HUMAN RIGHTS WATCH

A RAW DEAL

Abuses of Thai Workers in Israel's Agricultural Sector

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Summary

On the night of May 21, 2013, Praiwan Seesukha, a 37-year old Thai national, died in his sleep in a farming community called Kfar Vitkin, near the town of Netanya, a few kilometers from Israel's Mediterranean coast. Praiwan died in a cramped room in a farm shed that his Israeli employer had converted into workers' quarters. According to his colleagues, Thai migrant workers whom Human Rights Watch spoke to the following day, Praiwan typically worked up to 17 hours a day, seven days a week, tending to cows on a dairy farm and working in an avocado nursery. Despite written requests from Human Rights Watch and Kav LaOved, an Israeli rights group, the Israeli authorities conducted no investigation into Praiwan's cause of death before giving his body to the Thai embassy, which repatriated his remains.

From 2008 to 2013, according to government figures reported by the Israeli daily *Haaretz*, 122 Thai workers died in Israel, including 43 from "sudden nocturnal death syndrome," which affects young and healthy Asian men, five from suicide, and 22 for unknown reasons because Israeli police did not request a post-mortem. Israeli Knesset member Dov Khenin of the Hadash party said it was "inconceivable that so many healthy young men die without alarms going off."

Praiwan was one of the approximately 20,000 Thai men and women who work on Israeli-owned farms, performing a variety of labor-intensive jobs in the country's highly-developed agricultural sector. Although he worked particularly long hours, Praiwan's living and working conditions were similar to those Human Rights Watch found in agricultural communities elsewhere in the country.

Human Rights Watch met with 10 groups of Thai workers in farming communities known as *moshavim* in the north, center, and south of the country, and all of them said they were paid salaries significantly below the legal minimum wage, forced to work long hours in excess of the legal maximum, subjected to unsafe working conditions, and denied their right to change employers. In all but one of the 10 communities where we documented living conditions, Thai workers were housed in makeshift and inadequate accommodations. Only workers in one of the 10 groups Human Rights Watch interviewed

were able to show us salary slips, and these were written in Hebrew, and did not accurately reflect the hours that workers had worked, the workers said.

A Thai man working in a farm in the north of the country told Human Rights Watch that he felt "like dead meat" after a working day that typically began at 4:30 a.m. and ended at 7 p.m. A colleague of his described employers watching them working in his fields through binoculars and treating them "like slaves." Several groups of workers said they typically worked 12 hours per day, seven days per week, and received only four days' vacation per year.

At one farm, Thai workers showed Human Rights Watch researchers the makeshift accommodations they had constructed out of cardboard boxes, erected inside farm sheds. Workers at several farms listed a range of maladies, including headaches, respiratory problems, and burning sensations in their eyes, that they attributed to spraying pesticides without adequate protection; some workers said they had relatives in Thailand send them medicines on account of their inability to access medical care. Workers also complained that their employers over-charged them for accommodations and utilities, and artificially inflated the price of certain goods in shops in isolated *moshavim* where the workers, who often lacked the time, means of transportation, and even rudimentary information about other towns and cities in Israel to travel elsewhere, had no option but to buy food.

Agricultural workers do not need the express permission of their employer to change employers, although their work visas restrict them to the agricultural sector. However, in practice, it is extremely difficult to change employers. Workers who tried to, discovered that recruitment agents charged them up to a month's salary to do so. A manpower agent told workers in one *moshav*, "if you want to move, move yourself," workers said. The workers at this *moshav* subsequently went on strike in protest against low wages, poor housing and excessive working hours, which lasted from 5 a.m. until 10 or 11 p.m. in the summer months. Although the strike led to an increase in wages and a reduction in working hours, the renegotiated wage still fell short of the statutory minimum, and two of the leaders of the strike lost their jobs in what they perceived to be retribution.

Workers consistently expressed a lack of understanding of oversight mechanisms that are supposed to protect them, or a lack of faith in them. Only two groups of workers had ever seen a labor inspector or were aware that one had visited their place of employment during their time in Israel and in both cases workers said that the inspector spoke to their

employer, not the workers. Only a small group of workers at one farming community Human Rights Watch visited appeared aware that Israeli labor law allows unionization and protects legal strikes, if notified to the employer 15 days in advance, although Kav LaOved (Workers' Hotline), an Israeli NGO working to protect migrant workers' rights, was seeking to inform workers at other locations of their rights, including regulations on pay and working hours.

Large-scale labor migration to Israel from abroad began in the early 1990s. Until then, large numbers of Palestinians from the West Bank and Gaza Strip had worked in labor-intensive sectors in Israel, including agriculture, but after the first Palestinian popular uprising, or intifada, began in 1987, the Israeli government restricted the number of Palestinians allowed to work in Israel. Israeli law currently allows foreign workers to work in only limited sectors of the economy.

In 1991, Israel bolstered a pre-existing framework of labor protection with new laws tailored specifically for the country's new foreign workers. In 2011, Israel signed a bilateral agreement with Thailand - the Thailand-Israel Cooperation on the Placement of Workers (TIC) - with a view to streamlining the process of the recruitment of Thai agricultural workers, significantly reducing corruption in the recruitment process as well as dramatically decreasing the recruitment fees that Thai workers pay to secure work permits.

While the agreement, which entered into force in 2012, was a positive step, among the workers we spoke to, we found no evidence that the amount of money workers had paid in recruitment fees had any bearing on their subsequent treatment by their Israeli employers: workers who had arrived before the TIC and those who arrived under the terms of the TIC were both subject to low pay, excessive working hours, and poor housing conditions.

The continuing abuses against Thai agricultural workers documented in this report are a disturbing signal of the state's failure to enforce its own laws, which among other things provide for a minimum wage, specify maximum working hours, allow for lawful strike actions and unionization, and outline specific details on worker accommodation.

These enforcement failures can be attributed to a combination of factors: an unnecessary division of regulatory responsibilities, insufficiently resourced enforcement units, failure to complement a reactive complaints mechanism with a proactive regime of random

inspections, and a failure to impose material sanctions, for which Israeli law provides, on employers and manpower agents.

Two separate ministries regulate the agricultural sector, the Population, Immigration and Border Authority (PIBA), within the Ministry of Interior, and the Ministry of Economy (formerly known as the Ministry of Industry, Trade and Labour and before that the Ministry of Labour and Social Affairs). PIBA said they did not keep statistics on the number of inspections they carry out and did not state how many inspectors they employ. The Ministry of Economy did not provide any information on the number of inspections they carry out, stating that the number of site visits did not provide an accurate representation of the number of inspections they open. On March 31, 2014, *Haaretz* newspaper reported that the Ministry of Economy's unit for occupational safety and health employs only approximately 20 inspectors responsible for the agricultural sector all over the country, and quoted a ministry official as saying that "the heavy load on the inspectors does not allow them to investigate or enforce regulations in any substantive fashion." In the last five years, the total sanctions that Israel has imposed on farmers and manpower agents amount to 15 fines totaling $334,845, 145 warnings and one suspended license for a manpower agent. During that time there have been 87 deaths in the sector which were either unexplained or attributed to cardiac conditions, such as Sudden Nocturnal Death Syndrome.

PIBA, in conjunction with the Ministry of Agriculture, is responsible for the issuance and annual renewal of work permits to farmers, but there is no evidence that any farmers have had their licenses suspended in the last five years.

Failure to enforce laws and regulations on minimum pay, working hours, housing and health and safety mean that in the agricultural sector, the Israeli authorities are violating the rights of foreign workers to just and favorable conditions of work, adequate housing, and physical health. The situation is exacerbated by the restrictions that Israel places on workers' ability to change employers.

A troubling pattern of deaths in the agricultural sector makes it incumbent on Israel to conduct thorough and independent investigations into the deaths and to assess the extent to which workers' living and working conditions, and the impact of the state's failure to properly enforce its laws and regulations violated workers' right to health.

In order to address the abuses of Thai agricultural workers documented in this report the Israeli government should expand oversight of employer compliance with these labor regulations, enforce labor protection laws for foreign workers as it would for its own citizens, investigate allegations of abuse, hold abusive employers accountable for their actions, and investigate the links between living and working conditions and a troubling pattern of deaths in the sector.

Recommendations

To the Government of Israel

Improve Inspections Procedures

- Streamline and simplify labor inspection processes by making one inspection body of agricultural inspectors responsible for ensuring that workers in that sector: receive minimum wage and correct rates of overtime pay; work no more than the maximum hours per week; have medical insurance (as per the law), medical cards and physical access to medical care; are provided with approved safety equipment and guidance on its use; receive sick pay; and live in accommodation that meets the standards set out in Israeli law.
- Ensure that enforcement units are sufficiently staffed and resourced to investigate all complaints they receive in a timely fashion and to conduct random and routine inspections.
- Ensure that worker interviews are part of routine inspections, and hire inspectors who speak Thai or insist that they are accompanied by Thai-speaking interpreters.

Make Sanctions on Employers and Agents Meaningful, and Linked to Licenses

- Initiate a sentencing review to examine the appropriateness and effectiveness of the sanctions imposed on employers and manpower agents in the last 5 years, with a view to issuing sentencing guidelines to ensure that future violations of the laws protecting agricultural workers result in sanctions with deterrent effect.
- Make the issuance of work permits to employers in the agricultural sector dependent on their adherence to the laws and regulations governing foreign workers.

Investigate Deaths and Improve Access to Healthcare

- Launch an independent, thorough and impartial investigation into deaths in the agricultural sector since 2008 with a view to determining if and to what extent migrant workers' living and working conditions contributed to their deaths.
- Ensure that all future deaths in the agricultural sector are fully investigated and that any deaths, hospitalizations, or complaints from workers related to "sudden nocturnal death syndrome," heat stroke, cardiac arrest, side-effects of unprotected use of pesticides, or other causes likely to be work-related, automatically trigger a

post-mortem examination of living and working conditions for the deceased worker. Ensure the families of the dead are informed of the investigations and given an opportunity to participate, including with the cooperation of their embassy.

- Amend the immigration law to remove restrictions that allow workers in the agricultural sector to work for only one employer, and allow them to work for any employer who holds a permit from the Ministry of Agriculture to employ foreign workers.
- Create a health-care hotline for Thai workers, staffed by Thai speakers who can work with local medical clinics or hospitals as necessary to ensure that workers have access to medical care if their employer fails to assist them in accessing treatment.

Improve Access to Information for Workers, Employers, and Policy-Makers

- Ensure that the PIBA Foreign Workers Handbook is updated to include details of workers' right to strike and the procedures they should follow.
- Issue a handbook for farmers who employ foreign workers that outlines their legal responsibilities and the sanctions for offenders.
- Legally oblige all employers in *moshavim* and *kibbutzim* in Israel to prominently and conspicuously display in Hebrew and Thai notices at the work site stating the current minimum wage, rates of overtime pay, and maximum working hours for the agricultural sector, and listing phone numbers for the governmental agencies and non-governmental groups that take complaints.
- Legally oblige employers to provide workers with monthly salary slips in a language they understand.

To the Government of Thailand

- Publicly disclose all worker injuries and fatalities recorded by the Thai embassy in Tel Aviv, as well as government action to address these issues, while respecting patients' privacy rights;
- Request a bilateral meeting with Israeli authorities to ensure that the advances of the TIC translate into improved living and working conditions. Press Israel to improve inspection procedures, effectively sanction employers who violate the law, investigate deaths and improve workers' access to information and healthcare.
- Assist families of those who have died to participate in inquiries into their death.

Methodology

Two Human Rights Watch researchers conducted the research for this report in April 2013. They met with ten groups of between two and 42 Thai workers in nine *moshavim* and one *kibbutz*. Inter views were conducted in English with the help of Thai translators. We met a total of 173 workers, the majority in groups, and interviewed 30 workers at length individually, although it was not always possible to do so in private, in their residential quarters. We visited *moshavim* in each region of the country: the north of Israel near the border with Lebanon, the central-northern region, and the south near the Gulf of Aqaba, near the Dead Sea, and close to the Gaza Strip. We chose to visit *moshavim* where a local NGO informed us that workers had grievances. Human Rights Watch also met with groups of workers at weekly open clinics run by the Israeli NGO Kav LaOved in Tel Aviv, and spoke with several members of its staff, whose job was to advise workers of their rights and file complaints and legal cases where appropriate.

Each semi-structured interview lasted approximately 15 minutes on average, and involved questions related to how and why the workers had come to Israel, their personal background, the amount they had paid in recruitment fees, their working and living conditions including hours worked, pay and overtime pay received, vacation time, health hazards and access to healthcare, and any other problems they faced. We explained in advance the purpose of the interviews and how the material gathered would be used. We offered no incentives to those interviewed, all of whom gave their consent.

In addition to the Thai workers we also interviewed the secretary-general of the Israeli Farmers Federation, two representatives of the Centre for International Migration and Integration, an Israeli NGO that helps manage the recruitment of workers from Thailand; a senior program manager with the International Organization on Migration (IOM) in Bangkok; one Israeli academic writing a doctoral dissertation on the issue of Thai migrant workers in Israel; and one manpower agent. Human Rights Watch tried unsuccessfully to meet with Israel's Population, Immigration and Border Authority (PIBA) and the Ministry of Industry Trade and Labor (renamed Ministry of Economy in 2013) despite numerous phone calls and emails requesting meetings. We received email responses to some of our questions from PIBA's legal advisor. In order to access data on labor inspections, Human Rights Watch filed freedom of information requests with PIBA and two separate oversight departments within

the Ministry of Economy – the branch for the enforcement of labor laws - and the foreign workers ombudsman.

In the interests of the security of the individuals concerned, the names of all migrant workers in this report have been disguised with initials, and the names of the *moshavim* we visited have been withheld in instances where it might be possible to identify the workers to whom we spoke. We have provided an approximate geographical location of the *moshavim* where we interviewed workers.

(top) **A Thai agricultural worker at a farm in southern Israel says his hands break out in a rash after handling chemicals without sufficient protection. He says the gloves he uses he purchased himself, and the previous ones were sent by his family in Thailand after the farmer didn't provide them.**

(bottom) **Thai agricultural workers work on a flower farm in central Israel, October 31, 2014.**

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A Thai agricultural worker works on a flower farm in central Israel, October 31, 2014.
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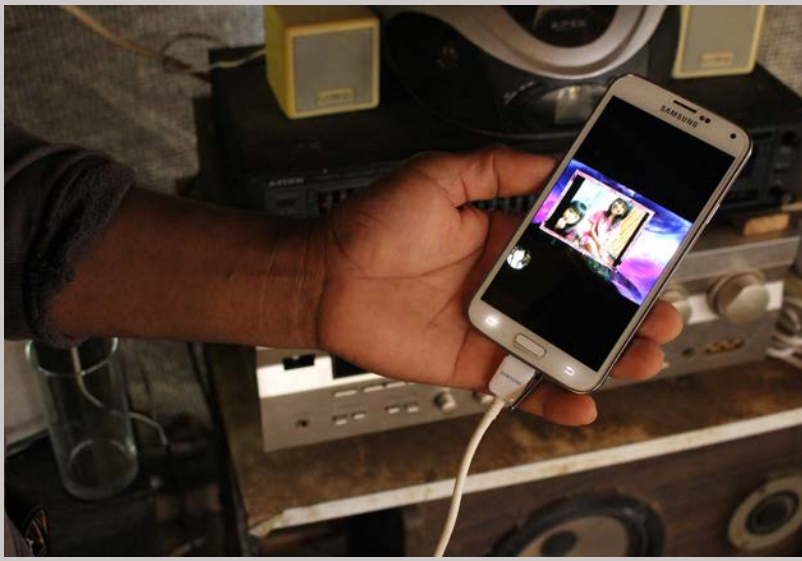
Personal items belonging to Thai agricultural workers stored in the back of a greenhouse at a farm in central Israel, October 31, 2014.
© 2014 Amanda Bailly/Human Rights Watch



(top) **A Thai agricultural worker shows a photo of his daughters who are in Thailand, at a farm in central Israel, October 31, 2014. Workers often don't see their families for the 63 months that they are permitted to work in Israel.**

(bottom) **Thai agricultural workers break for lunch at a farm in central Israel, October 31, 2014.**

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I. Background: Israel, Agriculture and Labor Migration

Israel covers a geographical area of just over 20,000 square kilometers, and a significant portion of its arable land requires year-round irrigation to sustain a highly developed agricultural sector.[1]

Israeli farms grow vegetables, fruits, seeds, plants, and field crops; the agriculture sector's net domestic product has been growing steadily since the mid-1980s.[2] According to the Central Bureau of Statistics, selected exports increased from 841,500 tons in 1990 to 1,267,500 tons in 2012. Exports of vegetables increased twelvefold in that time, from 50,600 tons in 1990 to 630,500 tons in 2012.[3]

In 2012, 18.7 percent of Israel's agricultural output was for export.[4] The value of Israeli agricultural exports that year to European Union countries, Israel's prime export market, was US$0.9 billion and made up 5.3 percent of Israel's total exports to the EU.[5] Official Israeli export figures do not distinguish between agricultural products grown inside Israel and those grown in Israeli agricultural settlements in the West Bank. This report does not address agriculture in the settlements in occupied territory, which violate international law. Approximately 80 percent of Israel's agricultural output is grown in two types of cooperative communities, the *kibbutz* and the *moshav*.[6] The *kibbutz* is a rural community whose members jointly own the means of production. *Kibbutzim* typically comprise several hundred inhabitants and range from 300 to 700 hectares each. The *moshav* is a group of individual family farm units, organized around the shared allocation of resources.

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[1] Israel Export and International Cooperation Institute, *Israel's Agriculture*, 2012, http://www.moag.gov.il/agri/files/Israel%27s_Agriculture_Booklet.pdf (accessed February 3, 2014).

[2] According to the Israel Central Bureau of Statistics, the net domestic product in the agriculture sector increased by 400% between 1986 and 2012. See http://www1.cbs.gov.il/shnaton64/diag/19_04.pdf (accessed February 10, 2014).

[3] Central Bureau of Statistics, 2013 http://www1.cbs.gov.il/shnaton64/st19_20.pdf (accessed October 11, 2013).

[4] Central Bureau of Statistics, 2012 http://www1.cbs.gov.il/publications13/haklaut12_1538/pdf/gr6_e.pdf (accessed February 4, 2014)

[5] Central Bureau of Statistics, August 25 2013 http://www1.cbs.gov.il/www/hodaot2013n/16_13_234e.pdf (accessed February 4, 2014).

[6] Israel Export and International Cooperation Institute, *Israel's Agriculture*, 2012, http://www.moag.gov.il/agri/files/Israel%27s_Agriculture_Booklet.pdf (accessed February 3, 2014), p. 8.

Moshavim and *kibbutzim* are defined and registered as "agricultural cooperatives" in the Register of National Cooperatives. Most of the workers interviewed for this report worked on *moshavim.*

Large-scale labor migration to Israel from Asia began in 1993 after Israel restricted the number of Palestinians coming into Israel to work following the first popular uprising, or *intifada*, in the occupied Palestinian territory in 1987. Palestinian workers had occupied many of the positions in the low-paid labor-intensive sectors of the economy, including agriculture, and so the restriction on their numbers led to a shortage of workers. Under pressure from employers' associations, the government agreed to allow certain sectors to recruit workers from abroad to make up the shortfall.[7] The policy dramatically altered the demographic make-up of those sectors of the Israeli economy in which employers were permitted to issue work permits to foreigners.[8]

At time of writing Israel permitted foreign workers in nursing care, agriculture, construction, welding and industrial professions, hotel work, and "ethnic cookery."[9] According to the October 2013 Foreign Workers Statistics report of the Population, Immigration and Border Authority (PIBA), there are 69,449 foreign workers working legally in Israel and 14,847 workers working illegally.[10]

In December 2013, the Ministerial Committee on Socio-Economic Affairs approved a proposal by the Minister of Agriculture and Rural Development to increase the quota for

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[7] Israel Drori, *Foreign Workers in Israel: Global Perspectives (*Albany, State University of New York Press, 2009), p. 5; Rebecca Raijman and Nonna Kushnirovich, "Labour Migrant Recruitment Practices in Israel," Ruppin Academic Center, March 2012,

[8] Shmuel Amir, "Overseas Foreign Workers in Israel: Policy, Aims and Labor Market Outcomes", *International Migration Review*, vol. 36 no 1 (2002), pp. 43 – 45. Shmuel cites a Bank of Israel annual report from 1998, which is based on estimates and data from the Central Bureau of Statistics. In 1992, before work permits were issued to foreign workers, there were approximately 86,000 Palestinians out of a total of approximately 193,000 workers (including Israelis) in Israel's construction sector. By 1998, the number of Palestinian construction workers had fallen to approximately 35,000, and roughly 67,000 foreign workers were also working in the sector.

[9] Population Immigration and Border Authority, *Foreign Workers Handbook*, 2013, p. 8.

[10] Population, Immigration and Border Authority, "Foreign Workers Statistics Report," October 2013 http://www.piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/oct2013.pdf (accessed February 3 2014); The breakdown by sector of workers with valid work visas is as follows: 40,240 in nursing care, 20,776 in agriculture, 5,553 in construction, 2,829 "experts", and 51 in industry and services.

foreign workers in agriculture for the year 2014 to 24,999 permits, up from 24,000 in 2013.[11] The majority of workers in Israel's agricultural sector are migrant workers from Thailand.

Recruitment from Thailand

In 2011, the Israeli government took steps to simplify and standardize the recruitment process from Thailand, when it signed an agreement called the Thailand Israel Cooperation on the Placement of Workers agreement (TIC) with the government of Thailand and the International Organization for Migration (IOM). Under the terms of the agreement, Thailand now supplies Israel with workers for its agricultural sector with the technical assistance of the IOM.[12] A similar agreement exists between Israel and Bulgaria, which supplies workers for the construction sector. In 2012, Thailand sent approximately 2,000 workers to Israel under the terms of the TIC.[13] In 2013, it was expected to send 5,500 workers. Thereafter, the annual number is expected to be 4,000 workers per year, with a similar number returning after having spent the maximum time allowable working in Israel, 63 months.[14]

An Israeli farmer who wishes to hire workers from abroad needs the approval of the Ministry of Agriculture, which stipulates how many workers the farmer can hire, and PIBA, which issues the requisite number of work permits. Once farmers are in possession of work permits, they can initiate the recruitment of workers from Thailand. Farmers must renew their employees' work permits annually up to a maximum period of 63 months.

Once an Israeli farmer has paid the necessary administrative fees to PIBA for the number of work permits approved by the Ministry of Agriculture (a one-time fee of 580 NIS, or $147, and then an annual fee of 1170 NIS, or $297, per worker), PIBA passes the farmer's recruitment order on to the Center for International Migration and Integration (CIMI).

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[11] "The quote for foreign workers in agriculture will be increased in 2014 and will reach 24,999," Ministry of Agriculture and Rural Development press release, December 12, 2013, http://www.moag.gov.il/agri/English/Ministrys+Units/Spokesmanship+and+Publicity+Department/publications/foreign_2014.htm (accessed February 3, 2014).

[12] Gilad Nathan, "The OECD Expert Group on Migration (Sopemi) Report: Immigration in Israel 2011 – 2012," November 2012, http://www.knesset.gov.il/mmm/data/pdf/me03131.pdf (accessed October 14 2013).

[13] Human Rights Watch telephone interview with Dragan Aleksoski, senior program manager, International Organization for Migration, November 29, 2013.

[14] Ibid.

CIMI is a division of the American Jewish Joint Distribution Committee, a Jewish humanitarian charity registered in the United States and operating in Israel. CIMI, which works in partnership with PIBA, is one of two non-governmental organizations that facilitate the physical transfer of workers from Thailand to Israel. Its counterpart in Thailand is the International Organization for Migration (IOM), which has a cooperation agreement with the Thai Ministry of Labor.

CIMI and the IOM share a database that matches Israeli farmers seeking workers with Thai workers seeking employment in Israel, according to a senior program officer at the IOM in Bangkok.[15] In Thailand, according to the official, government-run television stations and local newspapers advertise job opportunities in Israel's agriculture sector. The advertising takes place across the country but, according to the IOM, the vast majority of Thai workers in Israel come from the north-western provinces of Thailand. Provincial government offices collect applications, place them in sealed envelopes, and send them to the Thai Ministry of Labor in Bangkok. The IOM then conducts what it calls a "random alignment", selecting names at random and informing successful candidates by letter. The purpose of selecting candidates at random, according to the official, is to preclude the possibility of corruption in the selection process. To be eligible to travel to Israel for work, candidates must pass a medical exam and a criminal-record check and, for males, must have completed their military service. If they pass the tests and a selection interview with IOM staff, they are matched to a farmer in Israel. A contract is then drawn up in Israel and signed by the employer.

The IOM arranges flights and tickets, and the Israeli embassy processes the worker's visa. Once the embassy issues the visa, marked "permitted to work only in the agricultural sector", the IOM issues the worker with a flight ticket to Israel.[16] Workers attend a pre-departure day in Bangkok, where IOM staff brief them on what to expect when they arrive in Israel and inform them of their rights, the IOM official said. Only after workers have attended this pre-departure briefing do they sign their contracts, he said.[17]

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[15] Ibid. Alekosi described the IOM's role in finding suitable candidates for the available positions and managing the recruitment process in Thailand, and how the organization interacts with groups in Israel.

[16] Ibid.

[17] Ibid.

Arrival and Work in Israel

The CIMI helps to facilitate the next stages in the process. When a worker arrives at Ben Gurion airport in Tel Aviv, he or she gives a bank check to CIMI for $450 and pays the designated recruitment agent approximately $400.[18] The employer then countersigns the contract in the presence of a CIMI representative and the recruitment agent. Thereafter it is the responsibility of the recruitment agent to resolve any disputes that arise between the worker and the employer. According to a recruitment agent we spoke to, agents must repay 60 percent of their portion of the recruitment fee if a worker returns to Thailand within 18 months.[19]

Under Israeli law, foreign workers' visas are tied to a specific sector: an agricultural worker may not legally work in construction, and vice versa. However, the visa is not tied to any specific employer. In that regard, agricultural workers do not work under what is known in Israeli as the "binding system," which ties a worker's permit to a specific employer or manpower agency, notably in the case of foreign domestic care workers employed to care for sick, elderly or disabled Israelis. In a 2006 case brought by Kav LaOved, Israel's Supreme Court ruled that the binding system was "creating a modern-day version of slavery," but in practice, workers in the domestic care sector are still subject to the binding system.[20]

Senior PIBA officials told Human Rights Watch that farmers can replace a foreign worker who has left the country or who has legally registered with another licensed farmer by employing another foreign farm worker legally in Israel, or by requesting recruitment of a new worker from abroad. In cases where foreign workers have left farms but remain in Israel without another legal employment, PIBA judges requests from farmers to replace workers on a case by case basis.[21]

However, as discussed in section two, in practice workers do not enjoy the right to freedom of choice of employment because of de facto restrictions on labor mobility.

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[18] Human Rights Watch interview with Ilan Cohen, senior program officer, CIMI, American-Jewish Joint Distribution Committee, May 29, 2013.

[19] Human Rights Watch interview with a recruitment agent (name withheld), Israel, May 29, 2013.

[20] HCJ 4542/02 Kav LaOved- Workers Hotline et. al v. the State of Israel, [2006] (1) IsrLR 260.

[21] Human Rights Watch email correspondence with Shoshana Strauss, legal advisor PIBA, December 8, 2013.

Impact of the TIC Agreement

The TIC has significantly reduced the fees that Thai workers pay to secure employment in Israel. A 2012 study by Israeli academics, based on research carried out before the entry into force of the TIC, describes the various ways in which Thai workers secured employment in Israel's agricultural sector. The study found that some workers were recruited through sub-agents in Thailand, others through sub-agents in Israel, and some workers applied directly to recruitment agents in Israel.[22] Prior to the entry into force of the TIC, according to the study and other sources, one of the main complaints of Thai workers in Israel was payment of excessive recruitment fees. In 2011, Kav LaOved, the Israeli NGO that offers assistance and advice to migrant workers, received 253 complaints from Thai agricultural workers about recruitment fees – more complaints than it received about any other issue. According to the IOM, the typical recruitment fee was 300,000 Baht (US$9,103 at current conversion rates) before the TIC.[23] Workers Human Rights Watch interviewed who began working in Israel before the TIC entered into force paid an average recruitment fee of $10,200.[24] As noted above, Thai workers now pay a total of $850 in fees.[25]

Prior to the institution of the TIC, an Israeli farmer would approach a licensed Israeli manpower agent and the agent would recruit the approved number of workers. Manpower agents in Israel worked in conjunction with counterparts in Thailand, although one manpower agent we spoke to said that some Israeli manpower agents travelled to Thailand themselves to find suitable workers.[26]

The TIC has dramatically altered the role of Israeli manpower agents in Israel's agricultural sector. Israeli manpower agents no longer take any part in the actual recruitment process. Approved manpower agents, who are required to pay a bond of 537,000 NIS ($136,500) to PIBA as surety to secure their license, are now responsible for managing the relationship

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[22] Raijman and Kushnirovich, "Labour Recruitment Practices in Israel," March 2012,pp. 60 – 82.

[23] Human Rights Watch telephone interview with Dragan Aleksoski, senior program manager, International Organization for Migration, November 29, 2013

[24] The average recruitment fee paid by the workers Human Rights Watch interviewed was 335,000 Baht. The highest recruitment fee was US$15,200 (500,000 Baht) and the lowest was $6,090 (200,000 Baht).

[25] Human Rights Watch interview with Ilan Cohen, senior program officer, American-Jewish Joint Distribution Committee, May 29, 2013.

[26] Human Rights Watch interview with a manpower agent (name withheld), south of Israel, May 29, 2013.

between the Israeli employer and his Thai workers. They charge a monthly fee to farmers for every foreign worker employed. The manpower agent we spoke to charged farmers 50 NIS ($13) for each worker per month and managed a total of 1,000 workers.[27]

The owner of a manpower agency told Human Rights Watch that the TIC, which greatly reduced recruitment fees, led a number of manpower agencies to declare bankruptcy; Israeli NGO staff affirmed the same.[28] Kav LaOved told Human Rights Watch that the number of recruitment agents in Israel has dropped from 18 in 2011, before Israel signed its bilateral agreements with Thailand (for agricultural workers) and Bulgaria (construction workers), to 13 at time of writing.[29]

At the time Human Rights Watch conducted its field research, roughly one in five Thai workers in Israel had arrived under the terms of the TIC, according to the IOM.[30] Accordingly, in each of the 10 groups of workers we met, there were typically a minority who had arrived under the TIC. They worked alongside workers who had come to Israel before the TIC's entry into force and had paid significantly more in recruitment fees. Human Rights Watch did not find any evidence to suggest that, among the workers we spoke to, the model of recruitment bore any relation to the rights violations that workers endured. The TIC workers we met received the same pay, worked the same hours, lived in the same accommodation and had the same difficulties as workers who were recruited before the TIC entered into force. In August 2014, Kav La Oved told Human Rights Watch that the TIC had made workers more comfortable in making complaints and more aware of the complaints mechanisms available to them. However, she said this had yet to translate into realization of those rights. "They don't have the tools, the help or the support to change their conditions," she said.[31]

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[27] Ibid.

[28] Human Rights Watch telephone interview with Noa Shauer, coordinator Kav LaOved, May 11, 2014.

[29] Ibid.

[30] Human Rights Watch telephone interview with Dragan Aleksoski, senior program manager, International Organization for Migration, November 29, 2013.

[31] Human Rights Watch telephone interview with Noa Shauer, August 12, 2014.

II. Rights Violations in Israel's Agricultural Sector

Pay and Working Hours

According to Israel's 1987 Minimum Wage Law, full-time workers over the age of 18 are entitled to either a monthly, daily or hourly minimum wage, which the government sets and updates on April 1 of each year and publishes in *Reshumot*, the official gazette of the State of Israel.[32] All of the Thai workers who spoke to Human Rights Watch were paid salaries significantly below the minimum wage at the time: on April 1, 2013 this was set at 4,300 NIS ($1,093) per month (186 hours) or 23.12 NIS ($5.88) per hour.[33]

Of the 173 Thai workers we interviewed in Israel, only one group of 18 workers said they received regular salary slips from their employers and were able to show us copies.[34] Three groups of workers said they had never seen or signed a salary slip.[35] One group of 15 workers, whom Human Rights Watch interviewed in a *moshav* near Ashdod, said they signed a document in Hebrew but never received a copy.[36] Kav La Oved told Human Rights Watch that it is "extremely rare" for employers to provide their employees with salary slips. The salary slip that one worker presented to Human Rights Watch was printed in Hebrew and indicated that the workers received the minimum wage and overtime at the correct rate, but the worker said this did not reflect his actual rate of pay because the salary slip did not accurately represent the hours he had worked. It stated that the worker had been paid for 261 hours of work in April 2013 and that he had been paid a full day's pay for the Thai New Year holiday, Songkran. The worker said that in fact, he worked 12 or 13 hour days every day of the week that month, corresponding to some 360 hours in total, and that he never received a day off. The other workers at this *moshav* reported similar treatment: they had all worked roughly 360 hours that month, were paid for only 261 hours, had not received a day off, and that their pay slips misrepresented their actual hours of work and

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[32] Minimum Wage Law, 1987, art. 2(a), art. 6.

[33] Ibid., art. 6. According to the 1987 Minimum Wage Law, workers are entitled to either a monthly, daily or hourly minimum wage, updated on April 1 of every year and published in *Reshumot*, the official gazette of the State of Israel.

[34] Human Rights Watch interview with workers in *moshav,* near Kiryat Gat, May 21, 2013

[35] Human Rights Watch interviews with Thai workers, near Netivot, May 21, near Ashdod, May 21, and south of Afula, May 27, 2013.

[36] Human Rights Watch interview with Thai workers near town of Ashdod, May 21, 2013.

that they were underpaid every month.[37] The salary slip made deductions of 229.72 NIS for accommodation, 240.93 for income tax and 14.61 for national insurance contributions.

No other workers Human Rights Watch interviewed were able to produce salary slips to show their rates of pay and the deductions that their employers had made. The other groups of workers Human Rights Watch interviewed stated their hourly rates of pay, but they had no salary slips to substantiate whether the rate they gave reflected gross or net pay. The highest rate of pay of any of the workers we interviewed was 17.5 NIS ($4.45) per hour, the lowest was 15 NIS ($3.81) per hour.[38] The average rate of pay among the 173 workers we visited was 16.45 NIS ($4.18) per hour.[39] Even if the workers' rates of pay reflected the net hourly rate after deductions, the discrepancy can only partly be explained by deductions for income tax and national insurance contributions and accommodation. Income tax and national insurance contributions amount to less than 11 percent for workers earning an annual salary of up to 63, 360 NIS ($16, 107) and the maximum allowable monthly deduction for accommodations and utilities in the agricultural sector is 474.74 NIS ($121).[40] An hourly rate of 16.45 NIS amounts to a deduction of 29 percent from the minimum wage of 23.12 NIS.

One group of 14 workers in a *moshav* near the coastal town of Ashdod, 30 km south of Tel Aviv, said they were paid according to the volume of oranges they picked.[41] During the three-month harvest season for oranges, workers received 22 NIS ($5.59) per box, they said. They said it could take between one hour and three hours to fill a box, which was approximately one cubic meter in volume. For the remaining nine months of the year they were paid at the rate of 16 NIS ($4.07) per hour and 19 NIS ($4.83) per hour for overtime.

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[37] Human Rights Watch interview with group of 15 Thai workers in *moshav,* near Kiryat Gat, May 21, 2013.

[38] Human Rights Watch interview with workers in *moshav,* near Netivot, May 25, 2013; Human Rights Watch interview with workers in *moshav*, west of Be'er Sheva, May 25, 2013. .

[39] Human Rights Watch interviews with Thai agricultural workers in various locations in Israel, May 2013.

[40] In 2013 the rate of income tax on salaries up to 63, 360 NIS ($18, 486) was 10 percent. For full breakdown see "Your taxes: what you need to know about Israeli tax rates", Jerusalem Post, January 8, 2013. Foreign workers' national insurance contributions are 0.04 percent on incomes up to 60 percent of the average wage and 0.87 percent on incomes greater than 60 percent of the average wage. National Insurance Institute of Israel, Insurance Contributions, http://www.btl.gov.il/English%20Homepage/Insurance/Pages/default.aspx (accessed July 12, 2014).

[41] Human Rights Watch interview with workers in *moshav,* near Ashdod, May 21, 2013.

An Israeli manpower agent told Human Rights Watch that "some" of her clients paid their workers the legal minimum wage and acknowledged that pay below the minimum wage was commonplace in the sector.[42]

The working hours of all of the Thai workers we spoke to violated Israeli law as laid out in Israel's Hours of Work and Rest Law. According to the law, an employee's weekly rest shall not be less than 36 consecutive hours, and shall include a day of rest on the day 'ordinarily observed by him as his weekly day of rest' in the event that the worker is not Jewish.[43] The Ministry may prescribe a weekly rest shorter than 36 hours, but not shorter than 25 consecutive hours.[44] The law stipulates that breaks totaling a minimum of 45 minutes be given to workers employed for six or more hours of work, including one consecutive break of at least 30 minutes.[45] There should be a minimum break of eight hours between one working day and the next.[46] The law also requires that employers keep a register of working hours, rest, overtime and overtime pay.[47]

Two Thai workers whom Human Rights Watch interviewed in the Tel Aviv offices of Kav La Oved said that they worked seven days per week and had only received four days holiday per year in the five years they had been working in Israel.[48] They added that they also got the day off for the Jewish holiday of Yom Kippur, but did not get paid for it.

A group of workers in a *moshav* south of Afula, described even longer working hours. One member of the group, Q.S., described a 15 hour day with only one hour of breaks. His working day began at 4 a.m. From then until 6 a.m. he milked 55 cows.[49] He was then given a half-hour break. From 6:30 a.m. until 5.p.m. he worked cutting vegetables, with another half-hour break during the day. From 5 p.m. until 7 p. m. he milked the cows again. His colleague S.C., 31, said that he "felt like dead meat" after a working day that

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[42] Human Rights Watch interview with a recruitment agent (name withheld), Israel, May 29, 2013.
[43] Hours of Work and Rest Law, 1951, art. 7(b)(2).
[44] Ibid., art. 8.
[45] Ibid., art. 20.
[46] Ibid, art. 21.
[47] Ibid, art. 25.
[48] Human Rights Watch interview with B.R., Kav LaOved offices Tel Aviv, May 22, 2013.
[49] Human Rights Watch interview with Q.S., in *moshav,* south of Afula, May 27, 2013.

began at 4:30 a.m. and finished at 7 p.m. A third worker, S.P., said that 13- or 14-hour days were typical on the *moshav*. The workers said that their employer only occasionally gave them a half-day off on a Saturday. Q.S. said that were was "no chance" of their employer giving them a full day off. They had received four holiday days the previous year, and their last holiday before being interviewed on May 27, 2013 had been the Thai New Year on April 13.

S.C. said that the employer on his *moshav* watched the workers through binoculars. "There's no personal relationship between the employer and the workers. They treat us like slaves and tell us that if we don't like it here they [the farmers] can find others." None of the workers had ever been given a salary slip, but Q.S. told Human Rights Watch that on average he received 6000 NIS per month ($1,525). On the basis of the working hours he described to Human Rights Watch – roughly 360 hours per month - this corresponds to an average hourly rate of 16.67 NIS ($4.24).[50] "It is much worse than I expected," Q.S. said, when asked if he had been aware of the working conditions in Israel before he arrived from Thailand.

A worker who had previously worked for two years in a *moshav* near Netanya, also complained of the attitude of employers to their workers. "The employer watched our every move like we were in prison. He was in the car with the a/c on and watching us work inside the greenhouse, drenched in sweat in the summer. He'd come in and tell us to work faster and if you stood up to stretch your back he'd harass you. If you took a five minute cigarette break he'd send you back to the caravan – no work and no pay for you that day."[51]

A group of 29 workers in a *moshav* north-west of the city of Be'er Sheva in the south of Israel, told Human Rights Watch that they were paid 17.5 NIS ($4.45) per hour and 19 NIS

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[50] At these rates of pay a full 7 day week of 13 hour days would net a worker a monthly wage of 6,068 NIS for four 91-hour weeks. The minimum wage in Israel is 23 NIS per hour and 28.75 NIS per hour overtime. Had the workers been paid in accordance with Israel law, their monthly salaries would have been 8,937 NIS. A 13-hour day for these workers meant they received a salary less than three-quarters of the minimum wage, and a seven-day working week meant they received 2,869 NIS per month less than the salary stipulated by Israeli law. ($727 per month or $9,451 per year). In 2011, Israel had a GNI per capita of $28, 930 and Thailand had a GNI per capita of $4,440.[50] Thus, the sum withheld from this group of Thai workers in a year, before income tax and national insurance contributions, was more than twice the mean national annual income in Thailand.

[51] Human Rights Watch interview with J.S. in *kibbutz,* near border with Jordan, May 29, 2013.

($4.83) per hour overtime.[52] One worker, P.X., told us that none of the workers had ever been paid for either sick days or holidays.[53]

Human Rights Watch researchers arrived at a *moshav* in the Galilee region at 9pm to interview a group of 30 workers and found that five of them were still working.[54] The group told us that they sometimes worked packing flowers until 1 a.m. The workers told Human Rights Watch that they typically began work at 6 a.m. and finished at 8 p.m. Depending on their employer they received either a one half-hour break or one hour-long break during the day.[55]

The hours that employers require Thai workers to work clearly exceed the maximum hours as stated in Israeli law. The 1951 Hours of Work and Rest Law states that a working day shall not exceed eight working hours and a working week shall not exceed forty-five working hours.[56] The law states that "in respect of particular classes of agricultural employment" the Ministry of Labor and Social Affairs may prescribe a longer working day and a longer working week.[57] Human Rights Watch wrote to the Ministry of Economy to request information on the maximum permissible number of working hours per week, but they did not respond.[58]

The 2013 Foreign Workers' handbook states that a full working month in Israel corresponds to a maximum of 186 hours (or 4 weeks at 46.5 hours per week).[59] Overtime is permitted over and above this, at rates set out in article 16 of the Hours of Work and Rest law.[60] Article 16 states that the rate for the first two hours of overtime pay is 125 percent of the minimum wage and thereafter the rate rises to 150 percent of the minimum wage.[61] As of

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[52] Human Rights Watch interview with workers in *moshav,* near Netivot, May 21, 2013.
[53] Human Rights Watch interview with P.X. in *moshav,* near Netivot, May 21, 2013.
[54] Human Rights Watch interview with workers, *moshav,* in the Galilee region, May 27, 2013.
[55] Ibid.
[56] Hours of Work and Rest Law, 1951, art. 2 and art. 3.
[57] Ibid., art. 4(a) 2)(i).
[58] Human Rights Watch email correspondence with Yaffa Sulimani and Michal Tzuk, labour inspections department, Ministry of Economy, April 12, 2014.
[59] PIBA, *Foreign Workers Handbook*, p. 11.
[60] Hours of Work and Rest Law, 1951.
[61] Ibid., art 16.

April 1, 2013, the minimum hourly rate of pay was 23.12 NIS ($5.88), making the associated overtime rates 28.75 NIS ($7.30) and 34.68 NIS ($8.82).

However, as noted, some workers said that they were working up to 360 hours per month during certain seasons.[62] In addition, they were denied days off and proper rest periods as set out in the Hours of Work and Rest Law, which states that workers should get a minimum of one day off in the week and at least eight hours rest between one day and the next, and denied sick pay, which is provided for by law.

Israeli law also provides for sanctions for employers who violate the law on minimum wage and hours of work and rest. According to Israel's minimum wage law, employers who do not pay their employees the minimum wage "will be liable to 6 months imprisonment."[63] Employers who violate the Hours of Work and Rest Law (which also regulates overtime pay) can face a fine or a prison term of up to one month.[64] According to information the Ministry of Trade Industry and Labor provided to Human Rights Watch, no employers have been imprisoned for any offences in the agricultural sector since 2008.

Fired for Striking

Human Rights Watch met with two workers who helped initiate a worker strike in a *moshav* in the Hefer Valley in central Israel to protest against excessive working hours and low pay.

S.J., 38, and S.W., 28, said that they both came to Israel in 2009, before the entry into force of the TIC agreement. Each man paid recruitment fees of 400,000 Baht (US$12,500) to manpower agencies.[65] After arriving in Israel, the men started working at a *moshav*, where they picked and packaged cucumbers.

The *moshav* employed between 400 and 500 workers, with 40 to 50 employers each typically employing 10 Thai workers, the two men said. In the summer months work began

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[62] Human Rights Watch interview with Q.S. in *moshav*, south of Afula May 27, 2013.

[63] Minimum Wage Law, 1987, art. 14.

[64] Hours of Work and Rest Law, art. 26(a).

[65] Human Rights Watch interview with S.W. and S.J. in kibbutz, near Israel border with Lebanon, May 29, 2013.

at 5 a.m. and did not finish until 10 or 11 p.m., with approximately two and a half hours break time in between. S.W. said that their employer watched over them from his car, making them feel "like prisoners." According to S.J., "sometimes you had to straighten your back because of the bending or to take a cigarette break, but when you did the employer would get out of his car." They worked seven days a week, with only four days of holiday per year. They were paid 13.75 NIS per hour ($3.50) and 14 NIS per hour ($3.56) for overtime. S.W. said that he slept in an uninsulated warehouse with 15 other people. There was no heating in the winter and no air conditioning in the summer. Workers across the *moshav* had similar complaints and working hours and pay.

Initially S.W. and S.J. complained about their working conditions and low pay to their manpower agent, but he refused to help, they said. "If you want to move, move yourself," the agent told them, they recalled. They then tried to approach their employer directly, but they were unable to communicate due to the language barrier.

In July 2011, they and the other workers employed in Achituv decided to go on strike, for one day. Nearly all of the Thai workers on the *moshav* agreed to strike, although a small number expressed concerns about losing their jobs. S.W. and S.J. recalled several cases of workers who were afraid to strike because they had unpaid recruitment fees, which they would be unable to repay if they were fired and sent back to Thailand.

The workers arranged the strike the night before and made placards out of cucumber boxes on which they wrote slogans like "don't treat us like slaves," "cruel employer here," and "give us minimum wage." The protest began outside the gates of the *moshav* at 5 a.m. and went on until 5 p.m. According to Kav LaOved, about 300 workers took part in the protest.[66]

Several hours after the protest began, the police arrived with a representative from the Ministry of Industry, Trade and Labor (since renamed the Ministry of Economy), who began to negotiate with the employers. S.J. and S.W. said that no workers took part in these negotiations, although a representative from Kav LaOved acted as the workers'

[66] Human Rights Watch telephone interview with Noa Shauer, coordinator Kav LaOved, May 11, 2014.

representative. As a result of these negotiations the employers agreed to increase salaries to 16.25 NIS ($4.13) per hour, reduce working hours, and give workers Saturdays off.

However, immediately after the strike, S.J. said, his employer fired him, S.W. said that he was fired one week later. The manpower agent told S.W. that he had a new employer but they told S.J. that his employers were calling the police to report him for theft. S.J. and S.W. believe they lost their jobs because they were identified as the ringleaders of the strike. "We were aware of the consequences and we knew what would happen to us but we had to do it. We have paid the price, but others will get the benefits," S.J. told Human Rights Watch.

They said that the agent then moved them to two different *moshavim*, where conditions were equally poor. Through the intervention of Kav La Oved, the two men found a new recruitment agent who placed them in a *kibbutz* in the north of Israel, near the Lebanese border, where conditions were significantly better than on the *moshavim* where they had worked previously, the men said.

Israel's 1957 Settlement of Labor Disputes Law does not require that the employees in a labor dispute be part of a formal organization such as a trade union, simply that employees' representatives be "elected by the majority of the employees" involved.[67] The law requires that employees give employers 15 days' notice of any strike or lock-out.[68] As such, it appears that the striking workers did not act in accordance with the specified procedures required for a protected strike under Israeli law – of which they showed no knowledge during interviews with Human Rights Watch.

Expert ILO bodies have affirmed that the obligation to give prior notice is a prerequisite for a legitimate strike, but also emphasized the over-riding principle that the conditions for exercising the right to strike "should be reasonable and in any event not such as to place a substantial limitation in the means of action open to trade union organizations."[69] In 2000, the ILO issued comprehensive guidelines on the principles regarding the right to strike – not explicitly protected in ILO instruments – laid down by the Committee on Freedom of

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[67] Labour Disputes Law, 1957, art. 3.
[68] Ibid, art. 5a.
[69] International Labour Organisation, ILO Principles Concerning the Right to Strike, 2000, p. 25.

Association and the Committee of Experts on the Application of Conventions and Recommendations.[70] One of the principles relates to the protection of strike organizers and states that "appropriate protection should be afforded to trade union officials and workers against dismissal and other detrimental acts at work for organizing or participating in a legitimate strike."

Unlawful Deductions, Overcharging for Food and Money Transfers

In addition to paying workers below the national minimum wage, workers told Human Rights Watch that employers or manpower agents clawed back more money from workers through illegal deductions for housing and utilities, excessive interest fees on remittances, and targeted price increases for goods in local stores.

According to PIBA's 2013 Foreign Workers' Handbook, employers can deduct between 235.94 NIS ($60) and 432.61 NIS ($99) for housing per month, but the higher rates correspond to housing for workers in Tel Aviv and Jerusalem, so for the agricultural sector the maximum monthly deduction for housing is 288.45 NIS ($73).[71] Employers are permitted to deduct 90.63 NIS ($23) for utilities and a maximum of 122.39 NIS ($31) for health insurance.[72] Aside from national insurance and income tax deductions, predicated on employers paying the minimum wage, the maximum permissible deduction for the agricultural sector is 474.74 NIS ($120).

A worker in Ein Yahav, a large *moshav* south of Be'er Sheva where approximately 800 Thai workers live and work said that his employer told him that he paid the workers 175 NIS per day ($50) – below the minimum wage of 184 NIS/day ($52) - but that after deductions made by the employer for electricity, gas, water and accommodation, his net pay worked out as 132 NIS/day ($39).[73] Assuming a 26-day month this would correspond to monthly

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[70] Ibid.

[71] PIBA Foreign Workers Handbook, 2013, p. 14, http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/Fworker_Rights_Aug_eng2013.pdf (accessed December 12, 2014).

[72] Ibid.

[73] Human Rights Watch interview with S.X., Ein Yahav, May 23, 2013.

deductions of 1,118 NIS ($284) - more than twice the legal maximum in deductions, from the salary of a worker being paid less than the legally required minimum wage.

A worker in the north of Israel said, "We don't know how much the employer deducts for housing, electricity, or anything else. We get 130 shekels a day and never see a pay slip."[74]

The location of workers in isolated *moshavim*, means that workers have no choice over where to buy food; most workers we interviewed said they typically bought their food either from a shop in the *moshav* where they worked, or from visiting "food vans" that uniquely supply Thai workers. Three groups of workers complained that they paid inflated prices for food at both. One group of workers said they bought their food from a food van that visited once or twice per month.[75] They said that a 25 kilogram sack of rice had gone up in price from 140 NIS to 180 NIS in the last year despite the fact that the global price of rice fell between May 2012 and May 2013.[76] A worker, S.C., from another group said he and his colleagues bought their food in a store in the *moshav*, and complained about a large increase in the price of rice, up from 150 NIS to 220 NIS from 2012 to 2013.[77] In another *moshav* with a food store workers typically ran up a credit account at the store and had their monthly spending deducted from their monthly salary.[78] Kav LaOved advises workers to keep receipts in order to prevent illegal deductions, and many workers whom Human Rights Watch interviewed kept meticulous records of their shop receipts as well as their working hours.[79]

In Ein Yahav, a worker, N.Y., claimed that store owners and individual employers on the *moshav* colluded to ensure that price increases accompanied any pay rises:

> The shops know the employers are going to raise the salary and they've already raised their prices. The food that increases in price is the stuff

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[74] Human Rights Watch interview with A.P. in *moshav,* south of Afula, May 27, 2013.

[75] Human Rights Watch interview with workers in *moshav,* south of Afula, May 27, 2013.

[76] Index Mundi, Global price of rice in US dollars per metric tonne, June 2014, http://www.indexmundi.com/commodities/?commodity=rice&months=60 (accessed July 12 2014). The price of rice rose sharply between January 2012 and May 2012 but by June 2013 the price had fallen back to January 2012 levels.

[77] Human Rights Watch interview with S.C. in *moshav,* south of Afula, May 27, 2013.

[78] Human Rights Watch interview with workers in *moshav,* near the Dead Sea, May 23, 2013.

[79] Human Rights Watch telephone interview with Noa Shauer, coordinator Kav LaOved, February 11, 2014.

> the Thais eat, not the Israelis. Fish sauce used to be 3 shekels, now it's 12 or 13.[80]

In many cases, Thai workers' physical isolation in *moshavim* without banks or other official money-transfer services makes it almost impossible for them to send their money home directly without using the services of a middle-man. According to the Israeli recruitment agent we spoke to, there had been a significant increase in the number of recruitment agents involved in remitting money to Thailand since the entry into force of the TIC.[81] Workers told Human Rights Watch that they often had no record of the sums transferred, the exchange rate for the transfer, and the commission that they paid. In a *moshav* northwest of Be'er Sheva in the south of Israel, P.X. said he and his colleagues received 1,000 NIS a month to spend on the *moshav* and that the rest was transferred to Thailand.[82] They did not receive salary slips. Another group of workers, at a *moshav* near the Dead Sea, said that they paid a total of 2 percent commission on their transfers, which were of the order of 4,000 NIS ($1,017), but the figures they quoted to Human Rights Watch on the sums sent and received corresponded to a commission rate of 7 percent.[83] Workers in a *moshav* near Ashdod, who did not receive salary slips so could not provide written substantiation, said that they thought they were losing approximately 20 percent of their salaries in the transfer process and that the employer refused to allow them to do the transfer themselves even though there was a post office nearby.[84]

W.U., a worker in a *moshav* near Afula, described his situation:

> I've asked my employer so many times to give me a pay slip but he keeps delaying it, he says next month you'll get it. They told me that they sent the same amount home as they were sending home for another worker, 3,600 NIS [$915], but when it arrived there was a 1,000 baht difference. If we get

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[80] Human Rights Watch interview with N.Y., Ein Yahav, May 24 2013.

[81] Human Rights Watch interview with a recruitment agent who requested anonymity, Israel, May 29, 2013.

[82] Human Rights Watch interview with P.X. in *moshav,* near Netivot, May 21, 2013.

[83] Human Rights Watch interviews with workers in *moshav,* near the Dead Sea, May 23, 2013. The workers said that a transfer of 4,000 NIS yielded approximately 32,000 Thai baht. On July 10 the exchange rate at www.xe.com indicated that 4,000 NIS would yield 34,500 Thai baht.

[84] Human Rights Watch interview with workers in *moshav,* near Ashdod, May 21, 2013.

> 5,000 shekels [$1271] we keep 1,500 [$381] and the employer says he sent back 3,500 shekels [$890] but we don't ever see the receipt, we don't see the transaction.[85]

The recruitment agent we spoke to claimed that he was the only recruitment agent who did not transfer money to Thailand, although he facilitated the transfer by collecting workers' money and passing it to a third-party who conducted the actual transfer. Human Rights Watch researchers observed money being passed from the agent to the third-party on the hard shoulder of a main road in the south of the country.

Living Conditions

The Foreign Workers Law of 1991 states only that employers should provide "suitable residential accommodation." PIBA's 2013 Foreign Workers Handbook states that the regulations on housing are as follows:

At least 4 square meters sleeping space per worker; no more than 6 workers in one room; personal cupboards and bedding for each worker; heating and ventilation, reasonable lighting and electric outlets in each room; hot and cold water in the bathroom, kitchen and showers; sinks, kitchen counters and cupboards; burners, a refrigerator, table and chairs; a washing machine for 6 workers, and a fire extinguisher. There must be reasonable access to the living quarters as well as to bathrooms.[86]

These appear consistent with regulation on foreign workers' employment and housing signed by the Minister of Labor and Welfare on July 10, 2000. Article 4(d) of the regulation states that "housing will be ventilated and heated according to need and season of the year" and issues specific regulations on inter alia: bedrooms; kitchens; dining rooms; bathrooms; showers; laundry facilities; water; sewage; hazard prevention; and electricity and lighting.[87]

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[85] Human Rights Watch interview with W.U. in *moshav,* south of Afula, May 27, 2013.

[86] PIBA Foreign Workers Handbook, 2013, p. 10, http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/Fworker_Rights_Aug_eng2013.pdf (accessed December 12, 2014).

[87] Regulations regarding foreign workers (prohibition of illegal employment and assurance of fair conditions) (appropriate housing), Ministry of Labor and Welfare, 2000, p. 775.

In a *moshav* in the south of the country, Human Rights Watch witnessed accommodation that appeared to conform to Israeli regulations. Although it was not possible in that instance to conduct a full inspection of the living conditions or to interview the workers there, it was evident that the workers lived in structures appropriate for housing and had kitchen, bathroom and laundry facilities.

This was not the case in the nine other *moshavim* that Human Rights Watch visited. A recruitment agent told us that the problem lay with the workers: "Thai workers ruin their accommodation. They turn them into junkyards."[88] However, the majority of workers we visited were housed in non-residential structures, such as warehouses and sheds with makeshift kitchen and laundry facilities. Others lived in overcrowded caravans or port-a-cabins that self-evidently did not meet the standards outlined in PIBA's 2013 Foreign Workers' Handbook.

At one *moshav* north-west of Be'er Sheva, Human Rights Watch observed the accommodation that the employer of a group of approximately 30 workers had provided for them, which was a large shed at the back of the farmer's own house. The workers had had to construct their own "rooms" out of cardboard boxes, and the only protection from the elements was a corrugated iron roof. There were large gaps between the walls and the roof. One worker, M.Z., complained that his bed had no cover, that it was cold in the winter and that there was not enough hot water.[89]

A group of 29 workers in another *moshav* told Human Rights Watch that they had gone on strike for four days in January 2013 to protest their poor living conditions.[90] The workers said that their employer did not provide adequate cooking gas for them to cook their meals, and that many of the toilets and showers did not work.[91] They said that they recalled one visit from a government inspector but said that he only visited their employer's office and talked with the employer. He did not inspect their living and working conditions.

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[88] Human Rights Watch interview with a manpower agent (name withheld), south of Israel, May 29, 2013.

[89] Human Rights Watch interview with M.Z. in *moshav,* near Ashdod, May 21, 2013.

[90] Human Rights Watch interview with workers in *moshav,* near Netivot, May 21, 2013.

[91] At the time Human Rights Watch visited the *moshav*, on May 21, the bathrooms had been fixed, the workers said.

This home for agricultural workers at a vegetable farm in central Israel, was used as a storage facility for chemicals before the farmer converted it into accommodations for workers.

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The kitchen used by Thai agricultural workers at a farm in central Israel, November 1, 2014. A former worker said the building was used to store chemicals before the farm owner converted it into living accommodation for workers.

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The water source for workers living in a building that formerly was used as a chemical storage facility, according to a former worker. Central Israel, November 1, 2014.

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Living accommodation for Thai agricultural workers at a vegetable farm in central Israel, November 1, 2014. Workers at this farm live under a greenhouse, which can reach temperatures of 50 degrees Celsius (122 degrees Fahrenheit) or more during the summer months.

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At a *moshav* near the Dead Sea, where maximum average temperatures in the summer exceed 38 degrees Celsius (100 degrees Fahrenheit), we spoke to more than 20 workers who were part of a large group living in cramped caravans on a piece of land infested with flies and rubbish.[92] We entered two caravans, both of which had functioning AC and toilet. The workers had a range of complaints, mostly relating to their working conditions, and said they would have filed a formal complaint if they had known how. They said an inspector had visited once in 2011, but could give no further details.[93]

Working Conditions and Access to Healthcare

Israeli law provides the inspection of work sites and the regulation of pesticide use in order to minimize the hazards to workers in the agricultural sector, as well as medical care and sick pay for those who fall ill or suffer injury.

The 1991 Foreign Workers law obliges employers to provide medical insurance for foreign employees.[94] Israel's 1976 Sick Pay Law states that workers are entitled to a one and a half sick days for every month of work, which is not to exceed a total of 90 sick days during their period of employment with an employer.[95] This would correspond to a maximum of 18 days per year in a 5 year period, which is the standard duration of employment for Thai workers in the agricultural sector.

The 1954 Labor Inspection Law provides for labor inspections of work sites and gives labor inspectors wide-ranging powers to enter worksites and check for safety, hygiene and welfare in relation to installations, machinery, equipment, and work processes.[96]
The Plant Protection and Inspection Services, a division within the Ministry of Agriculture, is responsible for the licensing of pesticides and the regulation of their use.[97] According to a 2012 report by the Israeli Export and International Cooperation Institute, "to ensure safe,

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[92] Human Rights Watch interview with workers in moshav, near the Dead Sea, May 23, 2013.
[93] Ibid.
[94] Foreign Workers Law, 1991, art. 1(d).
[95] Sick Pay Law 1976, art. 4.
[96] Labour Inspection (Organization) Law, 1954, art. 3.
[97] See Ministry of Agriculture and Rural Development website at http://www.moag.gov.il/agri/English/Ministrys+Units/Plant+Protection+and+Inspection+Services/ (accessed February 4 2013).

efficient use of pesticides, many regulations have been passed, including the regulation dealing with the observance of instructions on the packaging label of agents."[98] Certain pesticides are not freely available due to their toxicity and the Pesticides Department of the Ministry of Agriculture issues permits for their use.[99]

However, all of the groups of workers we spoke to described health problems that they attributed to their work, and many described difficulty in accessing medical care. A worker at Kav LaOved's offices, A.M., told Human Rights watch that he had lost the top of a finger in a fork-lift truck accident on May 7.[100] He said that his employer told him to tell the doctors in the hospital that he had jammed his finger in a door, and that if he told them what actually happened that it would result in labor inspectors coming to the farm and investigating.

A worker in a *moshav* near Ashdod, T.Y, said that he suffered from headaches, chest pain, respiratory problems and a burning sensation in his eyes.[101] His colleague, A.C., said he had a chronic cough and was no longer able to breathe through his nose.[102] Both attributed their maladies to the fact they had to mix and spray pesticides for between 8 and 12 hours per day. They said that their employer provided the three workers charged with spraying pesticides with one mask and one pair of trousers between them. Twenty-nine workers at a nearby *moshav* said that all of the workers had to spray pesticides in the summer and that all of them had suffered from skin allergies as a result.[103] The workers said that when they asked their employer for permission to see a doctor he told them to "drink water," and that they should call their families in Thailand and ask them to send medicine. The workers showed Human Rights Watch batches of medicine marked with Thai script.

Three Thai workers at the Kav LaOved offices in Tel Aviv told Human Rights Watch about the harmful effects of pesticide use. One pregnant woman, B.R., 35, who was filing a

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[98] Israeli Export and International Cooperation Institute, Israel's Agriculture, 2012, p. 11 http://www.moag.gov.il/agri/files/Israel%27s_Agriculture_Booklet.pdf (accessed November 24, 2013)

[99] For a list of non-freely available pesticides see the website of the Israel Ministry of Agriculture and Rural Development at http://www.moag.gov.il/agri/English/Ministrys+Units/Plant+Protection+and+Inspection+Services/Pesticides/Special+Permits.htm (accessed February 4 2014).

[100] Human Rights Watch interview with A.M., Kav LaOved offices Tel Aviv, May 22, 2013.

[101] Human Rights Watch interview with T.Y. in *moshav,* near Ashdod, May 21, 2013.

[102] Human Rights Watch interview with A.C. in *moshav,* near Ashdod, May 21, 2013.

[103] Human Rights Watch interview with workers in *moshav,* near Netivot, May 21, 2013.

complaint for unpaid wages, said that she and her partner, P.A., had had to provide her own protective clothing during her time in Israel. "We covered our mouths with our clothes" while working with pesticides, she said.[104] She said that her co-workers suffered from headaches and mucus coming from the nose and mouth for which they were not being treated. Another 41 year-old worker, S.R., showed Human Rights Watch marks on his hands and arms which he claimed were the result of spraying pesticides.[105]Workers in a *moshav* near the Dead Sea said that only the women there sprayed pesticides and that those who did experienced a burning sensation in their eyes and suffered from occasional nausea and dizziness.[106] The workers showed Human Rights Watch the single mask that their employer had provided to them but said that they had not seen the filter changed in five years. They said they wore their own sunglasses to protect their eyes.

In a *moshav* near the town of Netivot, one worker, P.T., said he wore a balaclava as protection from the pesticides because the filter in the gas mask given to him by the employer didn't work. He said that he suffered from headaches, dizziness and nausea, rashes, a burning sensation in the eyes and respiratory problems.[107] To combat the headaches, he took Paracetamol, an inexpensive, non-prescription painkiller, sent from Thailand.

Another worker on the same *moshav*, H.M., said that on one occasion he told his employer that he could not work due to illness. The employer took him to the doctor but did not pay him for the day he missed.[108] A third worker in the *moshav* said he had asked for protective clothing but the employer had not given him any. His family in Thailand had sent him a basic gas mask.[109] Two workers who had formerly worked in Ahituv said they used a t-shirt or a basic surgical mask to cover their faces when spraying chemicals.[110] One of the workers suffered respiratory problems, persistent coughing, bouts of weakness, loss of

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[104] Human Rights Watch interview with B.R. and P.A. Kav LaOved offices Tel Aviv, May 22, 2013.
[105] Human Rights Watch interview with S.R., Kav LaOved offices Tel Aviv, May 22, 2013.
[106] Human Rights Watch interview with workers in *moshav,* near the Dead Sea, May 23, 2013.
[107] Human Rights Watch interview with P.T. in *moshav,* near Netivot, May 25, 2013.
[108] Human Rights Watch interview with H.M. in *moshav,* near Netivot May 25, 2013.
[109] Human Rights Watch interview (name withheld) in *moshav,* near Netivot May 25, 2013.
[110] Human Rights Watch interview with S.J. and S.W. in *kibbutz,* near border with Lebanon, May 29, 2013.

appetite and headaches. The other said that he got a rash over his upper body for which his family in Thailand sent him medicine.[111]

In a *moshav* west of Be'er Sheva, A.R. said that although the employer provided gas masks, she still suffered from blood clotting in her nose.[112] She said that anyone who needed to see a doctor was docked half a day's pay and charged travel expenses.[113]

P.S., a worker in a gated *moshav* south of the town of Afula in northern Israel, described in detail an incident from his previous employment in a *moshav* near the Dead Sea:

> I was sick for a week, I had such a bad fever that I couldn't get out of bed, and the employer didn't take me to see a doctor. Suddenly I collapsed, and it took him a week to take me to the hospital. The employer took me to hospital, left me there, and when the doctor wanted to do something for me he couldn't get the employer on the phone. I tried [without success] to call someone to talk to the nurse in Hebrew. I had to pay for the taxi back to the *moshav*. I didn't get paid for the week off work when I was sick. It cost me 400 shekels for the taxi and 1,500 shekels for the hospital stay. I don't know the name of the city where the hospital was, it was on the road to Jerusalem.[114]

Work-related Deaths

Thai national Praiwan Seesukha worked in a *moshav* in central Israel, for two years and eight months until his death in May 2013 at the age of 37. On the evening of May 21 2013, Praiwan went to sleep as usual but never woke up, according to other Thai workers on the moshav.

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[111] Ibid.

[112] Human Rights Watch interview with A.R. in *moshav,* west of Be'er Sheva, May 25, 2013.

[113] Ibid.

[114] Human Rights Watch interview with P.S. in moshav, south of Afula, May 27, 2013.

Human Rights Watch visited the *moshav* where Praiwan worked on the evening of May 22. Other Thai workers had invited a Buddhist monk to conduct a ceremony designed to rid the area of spirits that Thai Buddhists believe can be present after a sudden death. After the ceremony, which two farmers attended, a Human Rights Watch researcher spoke to three of Praiwan's former colleagues.[115]

Praiwan had been working up to 17 hours a day, seven days a week for the duration of his time on the *moshav*, the other workers said. He was the sole employee of a dairy farmer and had been responsible for tending to cows on a dairy farm and also worked in an avocado nursery. The other workers said that Praiwan worked longer hours than any other Thai workers in Kfar Vitkin. However, his working hours are consistent with those that Thai workers in other *moshavim* described to Human Rights Watch.[116]

Praiwan's colleagues said that he did not suffer from any known medical conditions, did not smoke and only drank alcohol in moderation. His colleagues told Human Rights Watch that Praiwan had never been ill or gone to see a doctor during his time in Israel; in fact, he had never travelled out of the *moshav*. At the time of his death he was planning to return within a couple of months to Thailand, where he had a wife and a son in his late teens and also supported his wife's parents. The workers had constructed a small shrine to their former colleague and placed money in a tray that they intended to send to his family.

On May 28, Human Rights Watch spoke by phone to a representative from the Thai embassy in Israel, who said that a medical examination had taken place, and that the cause of death would be determined. The embassy spokesperson said that "usually the cause of death comes back 'unknown'" and that "if the police have signed off there can't be a problem."[117] The spokesperson also told us that the Thai embassy do not generally receive copies of the death certificates and would need to get the family of the deceased's approval before giving it to Human Rights Watch.

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[115] Human Rights Watch interview with workers in *moshav*, north of Netanya, May 22, 2013.

[116] Workers in a *moshav* south of Afula described similar working hours as did workers we spoke to at Kav LaOved's offices in Tel Aviv; Human Rights Watch interview with Q.S. in *moshav,* south of Afula May 27, 2013; Human Rights Watch interview with B.R. and P.A. Kav LaOved offices Tel Aviv, May 22, 2013.

[117] Human Rights Watch interview with representative from embassy of Thailand, May 28, 2013.

From 2008 to 2013, according to government figures provided by Minister of Health Ya'el German to Israeli Knesset member Dov Khenin of the Hadash party and reported by the Israeli daily *Haaretz*, 122 Thai workers died in Israel. Of these 122 deaths, 43 were from "sudden nocturnal death syndrome," 22 from cardiac diseases including cardiac fibrosis and cardiomyopathy, and five from suicide. In 22 cases the cause of death was unknown reasons because Israeli police did not request a post-mortem.[118] Dov Khenin said it was "inconceivable that so many healthy young men die without alarms going off."

Sudden unexplained nocturnal death syndrome (SUNDS) is a disorder that causes sudden cardiac death (typically of young men) during sleep and is found in south east Asia, particularly Thailand, Japan, Philippines and Cambodia.[119] A 2002 peer-reviewed medical journal paper concluded that SUNDS is "phenotypically, genetically, and functionally" the same as Brugada syndrome, an uncommon but serious heart condition that is a leading cause of sudden cardiac death in young, otherwise healthy people around the world.[120]

Douglas Casa, a professor in the department of kinesiology and expert in heat exhaustion and heat stroke at the University of Connecticut, told Human Rights Watch that the combination of Israel's climate and the working conditions described in this report were likely to significantly increase the risk to workers of heat stroke, which can be fatal.[121] Heat exhaustion and heat stroke are not typically the result of pre-existing medical conditions, but rather of high temperatures in tandem with physical exertion. Whereas pre-existing cardiac conditions such as Brugada syndrome can only be detected by an electrocardiogram test, an autopsy can detect heat stroke as a cause of death and steps

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[118] Or Kashti, "'Mysterious syndrome' claims lives of dozens of Thai farm workers in Israel," Haaretz, March 28, 2014, http://www.haaretz.com/news/national/.premium-1.582519 (accessed December 13, 2014).

[119] Matteo Vatta et al., "Genetic and biophysical basis of sudden unexpected nocturnal death syndrome (SUNDS), a disease allelic to Brugada syndrome," *Human Molecular Genetics*, vol 11 no 3 (2002). This syndrome has several other names including lai tai (death during sleep) in Thailand, bangungut (to rise and moan in sleep followed by death) in the Philippines, and pokkuri (unexpected sudden cardiac death at night) in Japan. Other references: Robert H. Kirschner , Friedrich A. Eckner, Roy C. Baron, "The cardiac pathology of sudden, unexplained nocturnal death in Southeast Asian refugees" The Journal of the American Medical Association, vol 256 (1986). Koonlawee Nademanee, et al. "Arrhythmogenic marker for the sudden unexplained death syndrome in Thai men", Journal of the American Heart Association, vol 96 (1997).

[120] Ibid.

[121] Human Rights Watch interview with Douglas Casa, September 9, 2014. In Beer Sheva, for example, the mean average temperatures for June, July, August and September are 31.3, 32.7, 32.8 and 31.3 degrees Centigrade. Data from Israel Meteorological Service, http://www.ims.gov.il/IMSEng/CLIMATE (accessed December 20, 2014).

can be taken to reduce the risk of heat stroke. The main factors in adequately reducing the risk to workers of heat exhaustion are a work-to-rest ratio that takes account of the prevailing environmental conditions, and ensuring that the body temperature is allowed to cool during that rest time through the provision of shade and water.

The ICESCR requires that states, in order to realize the right to the highest attainable standard of health, shall take the steps necessary for the "prevention, treatment and control of… occupational and other diseases." It also recognizes "the right of everyone to the enjoyment of just and favorable conditions of work" including "safe and healthy working conditions."

The Committee on Economic Social and Cultural Rights (CESCR), tasked with interpreting the ICESCR, has affirmed states' obligations to protect the health of its workers. It has noted that the right to health includes an obligation on states to ensure: "[p]reventive measures in respect of occupational accidents and diseases [and]… the minimization, so far as is reasonably practicable, of the causes of health hazards inherent in the working environment."

In the context of the prevention of deaths from heat stroke, under Israeli and international human rights law, the obligation of the state would include protecting agricultural workers from violations of the right to health through enforcing appropriate regulations on farms, such as ensuring the availability of water, appropriate rest periods in cool areas, well ventilated accommodation and access to care for those with urgent medical needs.

A troubling pattern of deaths in the agricultural sector makes it incumbent on Israel to conduct thorough and independent investigations into the deaths and to assess the extent to which workers' living and working conditions, and the impact of the state's failure to properly enforce its laws and regulations violated workers' right to health.

Right to Change Employers

Agricultural workers' work permits stipulate that they are permitted to work in the agricultural sector only, but they are not tied to one employer. PIBA's 2013 Foreign Workers Handbook describes workers' rights in this regard:

> Foreign workers wishing to leave or change employers do not need "permission" from the original employer. Nonetheless, the workers must give advance notice to their current employers, and they must notify PIBA and their registered recruitment agency or manpower company of the change. Unemployed foreign workers have up to 90 days from the date they leave their former employment to find and register for alternate employment with a licensed employer in the sector set out in the worker's B/1 [work] visa. If the worker does not register for legal employment within 90 days, he must leave Israel, and if he does not do so, he may be subject to detention and deportation.[122]

Workers may not need the express permission of their employer but they can only work for another farmer who is not employing his or her full quota of workers. If a foreign worker leaves the employment of a farmer but remains in Israel without alternate legal employment, there is no guarantee that the farmer will be granted another work permit. In such circumstances, PIBA told Human Rights Watch that they consider requests from farmers "on a case by case basis."[123] If manpower agents refuse to facilitate the transfer of a worker to another employer, or if the manpower agent is unable to relocate a worker on account of there being no farmers with free work permits, then the worker cannot change employers. He or she can either leave the country, abscond (and render himself undocumented) or stay with the current employer. So while workers are not formally bound to one employer, in practice they can face serious obstacles if they wish to find another one.

Some workers told Human Rights Watch that manpower agents prevented them from changing employers. In a *moshav* near Ashdod, a group of 14 workers said they wanted to leave their employer, but their manpower agent had said that they would have to pay between 2,500 and 5,000 NIS ($635 to $1,270) to do so.[124] This fee had dissuaded all but two of the workers from attempting to change employers.

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[122] PIBA Foreign Workers Handbook, 2013, p. 4, http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/Fworker_Rights_Aug_eng2013.pdf (accessed December 12, 2014).

[123] Human Rights Watch email correspondence with Shoshana Strauss, legal advisor PIBA, December 8, 2013.

[124] Human Rights Watch interview with workers in *moshav,* near Ashdod, May 21 2013.

The recruitment agent of a couple in a *moshav* near Afula told them that they would have to pay 1,500 NIS ($381) to change employers.[125] S.P. told Human Rights Watch, "I wanted to change employers back in 2012 because the heat and dust here was making it difficult for me to breathe."[126] His recruitment agent told him he would have to wait, he said; as of May 2013, S.P. was still with the same employer. According to two of the workers who helped organize a well-publicized strike action in Ahituv in June 2011, the action was partly the result of their manpower agents' refusal to take their complaints of low pay, excessive working hours and poor living conditions seriously.[127] "If you want to move, move yourself," the manpower agent told them.

The secretary -general of the Israeli Farmers Federation, Avshalom Vilan, acknowledged that not all employers in the agricultural sector adhere to the laws governing living and working conditions for foreign workers.[128] He attributed this partly to a surfeit of regulations and an overly complex regulatory framework, which often left farmers unclear as to their legal obligations. However, he also indicated that adherence to laws and regulations was largely left to the discretion of each individual farmer, and that when famers came under financial pressure, for example when the price of their produce falls, their workers can also suffer.

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[125] Human Rights Watch interview with N.S. and P.S. in *moshav,* south of Afula, May 27 2013.

[126] Human Rights Watch interview with workers in *moshav,* near the Dead Sea, May 23 2013.

[127] Human Rights Watch interview with S.J. and S.W.,in *kibbutz,* near border with Lebanon, May 29 2013.

[128] Human Rights Watch interview with Avshalom Vilan, secretary-general of the Israeli Farmers Federation, October 29, 2014.

III. Regulation and Complaints Mechanisms

All workers in Israel are protected by domestic legislation on hours of work and rest (1951), labor inspections (1954), minimum wage (1987), and sick pay (1976).[129] The 1991 Foreign Workers Law specifies the rights of foreign workers to a written employment contract, medical insurance, and suitable residential accommodation.[130] However, the Israeli authorities have failed to effectively enforce these laws due to a combination of factors: the unnecessary division of regulatory responsibilities, insufficiently resourced enforcement units, failure to back up a reactive complaints mechanism with a proactive regime of random inspections, and a failure to impose material sanctions on employers and manpower agents.

As documented in this report the agriculture sector in Israel is beset by what appear to be widespread violations of Israeli laws. In addition, there has been a pattern of worker deaths in the sector that should have alerted the authorities to potential abuses. As noted, from 2009 to 2014, 65 agricultural workers have died due to cardiac conditions and another 22 died from unidentified causes. Despite these violations and deaths, the sanctions that Israel has imposed on farmers and recruitment agents amount to 15 fines totaling $334,845, 145 warnings, and one suspended license for a manpower agent.

Regulatory Bodies

Responsibility for regulation of the agriculture sector is shared between the Population Immigration and Border Authority; the Ministry of Economy; the Ministry of Justice; and the Israeli police. The division of responsibilities for inspections, receiving workers' complaints, and enforcing their rights is therefore complicated.

The government created the Population Immigration and Border Authority (PIBA) within the Ministry of Interior in 2008, apparently with the intention of providing the agency with powers relating to labor migration that had previously been divided among the

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[129] Hours of Work and Rest Law, 5711 – 1951; Labour Inspection Law, 5714 – 1954; Sick Pay Law, 5736 – 1976; Minimum Wage Law, 5747 – 1987.

[130] Foreign Workers Law, 5751 – 1991.

Ministry of Interior, Ministry of Public Security, and Ministry of Industry, Trade and Labor (now Economy).[131]

The PIBA's legal department told Human Rights Watch that it was responsible for enforcing laws specific to foreign workers as outlined in the Foreign Workers Law of 1991, whereas the Ministry of Economy was responsible for the labor laws that applied to all workers in Israel, for example, governing hours of work and rest, and minimum wages. PIBA told Human Rights Watch that it "does not directly enforce such general labor laws."[132]

The PIBA's Foreign Workers Handbook instructs foreign workers who believe they may be victims of trafficking or slavery to contact the Legal Aid department within the Ministry of Justice for free legal assistance.[133] Israel disbanded a specialized anti-trafficking unit in 2011, but police have received specialized training for enforcing the law and handling trafficking investigations.[134]

The PIBA's Foreign Workers' Handbook states that anyone who has had his or her passport confiscated should contact the Israeli police. None of the workers interviewed by Human Rights Watch complained of passport confiscation and Kav LaOved confirmed that Israel effectively enforces the law prohibiting passport confiscation.[135]

The 1996 Employment of Employees by Manpower Contractors Law regulates the activities of manpower agencies.[136] Under the law, the Ministry of Labor was responsible for licensing manpower agents, but in 2008, regulatory powers were transferred to the PIBA, which is now responsible for licensing manpower agents and for levying sanctions on them.[137]

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[131] Raijman and Kushnirovich, "Labour Recruitment Practices in Israel," March 2012, p. 17.

[132] Human Rights Watch email correspondence with Shoshana Strauss, legal advisor PIBA, December 8, 2013.

[133] PIBA Foreign Workers Handbook, 2013, p. 18, http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/Fworker_Rights_Aug_eng2013.pdf (accessed December 12, 2014).

[134] US State Department, "Trafficking in Persons Report 2013," p. 208, http://www.state.gov/documents/organization/210739.pdf (accessed November 2 2013)..

[135] Human Rights Watch email correspondence with Noa Shauer, coordinator Kav LaOved, April x 2014.

[136] Employment of Employees by Manpower Contractors Law 5756-1996.

[137] Human Rights Watch email correspondence with Shoshana Strauss, legal advisor PIBA, December 8, 2013.

The PIBA grants renewable one-year licenses to manpower agencies. The minister has the power to restrict or cancel licenses if, for example, the license holder "has broken a substantive obligation imposed on him by the provision of any enactment, collective agreement or work contract, which grants rights to employees, after he had been given a warning by the Minister."[138] Manpower agencies are required by law to deliver audited reports to the ministry that should include data on the number of employees, work places and wages. The law stipulates that the ministry should appoint inspectors to supervise manpower contractors' adherence to the law and gives inspectors the right to inspect worksites.[139]

Inspections and Complaints Mechanisms

The most recent version of the PIBA's Foreign Workers Handbook, which "reflects the state of the law" as of January 1, 2013, directs Thai workers who came to Israel before the TIC was signed and have complaints relating to pay, contracts, housing, or health insurance to call and file a complaint with either the Branch for the Enforcement of Labor Laws, or the Foreign Workers Rights Ombudsman, both of which are within the Ministry of Economy.[140]

The handbook directs workers whose recruitment was carried out under the terms of the TIC to a hotline that is operated by the CIMI and the PIBA.[141] CIMI representatives told Human Rights Watch, that when they receive calls on the hotline, which is staffed by Thai speakers, they direct workers to the relevant ministry. If the complaint relates to visa/passport or living conditions, they direct the worker to the PIBA; if it relates to salary problems, they direct the worker to the Ministry of Economy.[142]

However, while the hotline appears to function well in responding to worker complaints by transferring them to the appropriate body, the bodies receiving those complaints do not

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[138] Employment of Employees by Manpower Contractors Law, 1996, art 6(b).

[139] Ibid, art. 19.

[140] PIBA Foreign Workers Handbook, 2013, p. 10, http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/Fworker_Rights_Aug_eng2013.pdf (accessed December 12, 2014).

[141] Ibid, p. 19.

[142] Human Rights Watch interview with Ilan Cohen, senior program officer American-Jewish Joint Distribution Committee, May 29, 2013.

appear to be sufficiently resourced to deal with the complaints they receive, and there is little evidence of a system of proactive inspection.

On March 31, 2014, *Haaretz* newspaper reported that the Ministry of Economy's unit for occupational safety and health employs only about 20 inspectors responsible for the agricultural sector all over the country. The newspaper quoted a ministry official as saying that "the heavy load on the inspectors does not allow them to investigate or enforce regulations in any substantive fashion." [143]

In December 2013, Human Rights Watch submitted requests under Israel's freedom of information law to the PIBA and the Ministry of Economy. The requests asked, first, the number of labor inspectors each body employed. The PIBA's response did not state how many inspectors they employ. The Ministry of Economy informed Human Rights Watch that its enforcement unit for administrative actions has 30 full-time and 20 part-time staff. It said that it employed "supervisors" rather than inspectors. Its response did not include details of the number of staff employed in the criminal enforcement unit.

Human Rights Watch also requested information on the number of site visits carried out each year by each enforcement body's inspectors, the number of those visits that were in response to complaints, and the number that were random spot-checks. The PIBA told Human Rights Watch that it did not keep statistics on the number of inspections it carried out. The Ministry of Economy did not provide the requested information, responding that the number of visits to sites did not provide an accurate representation of the number of investigations it opened.

Only two of the 10 groups of Thai workers whom Human Rights Watch met included workers who said they had ever seen a labor inspector or were aware that one had visited their place of employment during their time in Israel. In both cases, workers said that the inspector spoke to their employer, not the workers, and that the inspector did not visit the workers' accommodation or work sites in fields, greenhouses, or packing houses. Most

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[143] Or Kashti, "Ministry's regulations for the safe handling of pesticides are not properly enforced where foreign workers are concerned," Haaretz, March 31, 2014, http://www.haaretz.com/news/national/.premium-1.582881 (accessed December 12, 2014).

workers Human Rights Watch interviewed, including workers who has been in Israel for more than five years, said they had never seen a labor inspector or heard of one visiting their place of work.

Prosecutions and Sanctions

In its requests to the PIBA and Ministry of Economy under the freedom of information law, Human Rights Watch asked for information on the number of criminal and administrative investigations the two bodies had initiated; the nature of the offences prosecuted; and the result of those prosecutions. The PIBA responded that between June 2013 and the end of March 2014, it had filed charges for 61 violations of the Foreign Workers Law, but added that these "might include cases from previous years that were counted because they were updated to the system between these dates" because its information system was "not fully operational" until the middle of 2013.

The terms of the 1991 Foreign Workers Law empower PIBA to issue fines and prison terms of up to six months. According to the PIBA's response, between June 2013 and March 31, 2014, only two charges resulted in convictions, and the total sum of fines that it had imposed on offenders was 55,000 NIS ($13,982). The response did not mention any criminal convictions. PIBA stated that four indictments had ended in acquittals and that the remaining 55 cases had yet to conclude.

With regard to the regulation of manpower agents, the PIBA said that it had cancelled one agent's license in 2010 and refused to issue a license to another applicant agent in 2012. *Haaretz* newspaper report on March 31, 2014 that the PIBA had "not revoked the right of a single employer of foreign workers [to recruit foreign workers] for safety reasons" in the last three years and that the PIBA "has never received any information from the Economy Ministry on such matters."[144]

The Ministry of Economy stated that it opened 166 criminal investigations between June 2012 and June 2013 in the agricultural sector, of which 103 were the result of worker complaints, and 63 were initiated by the Ministry of Economy on its own initiative.

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[144] Ibid.

Between July 2012 and December 31, 2013, the Ministry of Economy opened 221 administrative investigations in the agricultural sector, of which 186 were the result of worker complaints, and 35 were opened on the Ministry of Economy's own initiative. Of the 221 administrative investigations, 14 resulted in financial sanctions (against 14 different employers) totaling 1,262,170 NIS ($320,863), and the Ministry of Economy issued 145 administrative warnings.

The Ministry of Economy indicated that 126 of the 186 worker complaints that led to administrative investigations, 51 of the 145 administrative warnings, and five of the 14 financial sanctions originated from calls made to the workers' hotline.

In total, according to these government figures, Israel has imposed 15 fines, totaling $334,845, on farmers and recruitment agents, issued 145 warnings, and suspended the license of one manpower agent.

IV. Israel's International Legal Obligations

Israel has ratified the International Covenant on Economic, Social and Cultural Rights, which guarantees the right to free choice of employment, the right to just and favorable conditions of work, the right to strike, the right to adequate housing, and the right to the enjoyment of the highest attainable standard of physical and mental health. Article 2 of the covenant states that all of the rights therein "will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[145] In a general comment on this non-discrimination provision, the Committee on Economic and Social Rights makes clear that state obligations extend to the elimination of substantive as well as formal discrimination.

In order to eliminate substantive discrimination, States parties may be, and in some cases are, under an obligation to adopt special measures to attenuate or suppress conditions that perpetuate discrimination. Such measures are legitimate to the extent that they represent reasonable, objective and proportional means to redress de facto discrimination and are discontinued when substantive equality has been sustainably achieved.[146]

In a general comment on the rights of non-citizens, the Committee on the Elimination of Racial Discrimination affirms that the States parties to the Convention on the Elimination of all Forms of Racial Discrimination (CERD) should "take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory purposes or effects."[147]

According to the Economic, Social and Cultural Rights Committee, the Convention on Economic, Social and Cultural Rights' monitoring body, States must guarantee certain core

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[145] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976.

[146] Committee on Economic, Social and Cultural Rights, General Comment No. 20, July 2, 2009, E/C.12/GC/20, para 9.

[147] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969. Committee on the Elimination of Racial Discrimination, General Recommendation 30, CERD/C/64/Misc.11/rev.3, February 23 – March 12, 2004, para 33.

obligations as part of the right to health, including ensuring non-discriminatory access to health facilities, particularly for vulnerable or marginalized groups; providing essential drugs; ensuring equitable distribution of all health facilities, goods and services; adopting and implementing a national public health strategy and plan of action with clear benchmarks and deadlines; and taking measures to prevent, treat and control epidemic and endemic diseases.[148] While the Committee, in its General Comment 14, notes the progressive nature of the right to health, it also points to the fact that states must immediately take steps to realize the right to health, and must immediately guarantee the exercise of the right without discrimination of any kind. The right to health is thus centrally linked to the right to non-discrimination.[149]

Israel has ratified 49 International Labour Organization conventions, including all eight of the ILO's core labor conventions, and several treaties relevant to the treatment of migrant workers. These include the Migration for Employment Convention, 1949 (No. 97), the Labour Inspection Convention, 1947 (No. 81), the Hours of Work (Industry) Convention, 1919 (No. 1), and the Weekly Rest (Industry) Convention, 1921 (No. 14).

In 2013, the ILO Committee of Experts considered Israel's adherence to the Migration for Employment Convention, but restricted its analysis to the caregiving sector, pointing out that workers in that sector endured inadequate pay and unfavorable working conditions and were excluded from the protection of the Israeli Commissioner for the Rights of Foreign Workers. The committee held these practices to be discriminatory and a violation of article 6 of the convention.[150]

Israel has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.[151] Its 2006 anti-trafficking law provides for the separate criminal offences of

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[148] Committee on Economic, Social and Cultural Rights, General Comment No. 14, 2000, E/C.12/2000/4.

[149] Ibid., para 30.

[150] International Labour Organisation, Report of the Committee of Experts on the Application of Conventions and Recommendations, (International Labour Office, Geneva, 2013). It also reviewed Israel's adherence to the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[151] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol.I) (2001), entered into force December 25, 2003.

slavery, trafficking for forced labor and trafficking for slavery.[152] The US State Department's 2013 Trafficking in Persons report deemed that Israel "fully complies with the international minimum standards for the elimination of trafficking in persons," but recommended that Israel "increase the number of labor inspectors and translators in the agricultural, construction and homecare sectors."[153]

Israel's domestic laws clearly provide for the rights it has pledged to uphold by its ratification of various instruments of international labor law and international human rights law. Moreover, it has taken special measures with regard to its foreign workers. In 1991, Israel passed the foreign workers law and in 2009 it entered into bilateral agreements with sending states, such as Thailand, to protect workers from accruing excessive debt to secure employment. The reduction in debt significantly reduces the vulnerability of workers in the agricultural sector to forced labor, as does Israel's effective enforcement of the law prohibiting passport confiscation.

However, a combination of its failure to enforce laws and regulations on minimum pay, working hours, housing and health and safety mean that Israel violates the rights of foreign workers in the agricultural sector to just and favorable conditions of work, adequate housing, and physical health. The situation is exacerbated by the restrictions that Israel places on workers' ability to change employers.

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[152] Prohibition of Trafficking in Persons (Legislative Amendments) Law, 5767 – 2006.

[153] US State Department, *Trafficking In Persons Report 2013*, p. 207.

Acknowledgments

This report was researched and written by Nicholas McGeehan, a researcher with the Middle East and North Africa Division of Human Rights Watch and researched and edited by Bill van Esveld, a senior researcher with the Middle East and North Africa Division.Noam Hofstadter, a consultant, provided additional research.

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Appendix I: Letter to the Minister of Interior; Minister of Economy; Minister of Health; Minister of Agriculture from Human Rights Watch

Dated December 16, 2014

December 16, 2014

Gilad Erdan
Minister of Interior

Cc:
Naftali Bennett, Minister of Economy
Yael German, Minister of Health
Yair Shamir, Minister of Agriculture

Dear Minister Erdan,

I write to share with you a summary of the preliminary findings of a Human Rights Watch investigation into the situation of migrant workers in Israel's agricultural sector and to request further information on the steps that the Israeli authorities are taking to ensure workers' basic rights.

Human Rights Watch research indicates that the terms of the Thailand Israel Cooperation on the Placement of Workers (TIC) have significantly reduced the amount of money that Thai workers must pay to labor-supply agencies to secure employment in Israel's agricultural sector, a positive development that reduced their indebtedness and vulnerability to exploitation. However, our investigations also found shortcomings in Israel's enforcement of the laws that should provide for migrant workers' protection.
We wish to offer you and other government ministers the opportunity to respond to our findings so that we can reflect the Israeli authorities' position in our report, which we plan to release in January 2015. We look forward to receiving your response to findings and questions that relate to your ministry and will reflect all pertinent information that we receive from you by January 1 in our public findings.

We would appreciate an opportunity to meet with you in Israel to discuss our findings and recommendations.

Summary of Findings

Approximately 20,000 Thai men and women work on Israeli kibbutzim and moshavim performing a variety of labor-intensive jobs. Our research indicates that Israeli authorities have not adequately enforced laws and regulations on minimum pay, working hours, housing and health and safety, and that this lack of enforcement has contributed to violations of the rights of foreign workers in the agricultural sector to just and favorable conditions of work, adequate housing, and physical health. Our research indicates that the situation is exacerbated by the restrictions that Israel places on workers' ability to change employers. Our research also indicates a troubling pattern of deaths in the agricultural sector.

Human Rights Watch researchers met with ten groups of between two and 42 Thai workers in nine moshavim and one kibbutz, meeting a total of 173 workers and interviewing 30 workers at length individually. We visited moshavim in the north of Israel near the border with Lebanon, the central-northern region, and the south near the Gulf of Aqaba, near the Dead Sea, and close to the Gaza Strip.

All of the workers we interviewed said they were paid salaries significantly below the legal minimum wage, forced to work long hours in excess of the legal maximum, subjected to unsafe working conditions, and denied their right to change employers.

In all but one of the 10 communities where we documented living conditions, Thai workers were housed in makeshift and inadequate accommodations. Workers in only one of the 10 groups Human Rights Watch interviewed were able to show us salary slips, but even these did not accurately reflect the hours that workers had worked, the workers said.

Several groups of workers said they typically worked 12 hours per day, seven days per week, and received only four days' vacation per year.

Workers at several farms described a range of maladies, including headaches, respiratory problems, and burning sensations in their eyes, that they attributed to spraying pesticides

without adequate protection; some workers said their relatives in Thailand sent them medicines by mail, on account of their inability to access medical care in Israel.

Workers also complained that their employers over-charged them for accommodations and utilities, and inflated the price of certain goods in shops in isolated moshavim where the workers, who often lacked the time, means of transportation, and even rudimentary information about other towns and cities in Israel to travel elsewhere, had no option but to buy food.

Although agricultural workers did not need the express permission of their employer to change employers, in practice, our research indicated that it is extremely difficult for them to change employers. Workers who tried to change employers discovered that Israeli recruitment agents charged them up to a month's salary.

Workers at one moshav went on strike in protest against low wages, poor housing and excessive working hours, which lasted from 5 a.m. until 10 or 11 p.m. in the summer months. Although the strike led to an increase in wages and a reduction in working hours, the renegotiated wage still fell short of the statutory minimum, and two of the leaders of the strike were fired, in what they perceived to be retribution.
Only two groups of workers had ever seen a labor inspector or were aware that one had visited their place of employment during their time in Israel. In both cases workers said that the inspector spoke to their employer, not the workers.

Our research indicates that the bilateral agreement that Israel signed with Thailand in 2011 – the Thailand Israel Cooperation agreement (TIC) - dramatically decreased the recruitment fees that Thai workers pay to secure work permits. However, workers who had arrived before the TIC came into force and those who arrived under the terms of the TIC both said they were subject to low pay, excessive working hours, and poor housing conditions.

Human Rights Watch requested information from the Population Immigration and Border Authority (PIBA) and the Ministry of Economy in January 2014. PIBA stated in response that they did not keep statistics on the number of inspections they carry out, and did not state how many inspectors they employ. The Ministry of Economy did not provide information on the number of inspections they carry out, stating only that the number of site visits did not provide an accurate representation of the number of inspections they open. On March 31,

2014, Haaretz reported that the Ministry of Economy's unit for occupational safety and health employs approximately 20 inspectors responsible for the agricultural sector, and quoted a ministry official as saying that "the heavy load on the inspectors does not allow them to investigate or enforce regulations in any substantive fashion."

Questions

We would appreciate information regarding Israeli government policy as well as government data, on the following matters:

Labor Inspections

- What is the total number of labor inspectors monitoring living and working conditions in the agricultural sector?
- How many of these inspectors are employed by PIBA, the Ministry of Economy, and the Ministry of Agriculture?
- Does any formal process exist whereby inspectors from different ministries can share information?
- How many of these inspectors speak or understand Thai?
- What is the total number of labor inspections carried out by each of the aforementioned ministries in 2013?
- How many of these inspections were in response to worker complaints and how many were random?
- How many random labor inspections did each of the aforementioned ministries carry out in 2013?

Penalties

According to information from PIBA and the Ministry of Economy, in the last five years the total sanctions that Israel has imposed on farmers and manpower agents amount to 15 fines totalling $386,000; 145 warnings; and 1 suspended license for a manpower agent.

- What was the highest fine imposed on a farmer and what violation(s) of Israeli law resulted in such a fine?
- What violation(s) of Israeli law resulted in the suspension of the manpower agent's license, and what was the period of the suspension?

Deaths in the Agricultural Sector

From 2008 to 2013, according to government figures reported by Haaretz, 122 Thai workers died in Israel, including 43 from "sudden nocturnal death syndrome," which reportedly "affects young and healthy Asian men," 5 from suicide, and 22 for unknown reasons because Israeli police did not request a post-mortem.

- On what basis did health authorities conclude that 43 men died from "sudden nocturnal death syndrome"?
- What attempts have the authorities made to investigate whether any deaths in the agricultural sector may have been related to heat exhaustion?
- How many investigations have been carried out into living and working conditions at the moshavim and kibbutzim where workers were employed at the time of their death?

I look forward to receiving your responses by January 1, 2015, in order for us to reflect relevant information in our public statements on these matters. Please contact my colleague Nicholas McGeehan at mcgeehn@hrw.org or on +44 751 395 6155.

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

A RAW DEAL

Abuses of Thai Workers in Israel's Agricultural Sector

Israel's agricultural sector is sustained by the labor of approximately 25,000 migrant workers from Thailand. Despite some positive advances in recruitment processes, they rarely enjoy the same rights as Israelis working in the agricultural sector. They are also exposed to a range of abuses due to the failure of Israeli authorities to enforce laws and regulations on minimum pay, working hours, housing, and health and safety. The situation is exacerbated by legal restrictions on migrant workers' ability to change employers.

The enforcement failures can be attributed to a combination of factors, including an unnecessary division of regulatory responsibilities, insufficiently resourced enforcement units, and inadequate sanctions on offending employers and manpower agents. Most notably, Israeli authorities have failed to investigate a troubling pattern of deaths in the agricultural sector—122 recorded fatalities in the last 5 years—to determine, among other things, what role inadequate living and working conditions might have played in the deaths.

A Raw Deal—based on interviews with 173 Thai migrant workers, farmers' representatives, NGOs, and intergovernmental agencies details conditions facing Thai migrant workers in Israel and recommends specific steps authorities should take to improve those conditions. Its central recommendations are that the Israeli authorities should streamline labor inspection processes and launch and immediate investigation into deaths in the agricultural sector.

Thai agricultural workers working in a cabbage field on a farm in southern Israel, on July 16, 2014.

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