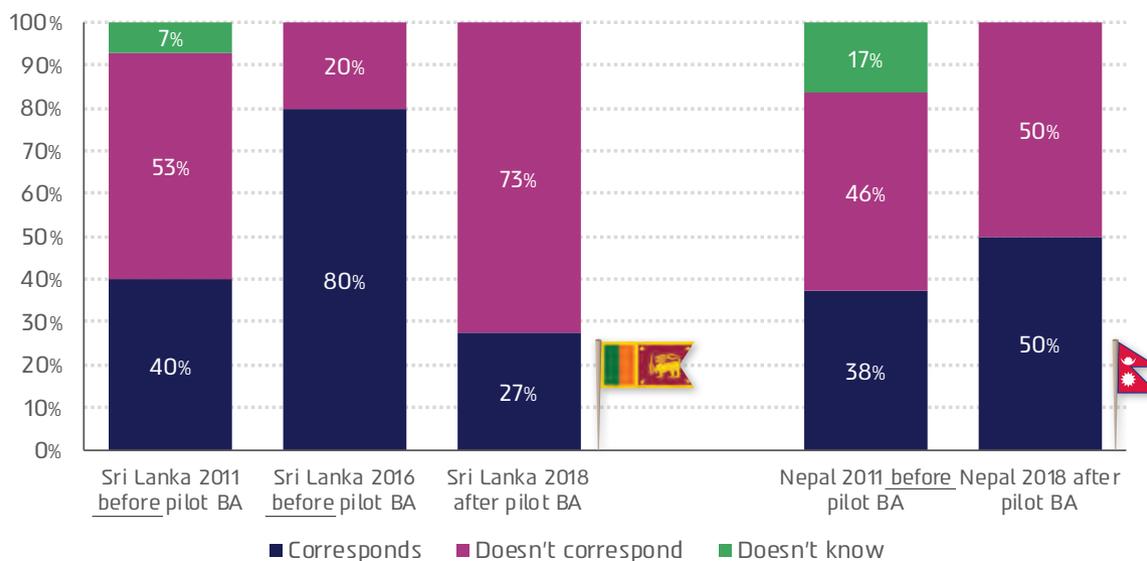
Within the private recruitment arrangements currently existing in the caregiving sector, and according to the foreign worker employment procedure in the caregiving sector,<sup>68</sup> the worker receives a visa only after being presented with an employment contract translated to their own language, which is approved in advance by an Israeli lawyer in compliance with Israeli law and PIBA procedures. As a result, 100% of the workers from both Nepal and Sri Lanka that participated in the 2018 survey signed an employment contract prior to their arrival in Israel, compared to 60% of the respondents from Nepal and 91% of the respondents from Sri Lanka who signed a contract in 2011.

The correspondence between the contract and the actual working conditions is presented in figure 3.7. The figure shows that after the implementation of the pilot bilateral agreement, the workers from Sri Lanka reported a deterioration in the correspondence between the contract and the actual working conditions. In 2018, only 27% of the respondents reported a correspondence, compared to 40% in 2011 and 80% in 2016, prior to the implementation of the agreement. Among the workers from Nepal there is a slight improvement in the correspondence between the conditions described in the contract and their actual employment conditions: prior to the implementation of the agreement in 2011 38% reported a correspondence, and after its implementation in 2018 50% reported a correspondence. However, taking into account that in 2011 17% of the respondents did not know whether the contract corresponded to the actual conditions, it is hard to determine with certainty whether there has been an improvement.<sup>69</sup>

68 Foreign Worker Employment Procedure in the caregiving sector (January, 1st, 2017). PIBA [https://www.gov.il/BlobFolder/policy/foreign\\_worker\\_employment\\_procedure/he/5.3.0002\\_0.pdf](https://www.gov.il/BlobFolder/policy/foreign_worker_employment_procedure/he/5.3.0002_0.pdf)

69 Migrant workers in the caregiving sector are entitled to change employers, under certain limitations: they must give written notice to the agency they are listed at, as well as to their employer or the employer's representative. The work visa issued to a foreign worker in the caregiving sector determines the geographical areas in Israel in which they are permitted to request to work, in order to ensure that elderly and disabled employers living in peripheral areas of the country receive adequate care from foreign caregivers who were invited to come to Israel for this purpose.

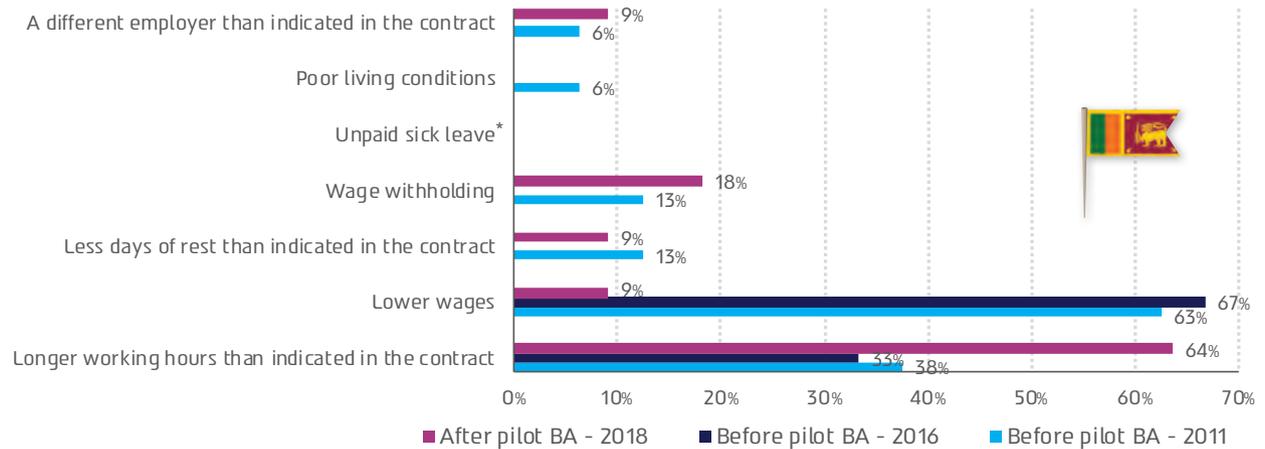
**FIGURE 3.7: CORRESPONDENCE BETWEEN CONTRACT CONDITIONS AND ACTUAL WORKING CONDITIONS AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL**



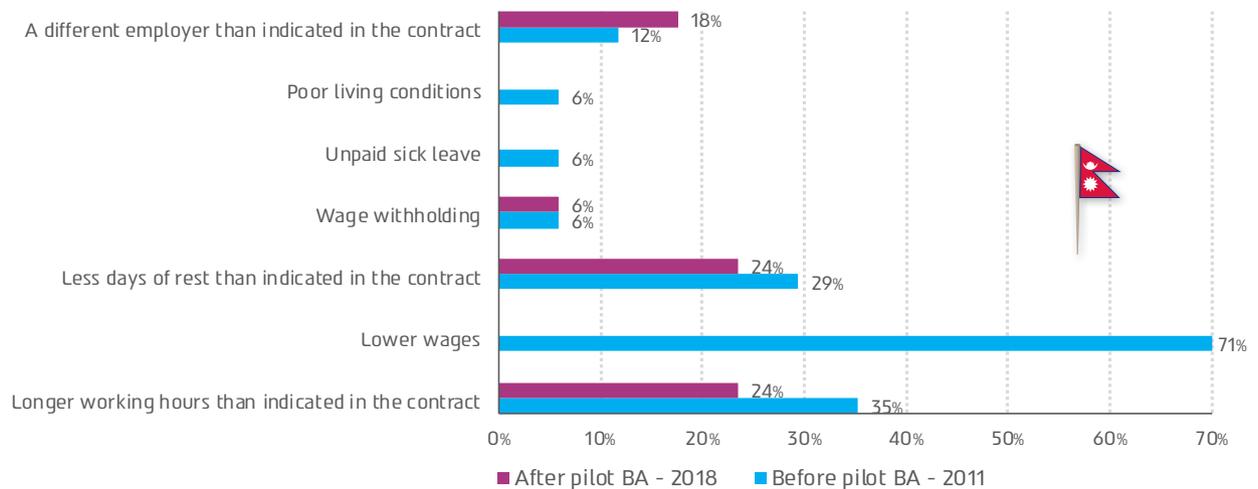
Figures 3.8 and 3.9<sup>70</sup> present the types of violations reported by the respondents from Sri Lanka and Nepal. Among migrant workers from Sri Lanka, after the implementation of the pilot there is a prominent increase in complaints about long working hours (64%) compared to previous years (38% in 2011 and 33% in 2016). On the other hand, the number of workers who complained about lower wages than indicated in the contract decreased after the implementation of the pilot agreements, from 63% in 2011 and 67% in 2016 to only 9% in 2018. However, the percentage of workers that complained about wage withholding increased - 2 workers, or 18% of the sample, in 2018, compared to 13% in 2011. One worker out of 11 respondents<sup>71</sup> from Sri Lanka reported that she was employed by an employer other than the one indicated in the contract, while in 2011 2 out of 34 workers reported so.

<sup>70</sup> If a certain column in the figure is empty, this means that there were no complaints regarding this issue. It is important to note that these reports are based on the workers' feelings and not an analysis of actual data. For example, the following sections indicate that the working hours of the workers from Sri Lanka were almost unchanged, however more workers reported longer working hours than indicated in the contract. This may be due to higher awareness of the workers of the contents of the contract.

<sup>71</sup> Due to the limited sample of workers from Sri Lanka (a total of only 13 workers arrived under the pilot agreement, of which two refused to be interviewed), one worker constitutes 9% of the 2018 sample.

**FIGURE 3.8: TYPES OF BREACH OF CONTRACT OF MIGRANT WORKERS FROM SRI LANKA**

\* Since 10 out of 11 respondents from Sri Lanka were not sick, it was not possible to analyze the change in payment for sick leave after the implementation of the pilot.

**FIGURE 3.9: TYPES OF BREACH OF CONTRACT OF MIGRANT WORKERS FROM NEPAL**

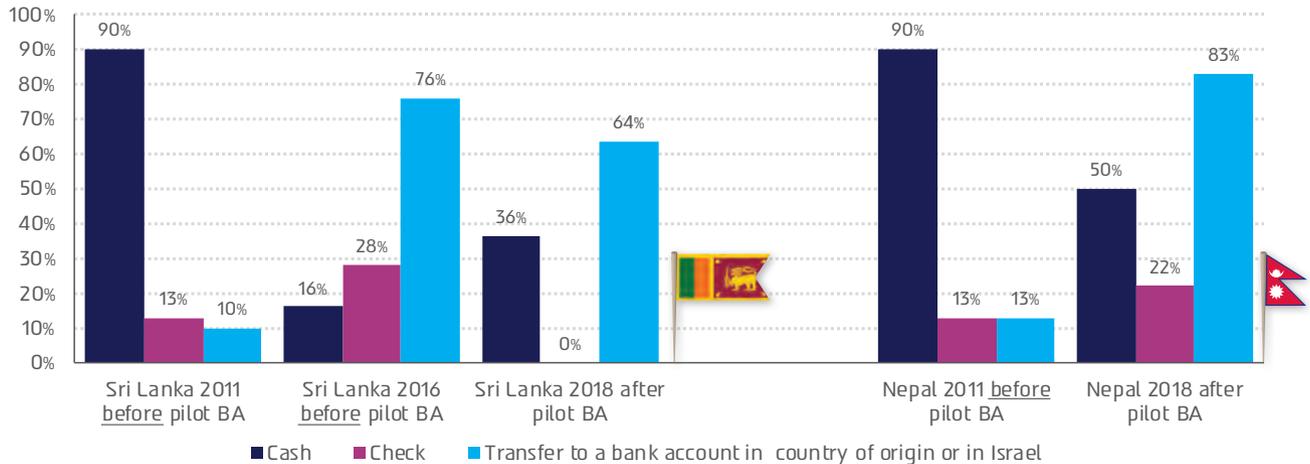
Among migrant workers from Nepal, after the implementation of the pilot agreements there was a decrease in the percentage of breaches of contract for each subject: especially concerning longer working hours than indicated in the contract (a decrease from 35% in 2100 to 24% in 2018), and fewer rest days (from 29% in 2011 to 24% in 2108). None

of the respondents from Nepal complained about lower wages than indicated in the contract (prior to the pilot in 2011, 71% of the respondents complained about that, comprising the highest percentage of all subjects). However, there was an increase in the percentage of those complaining about employment by a different employer than the one indicated in the contract (18% in 2018 compared to 12% in 2011). One worker out of 18 (6%) complained about wage withholding, and one worker (6%) complained about poor living conditions compared to those indicated in the contract.

### **3.2.2. WAGES**

The law determines that the wages of the migrant workers must be paid by deposit into a bank account in the name of the worker. If the worker agrees, and if this is indicated in the contract or collective agreement, or if this is common in the worker's workplace, part of the wages may be paid in its equivalence in food. The data found in this study indicate that both in 2016 prior to the implementation of the pilot agreement, and in 2018 after its implementation, all the participants from Sri Lanka and Nepal had a bank account, and there were no violations in this area.

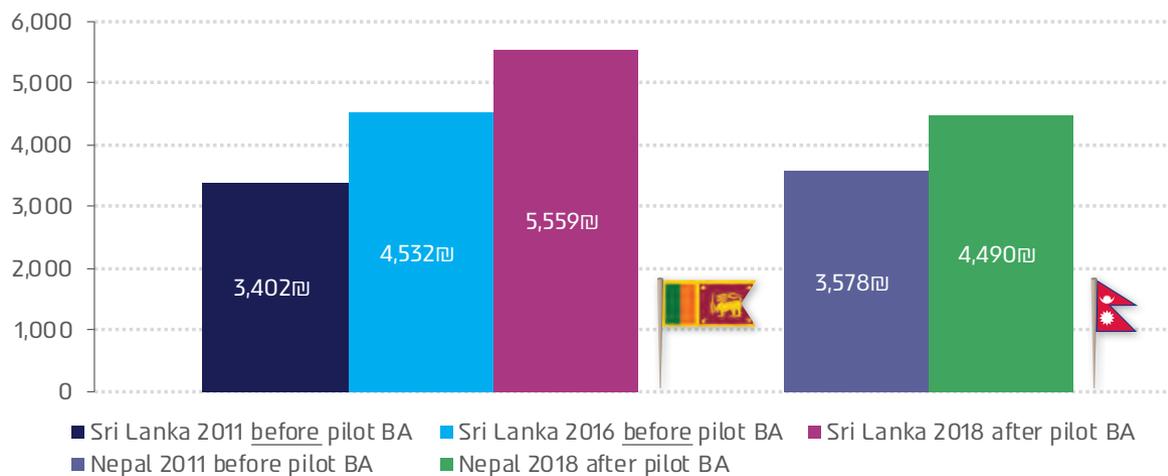
The ways in which the workers received their wages are presented in figure 3.10. After the implementation of the pilot, there was an increase in the percentage of workers from Nepal who received their wages by direct transfer into their bank account (from 13% in 2011 to 83% in 2018). The percentage of workers that received at least part of their wages in cash decreased from 90% in 2011 to 50% in 2018. It is important to note that in the caregiving sector the workers receive part of their wages from their employers, who are their patients as well, and it is more convenient for them to pay the workers in cash. Among the workers from Sri Lanka, there has been an increase in recent years (from 10% in 2011 to 64% in 2108) in the percentage of workers receiving their wages by deposit into a bank account, but this cannot be attributed to the implementation of the agreement, because in 2016 as well, 76% of the respondents received their wages into a personal bank account. At the same time, the percentage of workers from Sri Lanka receiving part of their wages in cash decreased from 90% in 2011 to 36% in 2018.

**FIGURE 3.10: WAYS OF PAYING WAGES TO MIGRANT WORKERS FROM SRI LANKA AND NEPAL<sup>72</sup>**

As of December 2017, the minimum wage for a full-time worker as defined by law was 5,300 NIS a month. In the years 2011-2018 the minimum wage in caregiving increased by 30%. Figure 3.11 shows the average net monthly wage of migrant workers in the caregiving sector before and after the implementation of the pilot agreements. The figure shows that the employers did comply with the minimum wage requirements both before and after the implementation of the agreement. During the study period, the wages of the workers from Nepal increased by 25%, and the wages of the workers from Sri Lanka increased by 63%. The sharper increase in the wages of the workers from Sri Lanka compared to the workers from Nepal may be explained by the fact that, prior to the implementation of the agreements, the workers from Sri Lanka received lower wages than the workers from Nepal. Additionally, the workers from Sri Lanka on average take less rest days per month than workers from Nepal (see the following sections).

None of the respondents from Nepal or Sri Lanka reported working for several employers at the same time. Among the workers from Nepal interviewed after the implementation of the pilot agreements, 94% reported receiving a pay slip, and 73% of the respondents from Sri Lanka reported so.

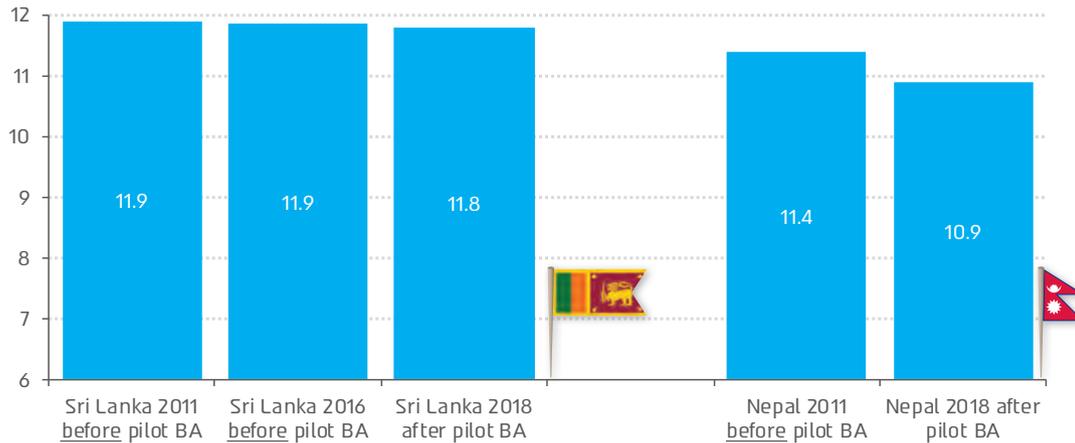
<sup>72</sup> The total in the figure may exceed 100%, because workers can receive parts of their wages in a few different ways, and therefore could have multiple responses.

**FIGURE 3.11: AVERAGE MONTHLY WAGE OF MIGRANT WORKERS FROM SRI LANKA AND NEPAL [IN NIS]**

According to the High Court of Justice ruling<sup>73</sup>, a caregiver living at his/her employer's residence is not entitled to overtime payment: for a full month of work they are entitled to wages no lower than the minimum wage, but with no reference to overtime. Figure 3.12 shows that after the implementation of the pilot agreements, there was no change in the net number of working hours of the workers from Sri Lanka, and they work almost 12 hours a day. However, the number of working hours of the workers from Nepal decreased from 11.4 hours in 2011 prior to the implementation of the agreement to 10.9 hours a day in 2018, after the implementation of the agreement.<sup>74</sup> In addition, in 2018, 67% of the respondents from Nepal and 60% of the respondents from Sri Lanka reported that they had to be available at night, while in 2011 fewer workers reported so (57% of the respondents from Nepal and 40% of the respondents from Sri Lanka).

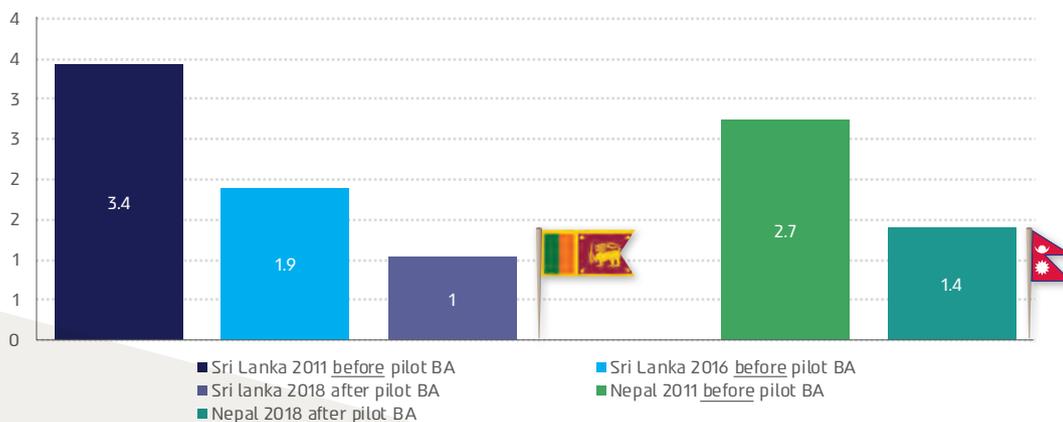
<sup>73</sup> HCJ ruling 1678/07 from 2009.

<sup>74</sup> Due to the limited sample of the workers from Sri Lanka, this decrease cannot be seen as representing the change in the group. The change in working hours may reflect individual cases and not widespread patterns.

**FIGURE 3.12: AVERAGE DAILY WORKING HOURS OF MIGRANT WORKERS FROM SRI LANKA AND NEPAL [NET]<sup>75</sup>**

### 3.2.3. REST DAYS

Migrant workers in the caregiving sector are not entitled to a weekly rest period of 36 hours as required in other sectors, but to rest period of only 25 consecutive hours. Figure 3.13 shows that the number of rest days of the caregiving workers decreased, from 3.4 days a month in 2011 (approximately one day of rest a week) to 1.0 monthly rest day. It is important to note that for the workers from Sri Lanka, this decrease began prior to the implementation of the agreement in 2016, at which time they reported 1.9 monthly rest days. The workers from Nepal also reported a decrease in the rest days, from 2.7 days a month prior to the implementation of the BLA to 1.4 days a month after the implementation.

**FIGURE 3.13: NUMBER OF MONTHLY REST DAYS AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL**

<sup>75</sup> The net working hours were calculated according to the working start time, the working end time, deducting the total duration of all breaks, so that the study relates only to the actual working hours, and not to the total hours the worker spent at the employer's home.

All workers from Sri Lanka that did not take a day of rest during the week preceding the survey, did so of their own will, and received payment for it: an average of 335 NIS. Among the workers from Nepal that did not take advantage of their day of rest, only one worker reported that his employer had forced him to work on his rest day, and 88% of them reported that they had received payment for working on rest days (430 NIS on average). The workers' desire to forfeit their weekly day of rest may be explained by the fact that, for working on a Saturday, they receive remuneration greater than a regular day's wages.

### **3.2.4. HOLIDAY, VACATION, AND CONVALESCENCE PAY**

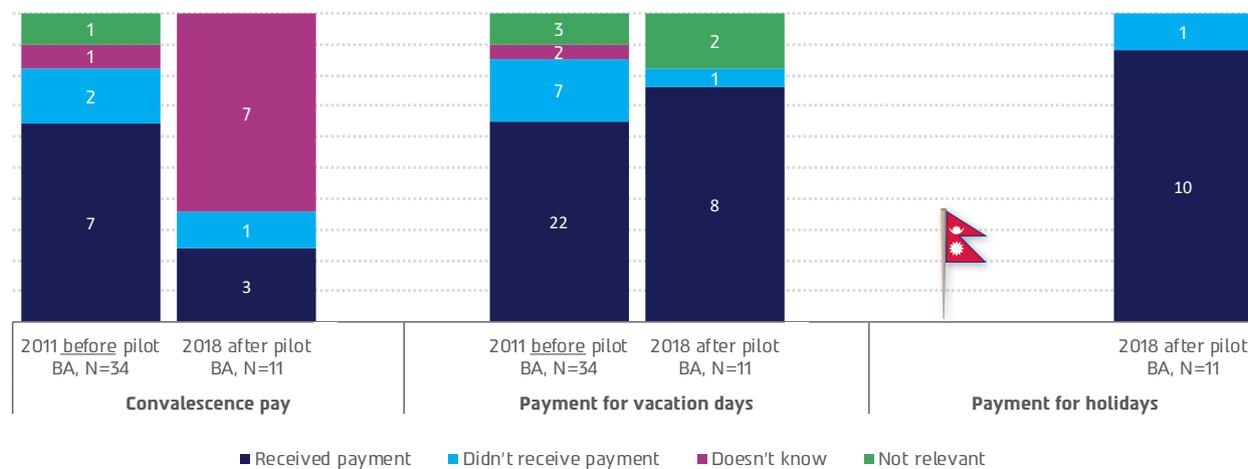
Every migrant worker employed on a monthly basis is entitled to payment for a maximum of nine religious holidays a year; workers may choose them according to either their own religious observance, or on Jewish holidays, provided that these days do not coincide with the weekly rest days.<sup>76</sup> Every worker is also entitled to paid vacation days every year, and as of January 1st, 2017 it was determined that, for each of the first five years, the worker is entitled to 16 calendar days of leave annually (including weekly rest days). The vacation must be agreed upon both employers and employees, and will be granted during the last month of the work year for which it was accumulated with a 14 day notice from the employer or the worker. In addition, according to the law in Israel a worker that completed at least one year of employment is entitled to an annual payment of convalescence pay from the employer, at a rate of 378 NIS a day multiplied by five days for the first year of employment.

All of the respondents from Nepal who were interviewed in 2018 had worked in Israel for over a year, and therefore they were all entitled to convalescence pay and paid vacation. The data regarding the workers from Nepal may be seen in figure 3.14. After the implementation of the pilot agreement in 2018, 77% (8 out of 11 workers) reported receiving paid vacation, compared to 65% (22 out of 34 workers) that reported so in 2011. However, the percentage of workers who reported receiving convalescence pay decreased from 65% (22 out of 34 workers) in 2011 to only 24% (3 out of 11 workers) in 2018. In addition, in 2018 88% (10 out of 11 workers) reported on receiving holiday payment, while 12% (one out of 11 workers) reported that he had not received this payment. At the time of the survey the workers from Sri Lanka worked in Israel for less than a year, and therefore only holiday payment pertained to them, which only 50% of them reported receiving holiday payment.

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<sup>76</sup> The Hours of Rest and Work Law requires payment for 9 holidays for every worker (Israeli or foreign).

**FIGURE 3.14: HOLIDAY, VACATION AND CONVALESCENCE PAY FOR MIGRANT WORKERS FROM NEPAL (IN WORKER NUMBERS)<sup>77</sup>**



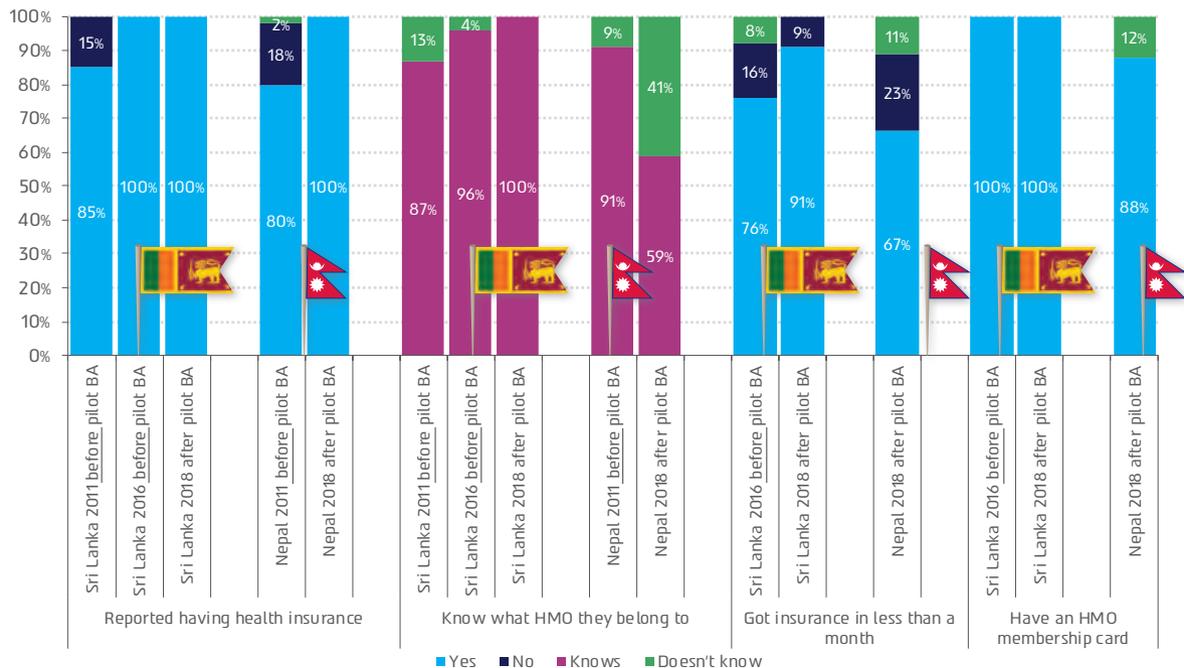
### 3.2.5. HEALTH INSURANCE AND PAYMENT FOR SICK LEAVE

Employers of migrant workers in Israel are required to provide them with private health insurance for the entire duration of their employment. The employer is required to give the workers a summary of the insurance policy in a language they understand. Figure 3.15 shows that after the implementation of the pilot agreement, there was a significant improvement in the percentage of workers that believed that they had health insurance: after the implementation of the agreements, all workers (100%) from Sri Lanka and Nepal reported that they were insured by their employer. On the other hand, prior to the implementation in 2011, only 85% of the respondents from Sri Lanka and 80% of the respondents from Nepal believed that the employer had arranged health insurance on their behalf. However, the similarities between the workers from these two countries end here. Among the workers from Sri Lanka, after the implementation of the pilot agreement, the percentage of workers that knew which HMO they belonged to increased (100% of the respondents in 2018 compared to 87% in 2011), whereas among the workers from Nepal it decreased: 59% of the respondents reported in 2018 that they knew which HMO they belonged to, compared to 91% of the respondents in 2011. Almost all workers from Sri Lanka (91%) reported that the insurance was arranged for them during their first month in Israel (compared to 76% that reported so in 2016), while among the workers from Nepal only 76% reported so. In addition, all of the respondents from Sri Lanka that knew which HMO they belonged to had an HMO membership card, while among the workers from Nepal only 88% had a card.

<sup>77</sup> At the time of the survey all of the workers from Sri Lanka were in Israel for less than a year, therefore it was not relevant to ask them about convalescence pay and vacation pay. That is why the figure only presents data regarding the workers from Nepal.

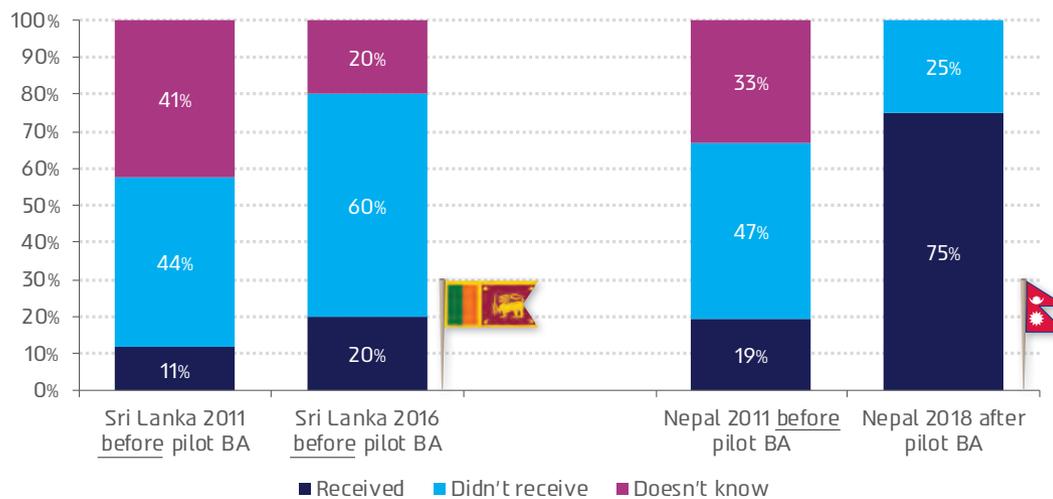
Overall, the data indicate that after the implementation of the agreements, the situation improved for the workers from Sri Lanka, while the situation of the workers from Nepal deteriorated in most of the most issues relating to health insurance. It is important to note that the improvement in the situation of the workers from Sri Lanka had begun prior to the implementation of the agreement - they already were starting to report a better situation in 2016 compared to 2011, and therefore the improvement can not necessarily be attributed to the implementation of the agreement.

**FIGURE 3.15: HEALTH INSURANCE FOR MIGRANT WORKERS FROM SRI LANKA AND NEPAL<sup>78</sup>**



Data regarding payment for sick leave for eligible workers are presented in figure 3.16. In 2018, 10 out of 11 workers from Sri Lanka who participated in the survey reported that they were not sick during their work period in Israel (the only one that did report being sick indicated that he did not receive payment). Hence, this question was not relevant to them, and the category of 2018 was removed from the graph. The figure shows that among the workers from Nepal, there was a significant improvement in payment for sick leave after the implementation of the agreement: 75% reported in 2018 that they had received payment for sick leave, compared to only 19% in 2011. At the same time, the workers' awareness regarding the payment for sick leave had increased: in 2018, all workers from Nepal that were sick reported that they knew whether they received payment, compared to 33% in 2011 that did not know whether they had received payment for sick leave.

<sup>78</sup> The questions: "Was insurance arranged within a month?" and "Do you have an HMO membership card?" were asked only from 2016.

**FIGURE 3.16: PAYMENT FOR SICK LEAVE FOR MIGRANT WORKERS FROM SRI LANKA AND NEPAL<sup>79</sup>**

The workers were also asked who they would turn to for help if they had a health. 44% of the respondents from Nepal responded that they would turn to the employer for help in contacting a physician, 11% would turn to the manpower office, 39% would contact the HMO directly, and 6% responded that they do not know what to do because they were never sick. Among the workers from Sri Lanka, 91% stated that they would turn to the employer, and only one to the HMO.

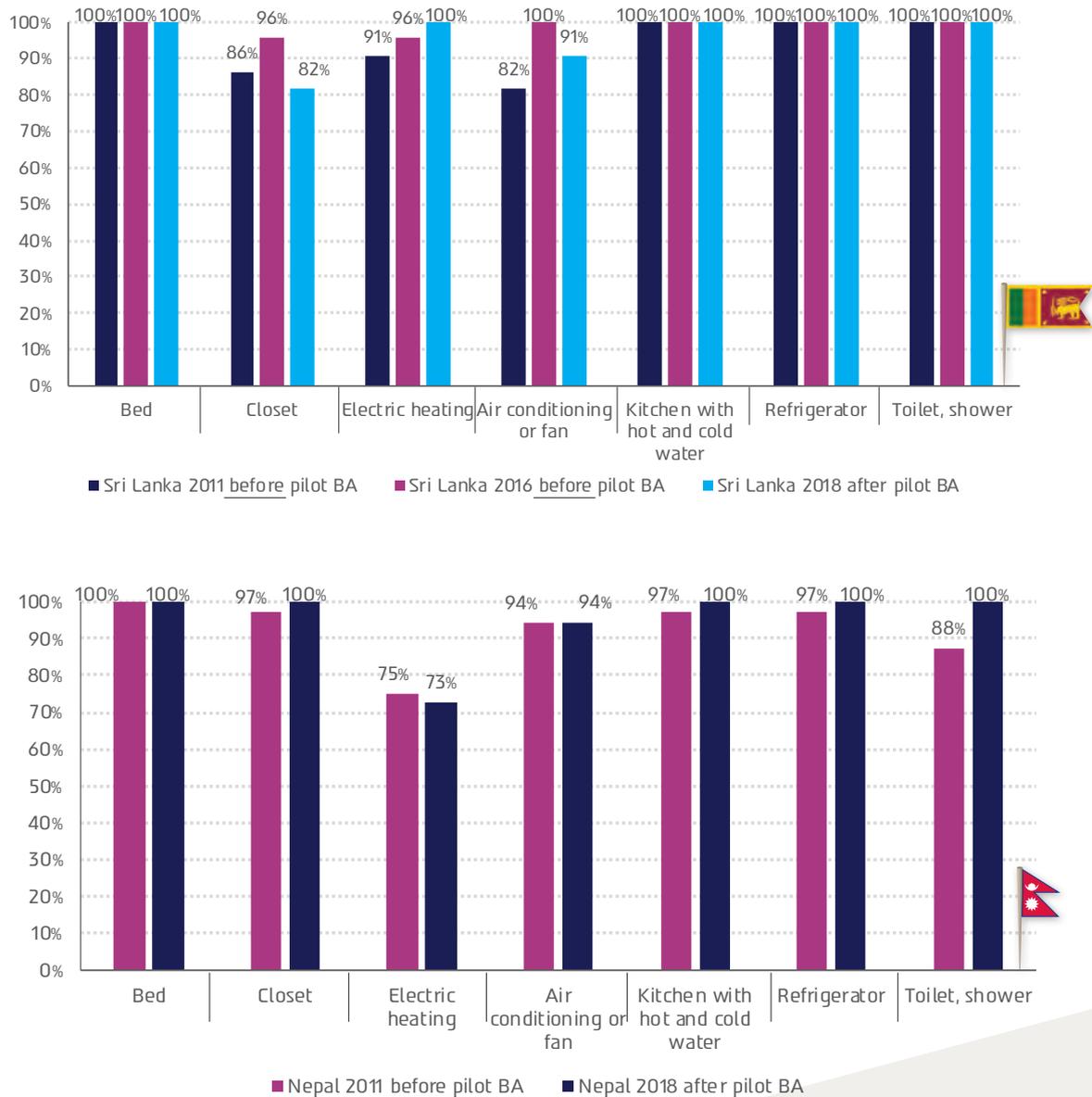
### 3.2.6. LIVING CONDITIONS

Figure 3.17 presents the living conditions before and after the implementation of the pilot agreements. The figure indicates that there was no significant change in the living conditions of the workers from Nepal and Sri Lanka after the implementation of the agreements. Approximately one quarter of the respondents from Nepal still did not receive electric heating (27% in 2018 and 25% in 2011). There was a slight improvement in the percentage of workers who were provided with a toilet and shower (they were all provided with a toilet in 2018, compared to only 88% in 2011), while other equipment was fully provided for. Also, for the workers from Sri Lanka, there was a slight improvement in some living conditions. For example, 91% received air conditioning or a fan in 2018, compared to 82% in 2011, while in other categories there was a slight deterioration; such as how 82% were provided with a closet in 2018, compared to 86% in 2011. Altogether, no substantial change in the living conditions of caregivers was found

<sup>79</sup> In 2018 10 out of 11 respondents from Sri Lanka reported that they were not sick during their work period in Israel, therefore this question was irrelevant to them. Therefore, the data regarding the workers from Sri Lanka interviewed in 2018 are not presented in the graph.

in the present study. The relatively consistent provision amenities provided to the workers in the caregiving sector may be explained by the fact that they live in the employer's home and can use equipment and amenities already there.

**FIGURE 3.17: LIVING CONDITIONS OF MIGRANT WORKERS FROM SRI LANKA AND NEPAL**



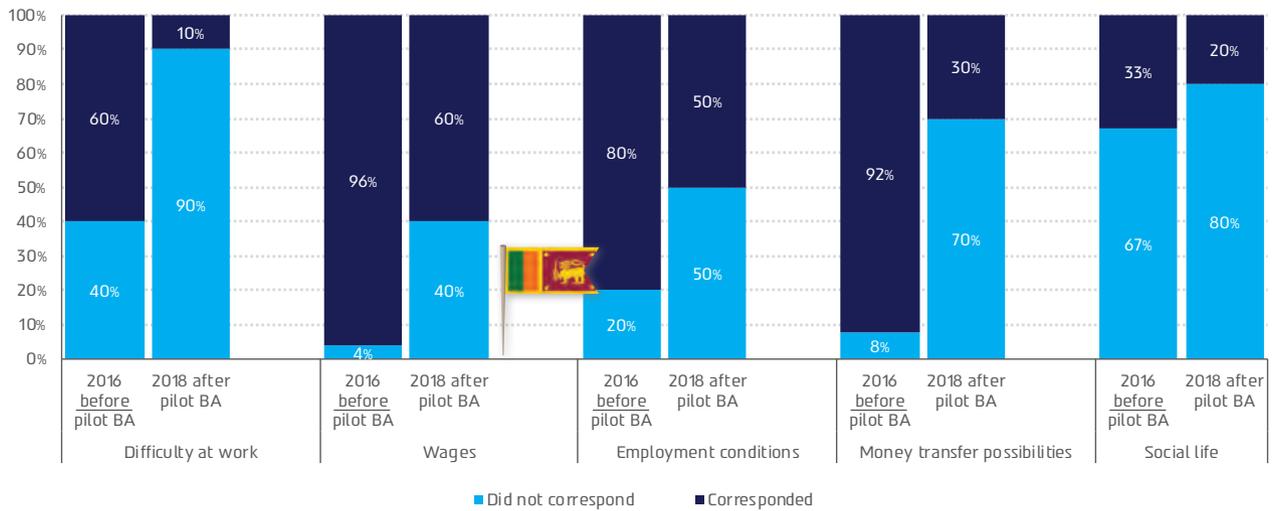
### 3.2.7. DIFFICULTIES & VIOLATIONS OF RIGHTS IN THE WORKPLACE

After the implementation of the pilot agreement, the workers from Nepal considered the following to be major difficulties in the workplace: the employer's attitude toward them, the lack of a day of rest, lack of information regarding their rights, not being allowed to leave the home, and not having a break - each difficulty was reported by one worker. Two workers reported long working hours. The workers from Sri Lanka also reported negative attitudes from their employer, a lack of rest days, not having a break, provision of food not suitable to their needs, and hardships related to the medical condition of their employer - each difficulty was reported by one worker. Three workers from Sri Lanka reported that they were required to perform additional chores, especially cleaning, not pertaining to the care of the patient himself but to his family. Taking into account that the number of respondents from Sri Lanka (11 workers) was lower than the number of respondents from Nepal (18 workers), the workers from Sri Lanka seem to have had more complaints.

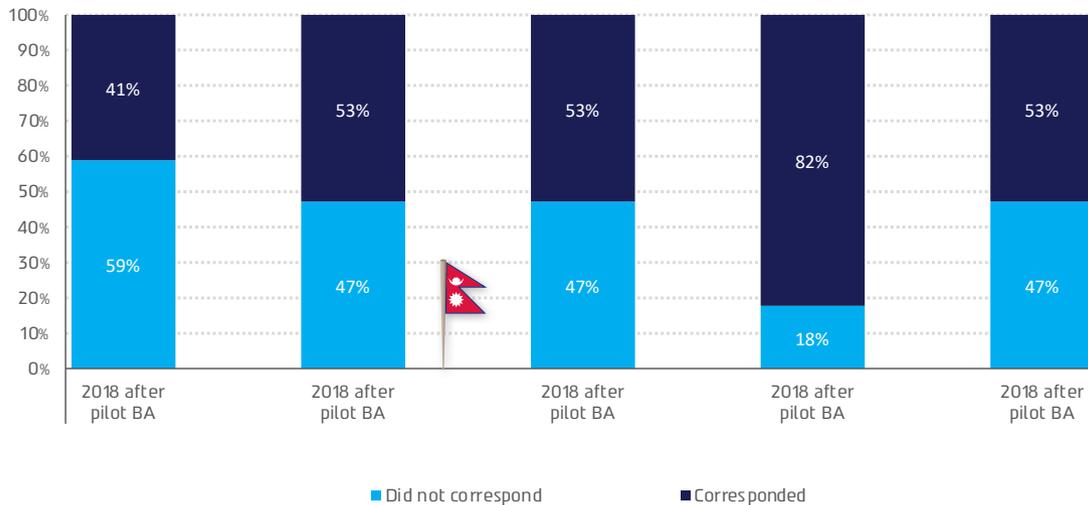
### 3.2.8. EXPECTATIONS VS. REALITY OF WORK IN ISRAEL

The workers were asked to examine in hindsight the reality of their life in Israel compared to their expectations prior to arrival. Figure 3.18 summarizes their responses. The figure shows that among the workers from Sri Lanka there was a deterioration in the degree of correspondence between their expectation and the reality: 40% reported in 2016 that the level of difficulty at work did not meet their expectations, compared to 90% in 2018. The percentage who reported a gap between expectations and reality with regards to wages increased from 4% to 40%; with regards to employment conditions, 20% to 50%; money transfer options, 8% to 70%; and social life, 67% to 80%. Workers from Nepal tended to have a higher rate of satisfaction, feeling that the reality of work in Israel met their expectations prior to arrival, and most categories found over 50% of responses to be positive (fig. 3.19).

**FIGURE 3.18: CORRESPONDENCE BETWEEN THE EXPECTATIONS OF MIGRANT WORKERS FROM SRI LANKA AND THE REALITY IN ISRAEL**



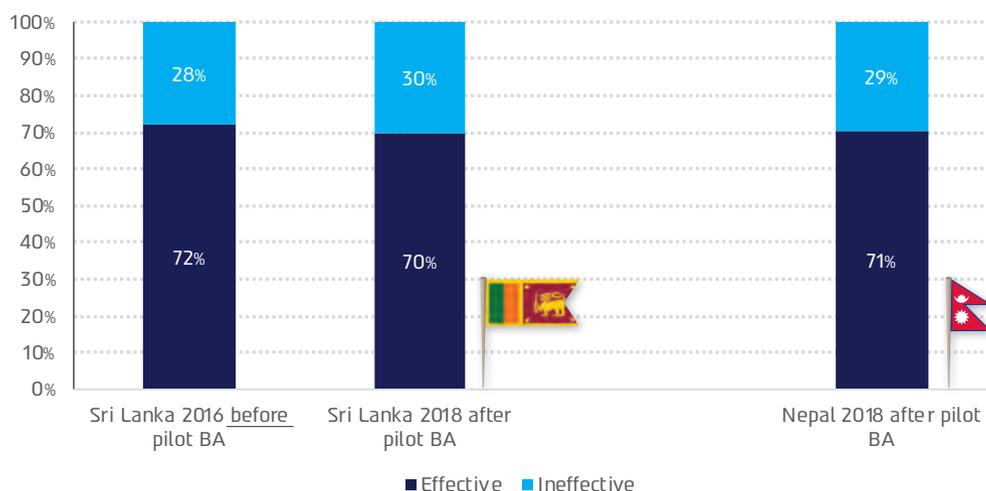
**FIGURE 3.19: CORRESPONDENCE BETWEEN THE EXPECTATIONS OF MIGRANT WORKERS FROM NEPAL AND THE REALITY IN ISRAEL**



### 3.2.9. EVALUATION OF THE EFFECTIVENESS OF THE PRE-DEPARTURE ORIENTATION (PDO) IN THE COUNTRY OF ORIGIN

Prior to their arrival in Israel, all workers were required to participate in an orientation day in their country of origin. Figure 3.20 presents the extent to which the workers reported that the PDO prepared them effectively for the work in Israel. The data indicate that the benefit to the Sri-Lankan workers from the PDO remained almost unchanged after the implementation of the agreement: 70% of them reported that the orientation was effective in 2018, compared to 72% who stated so in 2016 prior to the implementation of the agreement. A similar percentage of the respondents from Nepal (71%) reported that they perceived the orientation to be effective.

**FIGURE 3.20: EFFECTIVENESS OF THE PRE-DEPARTURE ORIENTATION (PDO) IN SRI LANKA AND IN NEPAL IN HELPING THEM DEAL WITH THE REALITY IN ISRAEL**



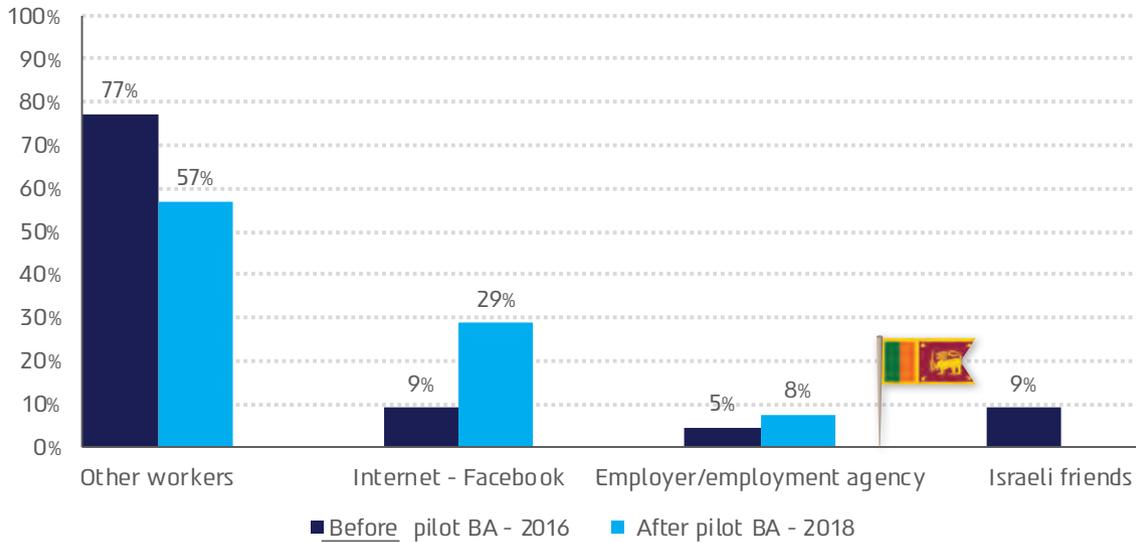
The workers were also asked if they would be interested in receiving additional training about working with the elderly and with the disabled. All workers from Sri Lanka reported that they would be interested in additional training, and among the workers from Nepal, 15 out of 18 workers said so.

### 3.2.10. SOURCES OF INFORMATION ABOUT LABOR RIGHTS

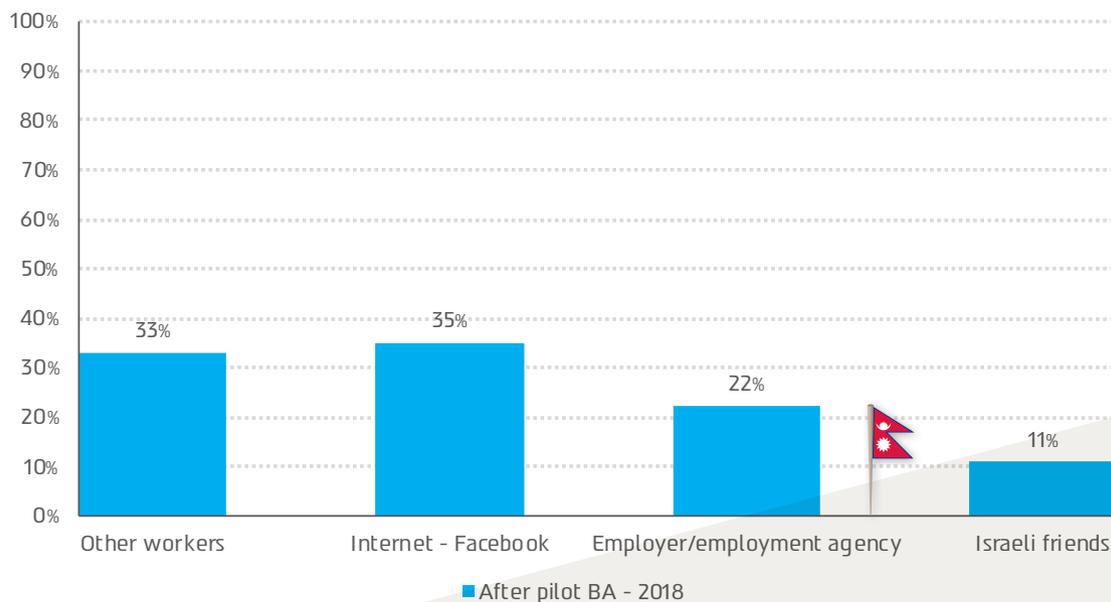
In addition to the orientation abroad, the migrant workers obtain information about labor rights in Israel from other sources as well (figures 3.21 and 3.22). Among the workers from Sri Lanka, receiving information from the Internet and especially from Facebook increased from 9% in 2016 to 29% in 2018. At the same time, fewer respondents received information from other workers - 57% in 2018 compared to 77% in 2011. However, this source is still the most

popular for receiving information about rights. Among the workers from Nepal, the distribution among the sources was more even: 35% drew information from the Internet, 33% received information from other workers, 22% received information from an employer or agency, and 11% received information from Israeli friends.

**FIGURE 3.21: SOURCES OF INFORMATION ABOUT LABOR RIGHTS AMONG MIGRANT WORKERS FROM SRI LANKA**



**FIGURE 3.22: SOURCES OF INFORMATION ABOUT LABOR RIGHTS AMONG MIGRANT WORKERS FROM NEPAL**



The workers were then asked where they would turn to if they had problems regarding wage issues, residential issues, changing employers, safety, receiving information, or any emergency situation.<sup>80</sup> The workers from Nepal preferred to turn to their employer or to their agency for most of the problems. In cases dealing with wage issues, 69% said that they would turn to the employer, 69% to the agency, and only 7% to the Call Center.<sup>81</sup> In cases dealing with problems with the residence, 92% expressed they would turn to their employer and 54% to the agency; in cases of emergencies, 100% to the employer, 54% to the agencies, and only 7% to the Call Center. In order to change employers, the workers from Nepal would prefer to turn to the agency (100%), and to receive information they would contact the agency (77%), the Call Center (36%), or their employer (15%).

The workers from Sri Lanka indicated that they would prefer to turn to the employer or the agency in different situations: for example, if problems with wages come up, 82% said that they would turn to the employer, 18% reported that they would turn to the agency, and only one worker out of 11 said that he would turn to the Call Center. In the case of a residential problem, 100% said that they would turn to the employer. In order to change employers, 73% reported that they would turn to the agency, and 46 to the employer himself. In an emergency, 91% of the respondents reported that they would turn to the employer, and 9% to the police. It is interesting that in order to obtain information, 91% of the respondents from Sri Lanka said they would turn to *Kav LaOved Workers' Hotline*, while only 9% (2 workers) would turn to the Call Center.

The data show that the workers from Nepal tend to contact the Call Center for help in different situations (36% in order to receive information, one worker on wage issues, and one worker in an emergency), while none would contact *Kav LaOved*, in contrast to caregivers from Sri Lanka, 91% of whom responded they would turn to them to receive information.

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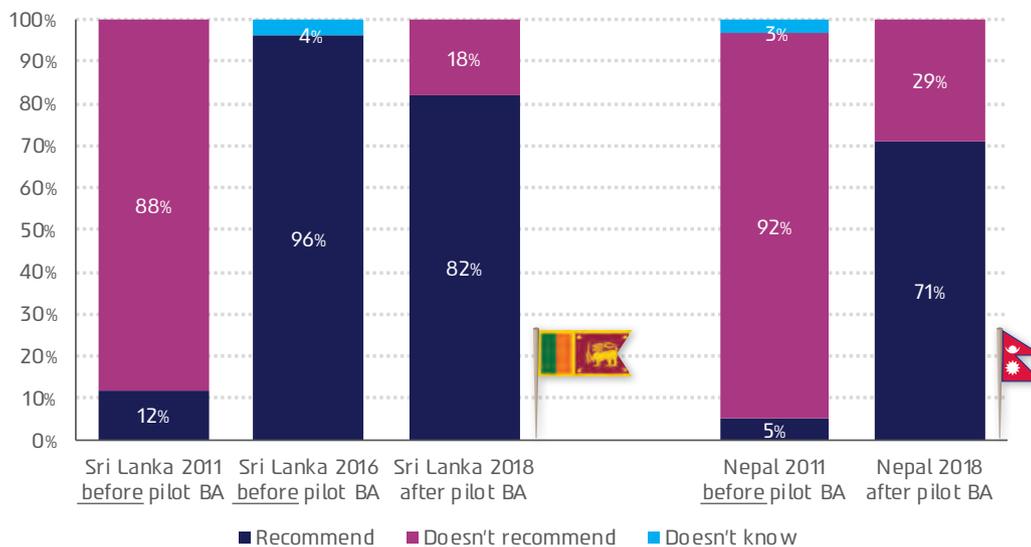
80 Since only a few workers from each country responded to this question (11 workers from Sri Lanka and 13 workers from Nepal), the data were not presented in a graph.

81 Previously called the "Hotline", a telephone line for migrant workers in Israel in their languages. The Call Center is operated by CIMI, and the calls that are received are forwarded to PIBA, who transfer them to the relevant authorities according to the type of issue. Among the respondents, only one out of 50 did not know about the existence of the Call Center for workers.

### 3.2.11. JOB SATISFACTION AMONG CAREGIVERS IN ISRAEL

The workers were asked if they would recommend Israel as a migration destination to others. Figure 3.23 presents the responses. The percentage of workers from Sri Lanka that would recommend working in Israel increased after the implementation of the pilot BLA, from 12% in 2011 to 82% in 2018. It is important to note that this increase already began prior to the implementation of the pilot, and 96% of respondents stated in 2016 that they would recommend working in Israel to their friends. Also, among workers from Nepal, the percentage of the respondents who would recommend working in Israel increased significantly after the implementation of the pilot, from 5% in 2012 to 71% in 2018.

**FIGURE 3.23: RECOMMENDING WORK IN ISRAEL TO SOCIAL NETWORKS IN SRI LANKA AND NEPAL**

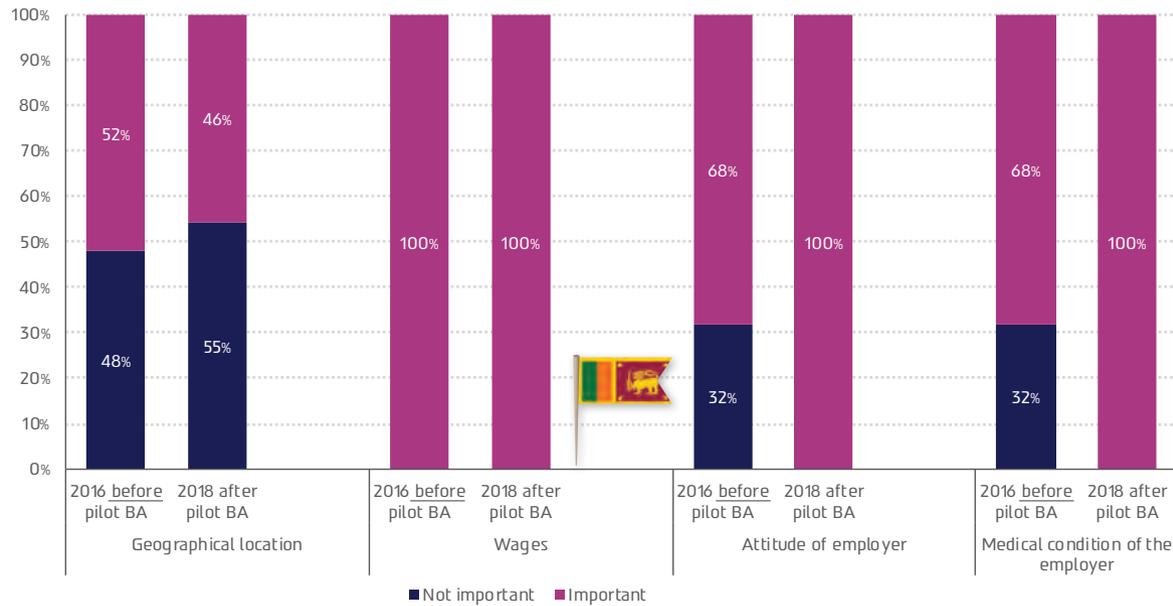
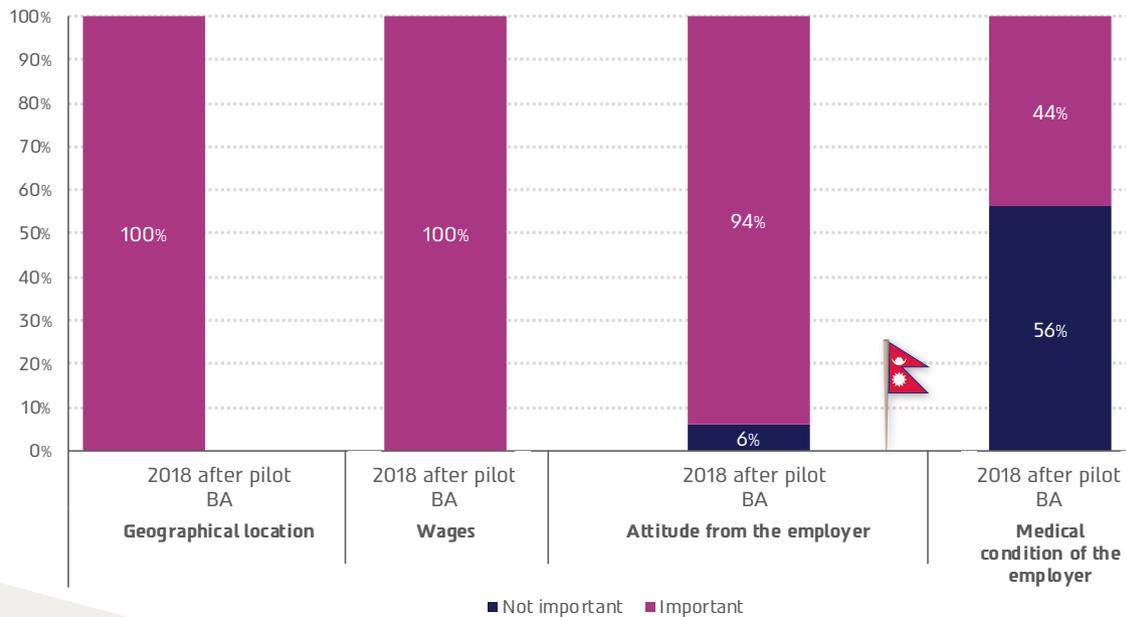


## 3.3. VARIOUS ISSUES DURING THE STAY IN ISRAEL

### 3.3.1. IMPORTANT CRITERIA IN SELECTING AN EMPLOYER

For caregivers in the years 2016 and 2018, the questionnaire included the question "to what extent were the following criteria important in your selecting an employer: wages, the geographical location, the employer's attitude toward the worker, and the patient's medical condition".<sup>82</sup> The findings are presented in figures 3.24 and 3.25.

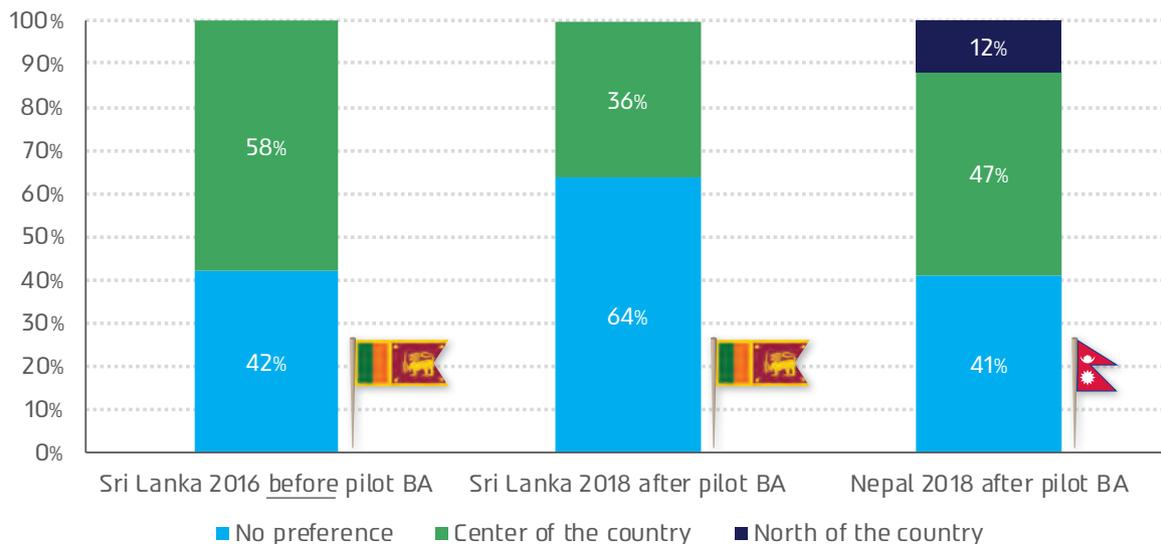
<sup>82</sup> The responses were ranked from 1 to 4 (1=not important at all; 2=not important; 3=important; 4=very important). For the purpose of the analysis the respondents were divided into two groups: the workers for whom the criterion was important (values 3 and 4), and workers for whom the criterion was not important (values 1 and 2).

**FIGURE 3.24: IMPORTANT CRITERIA IN SELECTING AN EMPLOYER AMONG MIGRANT WORKERS FROM SRI LANKA****FIGURE 3.25: IMPORTANT CRITERIA IN SELECTING AN EMPLOYER AMONG MIGRANT WORKERS FROM NEPAL**

For all workers, both from Sri Lanka and Nepal, the most important criterion was wages, followed by the employer's attitude (it was very important for 94% of the respondents from Nepal and 100% of the respondents from Sri Lanka). The

geographical location was more important to workers from Nepal (100% of the respondents stressed its importance) than to the workers from Sri Lanka (only approximately one half of them, 46%, reported it as an important criterion). On the other hand, the medical condition of the employer was less important to the workers from Nepal (44% reported it as an important criterion) than to the workers from Sri Lanka (100% stressed its importance). The participants were then asked which area they would prefer to work in. The responses to this question appear in figure 3.26. The data indicate that the workers from Nepal prefer to work in the center of the country (47%) or in the north of the country (12%), and 41% of them did not have any preference. Only approximately one third of the respondents from Sri Lanka (36%) prefer to work in the center of the country, and 64% of them have no preference. Overall, the percentage of workers from Sri Lanka that preferred to work in the center of the country decreased from 58% in 2016 to 36% in 2018.

**FIGURE 3.26: WORK LOCATION PREFERENCE AMONG MIGRANT WORKERS FROM SRI LANKA AND NEPAL**



The workers that indicated a geographical preference were asked about the reason for their preference. Among the workers from Nepal, 60% indicated that they preferred the area because it had a large community of migrant workers from the same origin, and 50% indicated that there are recreational opportunities on the weekends in the preferred area. Among the workers from Sri Lanka, 30% indicated the importance of a church near their workplace.<sup>83</sup>

<sup>83</sup> Since only four workers from Sri Lanka responded to this question, it was not possible to analyze this subject in greater detail.

### 3.3.2. CONTACT WITH THE CAREGIVING COMPANIES

Lastly, the workers were asked about their direct employers. In practice, there are two employment possibilities: 1. employment by the patient and a caregiving company (with services received according to the Long-Term Care Insurance law); or 2. Employment by the patient alone. Figure 3.3 shows that almost all of the migrant workers stated that they were employed by a caregiving company in addition to their employer (100% of the respondents from Sri Lanka and 94% of the respondents from Nepal), and everyone (100%) also knew the name of the company.<sup>84</sup> The main form of contact between the migrant workers and the caregiving companies was by phone (82% and 76% of the respondents from Sri Lanka and Nepal respectively), and only one worker from Nepal and three workers from Sri Lanka reported additional contact during a visit by a representative of the caregiving company at the patient's home. Two workers reported that they had no contact at all with the caregiving company through which they were employed.

**TABLE 3.3: CONTACT WITH MANPOWER COMPANIES\***

	Sri Lanka 2016 before pilot BLA	Sri Lanka 2018 after pilot BLA	Nepal 2018 after pilot BLA
	% (N)	% (N)	% (N)
Employed through a caregiving company in addition to employer (the patient or a relative of the patient)	92 (23)	100 (11)	94 (17)
Know the name of the caregiving company	87 (20)	100 (11)	100 (17)
<b>Contact with the caregiving companies</b>			
By phone	44 (10)	82 (9)	76 (13)
When visiting the patient's home	26 (6)	9 (1)	18 (3)
When I have questions about the wages	4 (1)	-	
No contact	26 (6)	9 (1)	6 (1)
Percentage of workers for whom it was important which caregiving company employed them	20 (5)	82 (9)	53 (9)
N	N = 25	N = 11	N = 18

\* These questions were asked only from 2016.

<sup>84</sup> The workers were not asked about their contact with private recruiting agencies they were registered with, because these agencies do not employ them directly but are only involved in their registration. .

The data indicate that according to 82% of the respondents from Sri Lanka, it is important to be employed through a specific company, because they wish to work for and receive support from a reliable company in their opinion. On the other hand, only 53% of the respondents from Nepal thought it was important to work with a specific caregiving company, for different reasons: two workers indicated that they felt a warm family attitude from their caregiving company, two workers indicated that they believed that there are companies that have a poor attitude toward the workers, and others indicated that in their opinion their current caregiving company provides the best services.

The workers were then asked what services they would like to receive from the caregiving company that employs them,<sup>85</sup> that they do not currently receive. Among the workers from Sri Lanka, 36% (four out of 11 workers) indicated that they would like more help from the caregiving companies in searching for a new employer, and 27% (3 out of 11 workers) indicated that it is important to them to get better service in general (probably because they evaluate the current service as not good enough). One worker from Sri Lanka (out of 11 workers) would like a representative of the company to review her (she probably did not get a visit yet), and another worker would have liked if the company would arrange for better employment conditions for her. Among the workers from Nepal, two out of 18 workers would have liked to receive more information from the caregiving company, one worker asked for a house visit, and another worker would have liked to get help in solving problems at the employer's residence. It is important to note that only 5 out of 11 workers from Sri Lanka, and 15 out of 18 workers from Nepal reported that representatives of the caregiving company come to visit them at the patient's home. In most cases, the frequency of the visits was once every six months; two workers reported visits once a month, and one worker reported visits once every three months. Five workers reported that during the visit the caregiving company representatives were interested in how they were, four workers reported that they checked the conditions, two workers reported that the representatives of the company spoke to them and to the employer, and according to two workers the representatives of the company "were only present", meaning that they did not seem to actually examine the conditions as expected.

### 3.4. CONCLUSIONS

Tables 3.4 and 3.5 summarize the changes in the recruitment and employment conditions of migrant workers from Sri Lanka and from Nepal before and after the implementation of the pilot BLAs.

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<sup>85</sup> Both caregiving companies and private agencies must make visits to the patient's home. The questions were only about the caregiving company. However, there might have been a certain bias in the responses of the workers, since they did not always know to distinguish between the caregiving company and the private agency.

**TABLE 3.4: SUMMARY OF CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS FROM SRI LANKA IN THE CAREGIVING SECTOR AFTER THE IMPLEMENTATION OF THE PILOT BLA<sup>86</sup>**

	Before the pilot implementation, 2011 34 = N	Before the pilot implementation, 2016 25 = N	After the pilot implementation, 2018 N = 11	Differences in the situation before and after the pilot BLA
Reasons for coming to Israel	High wages Social networks	High wages	High wages low fees	Low fees are an important attracting factor
Recruitment fees	\$6,977 (average)	\$10,000 (average)	\$2,409 (average)	A sharp decrease in the cost of migration
Recruitment method	Private recruitment companies	Private recruitment companies	Government offices	A shift in recruitment from private to governmental organizations
Wages	3,402 NIS	4,532 NIS	5,559 NIS	The wages increased by 63% between 2011 and 2018, more than the increase in minimum wage (30%)
Daily working hours	11.9	11.9	11.8	No significant change
Monthly days off	3.4	1.9	1	A significant deterioration, after the pilot, the workers take only one monthly day of rest
Knowing which HMO provides their healthcare	87%	96%	100%	An improvement, all of the respondents knew where they can get health services
Living conditions	13.6% did not receive a closet, 18.2% did not receive air conditioning or a fan	One worker did not receive a closet, one worker did not receive electric heating, all other equipment was provided	18% did not receive a closet, 9% did not receive air conditioning or a fan	A relatively good situation, no significant change
Would recommend to their friends and relatives to come to work in Israel	12 % would recommend	96% would recommend	82% would recommend	There has been an improvement in recent years, even before the implementation of the pilot

<sup>86</sup> Since 10 out of 11 respondents from Sri Lanka were not sick, it was not possible to analyze the change in payment for sick leave after the implementation of the pilot.

**TABLE 3.5: SUMMARY OF CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS FROM NEPAL IN THE CAREGIVING SECTOR AFTER THE IMPLEMENTATION OF THE PILOT BILATERAL AGREEMENT**

	Before the pilot implementation, 2011 40 = N	After the pilot implementation, 2018 N = 18	Differences in the situation before and after the pilot BLA
Reasons for coming to Israel	High wages	High wages	Only a small percentage referred to recruitment fees as an important reason
Recruitment fees	\$6,582	\$749	A sharp decrease in the cost of migration
Recruitment method	Private recruitment companies	Government offices	A shift in recruitment from private to governmental organizations
Wages	3,578 NIS	4,490 NIS	25% between 2011 and 2018, which is similar to the overall increase in minimum wage during the same period (30%)
Daily working hours	11.4	10.9	A decrease of one half hour a day
Monthly days off	2.7	1.4	A significant deterioration; after the pilot the workers take only one day of rest every three weeks
Payment for sick leave	19% received	75% received	A significant improvement
Knowing which HMO provides their healthcare	91%	59%	Awareness decreased
Living conditions	25% did not receive electric heating, 12.5% did not receive a toilet and a shower	27.3% did not receive electric heating, 6% did not receive air conditioning or a fan	A relatively good situation, no significant change
Would recommend to their friends and relatives to come to work in Israel	5% would recommend	71% would recommend	A significant increase

After the implementation of the pilot BLA, there was a sharp decrease in the cost of migration for the workers from Sri Lanka, and the recruitment was transferred from private companies to government organizations. The workers' wages increased, even more than the increase in minimum wage that occurred in Israel during the same period. There was also an improvement in the workers' awareness regarding which HMO is supposed to provide them with health services. The living conditions of the workers from Sri Lanka did remain unchanged, and they may be considered relatively good. However, there was a decline in number of rest days taken among caregivers. Overall, most of the respondents from Sri Lanka would recommend working in Israel to their acquaintances.

Also, among the workers from Nepal arriving after the implementation of the pilot BLA, the costs of migration

decreased significantly, and recruitment was transferred to government offices in order to increase oversight and decrease exploitation. The wages of the workers from Nepal increased in accordance with the increase in minimum wage that occurred in Israel during the same period, the net working hours of the workers from Nepal somewhat decreased, and their living conditions remained relatively good. There was also an improvement among the workers from Nepal in receiving payment for sick leave. However, there was a decrease in the percentage of those aware of which HMO is supposed to provide them with health services and in taking advantage of rest days. The percentage of workers that would recommend to others to work in Israel increased significantly, probably due to the decrease in the cost of migration and the improvement in most of their employment conditions.

In conclusion, there is a sharp decrease in the payments required by migrant workers from Nepal and Sri Lanka in the caregiving sector in Israel after the implementation of pilot BLAs. However, the cost of migration for the workers from Sri Lanka is still high compared to workers from Nepal, and compared to workers in the agriculture and construction sectors arriving under other agreements. Also, among the workers from Nepal there were more improvements in the employment conditions and in the realization of their rights compared to workers from Sri Lanka: the hours of Nepalese caregivers decreased, whereas they remained unchanged among Sri Lankans. Among workers from Nepal, there was also an improvement in payment for sick leave, but a decrease in awareness of which HMO provides them with health insurance (in contrast to the increase in awareness among Sri Lankans). There was also a significant decrease in number of rest days taken among both Nepalese and Sri Lankan caregivers. Although most of the respondents do not take advantage of the rest days of their own will, in order to get higher wages, this is actually forbidden by law. Respondents from both countries generally regarded their living conditions as good, both before and after the implementation of the pilot agreements.

The decrease in the payments that migrant workers are required to make in order to come to Israel and the increase in their wages have led to an increase in high rates of satisfaction with work in Israel. During the study period, there was a significant increase in the percentage of workers that would recommend to friends and relatives to work in Israel, from 12% to 82% among the workers from Sri Lanka, and from 5% to 71% among the workers from Nepal. Nevertheless, both the workers from Nepal and the workers from Sri Lanka complained about the attitude of the employer, the lack of rest days, not being allowed to leave the home and the lack of breaks. In addition, the workers from Sri Lanka complained that they were required to perform additional chores, especially cleaning.

# OVERALL SUMMARY

According to the findings of this study, it appears that the implementation of the BLAs was effective in influencing the recruitment process of migrant workers in the agriculture, construction and caregiving (under pilot agreements) sectors. The following changes illustrate the main effects of these agreements:

- The recruitment of workers in the agriculture, construction and caregiving sectors under BLAs eliminated the involvement of private companies in the recruitment process in the field, and the entire process is now managed by government or public organizations, both in Israel and in the countries of origin. The recruitment of migrant workers from China to the construction sector is carried out in cooperation between four private companies and a public organization (CHINCA) in China, and PIBA in Israel. The private companies do not act independently, but function under the supervision of CHINCA.
- The new methods of recruitment of workers are

characterized by transparency and control of the mechanisms. As a result, the accessibility to reliable information regarding the obligations and rights of the applicants increased both during the recruitment process and after their arrival in Israel.

- After the implementation of the BLAs, the amount of recruitment fees decreased significantly, and this enabled the migrant workers to come to Israel without dependency on debts. While prior to the implementation of the agreements, this dependency put migrant workers at a higher risk of exploitation and abuse, now the increased freedom from debt in turn puts them in a stronger and more secure position in Israel. Because they are not bound to heavy debts, the workers are freer to move between employers, to complain about violations of their rights and also to return to their countries before completing the maximum work period permitted in Israel.
- These important changes are an indication of the success of the BLAs implemented in Israel.

The study also examined whether it is possible to identify changes in the employment conditions of the migrant workers before and after the implementation of the agreements. It is important to note that the agreements set procedures for the recruitment process, but did not include demands for improvement in the workers' employment conditions. However, the agreements were intended to raise the awareness of the workers of their rights, and therefore they received more detailed information prior to their arrival in Israel about employment conditions, where they can make complaints about violations of their rights, from whom they can receive support and assistance, etc. While it was expected that the increased awareness resulting from improved dissemination of information to the workers would indirectly affect employment conditions by causing workers to stand up for their rights and speak out against unjust conditions, this proved difficult to ascertain conclusively.

Is it possible to identify trends in the changes in the employment conditions of migrant workers before and after the implementation of the agreements? The answer to this is not unequivocal and depends in which work sector. In the caregiving sector, there was an improvement in the wages after the implementation of the pilot agreement. However, part of this may be explained by the increase in overall minimum wage in Israel, and not by the agreement alone. It is important to note that there was no significant improvement in most of the other employment conditions of the migrant workers in caregiving. In the construction sector there was a deterioration in employment conditions, especially in safety at work, but also in the wages of the workers from China, even though the wages were still in compliance with the requirements of the collective agreements in the sector. In the agriculture sector it is hard to identify a clear trend: some of the employment conditions improved, while others deteriorated and some remained unchanged.

## MAIN RECOMMENDATIONS BASED ON THE FINDINGS

1. To extend BLAs to all countries from which migrant workers in caregiving are recruited (India, Eastern Europe etc.). The migrant workers from these countries still pay high recruitment fees in order to come to work in Israel.
2. Some of the migrant workers that arrived from Sri Lanka under the pilot agreement reported higher recruitment fees than permitted by law. Although these amounts are significantly lower than those collected illegally in the past, it is recommended that this issue be examined together with the government organizations that manage the recruitment in Sri Lanka.
3. Increased enforcement and closer supervision of the employment conditions of migrant workers in all the sectors. It is important that the supervision staff will include translators that can communicate with the migrant workers in their own language.
4. In the construction sector, certain payments are given through foremen, (for example, payment for overtime) and this may become a loophole for the violation of their rights. This might make the worker dependent on the contractor in a way that violates their rights, such as the right to change employers. This phenomenon must be dealt with.
5. The safety requirements for the construction workers in Israel, including the migrant workers in this sector, need to significantly improve. It is also recommended to increase the supervision in this area.
6. In the agriculture sector, it is advised to increase supervision following findings which indicate a deterioration in the working conditions with hazardous materials.
7. It is recommended to hold occasional seminars for the workers in the different sectors in order to refresh their awareness of the employment and living conditions they are entitled to, in addition to their rights as workers and labor migrants in Israel.

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## APPENDIX: ADVERTISEMENT POSTER OF THE CHINESE COMPANY JIANGSU ZHONGLAN

### Poster content:

#### WORK IN CONSTRUCTION IN ISRAEL WITH AN ANNUAL INCOME OF 200,000 RMB:

1. Now hiring carpenters (450 workers), tile workers (300 workers), Ironworkers (450 workers), plasterers (300 workers).
2. 7,000 RMB recruitment fee (payment for your flight ticket 4,000 RMB)
3. Requirements: 1. Citizens of the People's Republic of China; 2. Men age 25-45; 3. Never worked in Israel before; 4. No criminal record; 5. medical checkups. \*Preference will be given to workers with work experience in Singapore.
4. Number of available positions: 1,500 workers
5. Examination date: The end of June in Nanjing (the Government of Israel will collect a fee for the examinations and medical checkups)
6. Departure dates: July-October, in several groups

#### INCOME:

1. The basic wage is at least 5,200 NIS a month (182 working hours a month); overtime not included (29 hours of overtime a month guaranteed);
2. A deposit in a special fund of 720 NIS a month (this amount will be collected in the worker's bank account opened by PIBA)
3. Overtime and holidays are offered according to the collective agreement in the construction sector in Israel. Payment for overtime is 1.25-2 times higher, a total income of approximately 18,000 RMB a month.
4. During the work period in Israel, an Israeli manpower company will be responsible or will assist in all matters relating to wage payment, insurance, food and lodging, vacation, money transfer, work visa, contract renewal and any other matter relating to work or life in Israel.
5. Exchange rate 100 NIS=192RMB

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JIANGSU ZHONGLAN OVERSEAS EMPLOYMENT SERVICE CO., LTD.

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- 二、出国费用: 7000元人民币 (包含体检: 15000元人民币);
- 三、招聘要求: ①中华人民共和国公民; ②男性, 年龄在25-45岁之间; ③此前未在以色列工作; ④无犯罪及不良信用记录; ⑤体检合格; \*新加坡建筑工作经验者优先录取;
- 四、招聘人数: 1500名
- 五、考试时间: 6月底/南京 (考试及体检费用由以色列政府承担);
- 六、出境时间: 7月-10月分批出境;

2017年3月20日, 李志强总领事与以色列总理内塔尼亚胡举行会谈!

2017年3月21日, 中国对外承包工程商会副会长与以色列总理内塔尼亚胡举行了《关于招募中国工人在以色列国特定行业短期工作的实施规则》(建筑行)

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- ③: 加班费、节假日工作工资按照以色列建筑领域集体协议标准计发; 加班费约 (1.25-2) 倍, 综合收入人民币18000人民币/月。
- ④: 在以期间, 由以色列人力公司负责为工人办理或协助办理工资、保险、食宿、休假、汇款、办理签证及合同延期等所有在以工作、生活相关事务。

\*参考汇率: 100谢克尔=192人民币

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