

# THE IMPACT OF BILATERAL AGREEMENTS ON LABOR MIGRATION TO ISRAEL:

A COMPARISON BETWEEN MIGRANT  
WORKERS WHO ARRIVED BEFORE  
AND AFTER THE IMPLEMENTATION  
OF BILATERAL AGREEMENTS

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RESEARCH REPORT 2017

המרכז האקדמי רופין  
Ruppin Academic Center



רשות האוכלוסין וההגירה  
Population and Immigration  
Authority



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<sup>1</sup> We express our deepest gratitude to Anda Barak-Bianco and Yahel Kurlander, who were the research assistants and took a significant part in the implementation. We would also like to thank Aryeh Gotsdanker, Kessie Gonen, Rolly Rosin and George Baklob who interviewed the migrant workers. We also thank the editor of the report Ms. Elia Demeter. Dr. Nelly Kfir and Yonathan Paz from the Center for International Migration and Integration (CIMI) were actively involved in preparing the report. Our thanks to the Department of Policy Planning and to Adv. Shoshana Strauss of the legal department of the Population and Immigration Authority (PIBA) for their helpful comments. We also thank the Matav Association for their aid in funding the study.

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# EXECUTIVE SUMMARY

The implementation of bilateral agreements (BLAs) has had a significant impact on both the recruitment process of migrant workers in Israel and on the sums invested by the migrants arriving to work in Israel. Prior to the implementation of the BLAs in the agriculture and construction sectors, private agencies were responsible for recruiting migrant workers, and would illegally charge the workers exorbitant fees for their recruitment services. After the implementation of the BLAs, with the involvement of government agencies and international organizations, the migration costs decreased dramatically and with them also the financial commitments that the migrant workers took upon themselves in order to pay for their arrival in Israel.

Unlike the changes noted in the recruitment processes, the impact of the BLAs on the employment conditions of migrant workers while in Israel is not as clear. To further understand the impact of the BLAs a comparison was made between employment conditions before and after the signing of the agreement in the agriculture sector.

An improvement of work conditions was noted after the signing. For instance, a decrease in working hours, an increase of monthly rest days, payment for overtime. However, there are areas where no change in the work conditions was noted: monthly wages of workers payment for sick leave. In some cases the conditions even worsened, for example: living conditions and safety instructions.

In terms of employment conditions, the situation in the construction sector is better than that in the agriculture sector. When comparing the conditions between 2014 and 2016, it was concluded that there was a decrease in working hours and a significant increase in monthly wages. There was also a rise in the number of workers who received increased pay for overtime, as well as those who received protective gear and safety instructions, in addition to an improvement in living conditions. The above attests to a significant overall improvement that occurred in the two years following the implementation of the agreements. However, there was no improvement in receiving sick leave payments, and awareness in this area has remained low.

Overall, the improvements in employment conditions in both sectors are not sufficient. Hence, we emphasize the importance of increased enforcement of labor laws to prevent exploitation and to protect the rights of migrant workers.

Currently, the reality of the caregiving sector is different from the other sectors that are under BLAs. Recruitment of workers in this sector, with the exception of pilot bilateral arrangements, is carried out by private agencies, which illegally demand exorbitant agency fees. The average recruitment fees have increased significantly from \$6,977 in 2011 to \$10,253 in 2016, which has lengthened the time required to repay the migrants' debts.

Additionally, on the issue of employment conditions, there have been no significant changes on the following main issues: working hours have remained long; about 12 hours a day, and the number of monthly rest days has decreased from one weekly rest day to one bi-weekly. There has been no significant improvement in payments for sick days. Wages have increased only in accordance with the rise in the legal minimum wage during that period.

Findings of this report highlight the effectiveness and the impact of the BLAs on the recruitment processes and the cost of migration. The agreements are a valuable tool in protecting the workers and in realizing their rights. Therefore, this report recommends that the agreements be expanded and institutionalized as a recruitment mechanism for all migrant workers arriving in Israel. The success of the BLAs in reducing the costs of migration in the construction and agriculture sectors confirms the need to implement and expand similar agreements to the caregiving sector as well.

# INTRODUCTION

Labor migration to Israel from overseas became prominent in the early 1990s, when the government started massively recruiting migrant workers to substitute for Palestinian workers from the West Bank and the Gaza Strip after the outbreak of the first Intifada.<sup>2</sup> The escalation of the political and security situation created a severe shortage of labor in the sectors in which Palestinians were employed, mainly in the construction and agriculture sectors. Thus, in the 1990s, the groundwork was laid for transforming labor migration from a marginal phenomenon, as it has been thus far, to an institutionalized process (Kemp and Rajjman, 2008). According to data from the Population and Immigration Authority (PIBA), in October 2016 there were approximately 98,000 migrant workers in Israel, of whom approximately 87% had work permits. Most of the migrant workers are employed in three main sectors:

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

caregiving (60%), agriculture (23%) and construction (9%).<sup>3</sup>

Up until the end of 2012, the official recruitment of migrant workers in all sectors had been carried out by private recruitment agencies, both in Israel and in the countries of origin, which collected exorbitant illegal fees from migrants who desired to work in Israel (Rajjman and Kushnirovich, 2012). To fight this phenomenon, the government of Israel decided to sign BLAs with some of the countries from which migrant workers were recruited. The first agreement was signed with Thailand in 2010<sup>4</sup> to recruit workers for the agriculture sector. Additionally, between 2010 and 2014, over 400 seasonal agriculture workers arrived under a BLA with Sri Lanka.

The agreement with Thailand is executed under the framework of the Thailand-Israel Cooperation on the Placement of Workers (TIC) and is operated by PIBA and the Thai Ministry of Labor. These governmental agencies are assisted by the International Organization for Migration (IOM) in Thailand, and the Center for International Migration and Integration (CIMI) in Israel. These organizations manage the process of bringing migrant workers to the agriculture sector in Israel. Private agencies in Thailand are no longer involved in the process. According to the agreement, a limited number of licensed recruitment agencies in Israel, assist the employer in filing an application with PIBA for the recruitment of the workers, and are responsible for the workers only after their arrival, a service for which they are permitted to charge a pre-determined fee. BLAs in the construction sector were subsequently signed with Bulgaria, Moldova and Romania (in December 2011, October 2012 and June 2014 respectively). Agreements with additional countries have been signed during this time or are in development.<sup>5</sup> According to the agreement, the recruitment process for the construction sector, as with the agriculture sector, is carried out by government agencies only, without the involvement of private unauthorized agencies in the country of origin and in Israel.<sup>6</sup>

This new recruitment procedure highlights the main objectives of the BLAs:

1. to ensure fairness and transparency in the worker recruitment process;
2. to eliminate exorbitant agency fees through government supervision of the process of moving to Israel (both in the country of origin and in Israel);
3. to bring skilled and professional workers to Israel, who are aware of their obligations and rights in Israel.<sup>7</sup>

In the caregiving sector, the recruiting process is still carried out by private companies which charge exorbitant

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

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

5 A BLA with China was signed in April 2017. In addition, in 2016 a new BLA was signed with Ukraine for the employment of workers from that country in the construction sector in Israel, however as of the time of the writing of this report, the implementation arrangement has not yet been signed.

6 According to Population and Immigration Authority 9.7.0002 procedure (July 17<sup>th</sup>, 2016), authorized construction companies and/or representatives on their behalf are prohibited from contacting potential candidates in the countries of origin prior to their arrival in Israel. The employers are involved only in the professional exams that the workers are required to take in their country of origin.

7 It is important to note that there are professional, health and other criteria which the workers must meet, and that the recruitment process includes professional exams (in the construction sector).



illegal fees from the migrants interested in coming to Israel. In the last two years, arrangements have been signed with Nepal (2015) and Sri Lanka (2016) to recruit workers under special pilot arrangements between the countries of origin and Israel. The migrants arriving under these arrangements do not pay illegal recruitment fees, but only permitted fees. Approximately 59 migrants from Nepal have arrived under this pilot arrangement, and a group of approximately 30 workers from Sri Lanka are expected in mid-2017. It is expected that the extent of the success of these arrangements will affect future BLAs to be signed in the caregiving sector.

The current report includes two main parts. The first part deals with the sectors in which BLAs are implemented. The second part deals with the caregiving sector in which BLAs are not yet fully implemented and includes findings on migrants whose arrival in Israel is not under an agreement. The objectives of Part 1 are: 1. to examine the implementation of the BLA with Thailand (in the agriculture sector) and with Moldova (in the construction sector); 2. to examine the impact of the agreement on the fees paid by the workers prior to their departure; 3. to examine the working and living conditions of the workers after their arrival in Israel. Regarding the migrant workers from Thailand, we compare the data collected prior to the implementation of the BLA (see Rajjman & Kushnirovich, 2012) with data collected in 2013-2014 (see Rajjman & Kushnirovich, 2015) and in 2016, after the implementation of the agreement. As for the Moldovan workers, we collected data only after the implementation of the BLA. Therefore, we cannot assess the extent of change, but can only describe the situation during the study at two points in time: 2014 and 2016.

The objectives of Part 2 are: 1. to examine the recruitment methods of migrants in the caregiving sector, focusing on the case of migrants from Sri Lanka who did not arrive under the pilot agreement, the fees incurred and financing methods; 2. to examine the working and living conditions of workers after their arrival in Israel. In part 2, we compare the data collected in 2016 with data collected in 2011 (see Rajjman & Kushnirovich, 2012) in order to learn about the changes that occurred over time and to allow future comparisons with workers who arrive under the pilot arrangements.

## METHODOLOGY

Due to the inherent difficulty in the process of collecting data from migrant workers, it was not possible to select a representative sample. Instead we used "snowball" sampling.<sup>8</sup> The interviews were conducted by interviewers who speak the native language of the workers. A total of 130 interviews were conducted: 55 Thai respondents that arrived in Israel prior to the implementation of the BLA (in 2010-2011), and 75 Thai respondents (25 interviewed in 2013; 25 in 2014; 25 in 2016) brought to Israel under the BLA. There were 55 Moldovan respondents (30 were interviewed in 2014; 25 were interviewed in 2016). A total of 59 migrants from Sri Lanka who came to Israel not under the BLA were interviewed: 34 in 2011 and 25 in 2016.<sup>9</sup>

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8 In this method, a sample is selected using a small group of "informers", who provide names and addresses of additional people who belong to the group being studied.

9 The geographical distribution of the interviews in 2016: a. workers from Thailand were interviewed in 16 villages according to the following areas: Galilee-Golan – 10 workers; Haifa area – 10 workers; Negev and Arava – 6 workers. b. workers from Moldova were approached in places where they spend their free time, in their accommodations and on construction sites: Beer Sheva – 4 workers; Ashdod – 4 workers; Tel-Aviv – 9 workers; Petah Tikvah – 6 workers; Hadera – one worker; Yavne – one worker. c. workers from Sri Lanka who were interviewed in the north of Israel: Hadera, Haifa, Netanya, Pardes Hanna – 11 workers; in the south of Israel: Ashdod, Ashkelon, Nes-Ziona, Ramla – 8 workers; in the center of Israel: Herzliya, Hod Hasharon, Bat-Yam – 6 workers.

## 1

# RECRUITMENT OF MIGRANT WORKERS FOR CONSTRUCTION AND AGRICULTURE THROUGH BILATERAL AGREEMENTS

During the years 2012-2016, 28,629 migrant workers arrived in Israel under BLAs (see Table 1.1). The majority (80%) are Thai agricultural workers and the rest are Bulgarian, Moldovans and Romanian construction workers.

Nowadays, migrant workers in the construction sector are mainly recruited from Moldova, but also from Bulgaria and Romania (in small numbers). Out of the total of migrant workers in construction in Israel, the percentage of workers arriving under the bilateral agreements has increased from 32% in 2014 to 52% in 2016. According to data published by PIBA, at the end of November 2016 there were 8,734 migrant workers employed in construction in Israel, out of which 4,521 arrived under a BLA. The percentage of Thai workers who arrived after the implementation of the BLA has increased dramatically from 52% in 2014 to 88% in 2016. At the end of November 2016 there were 21,940 migrant workers from Thailand, of which 19,300 arrived under

the BLA (PIBA 2016). It should be noted that in addition to migrant workers in the agriculture sector, there are approximately 3,000 trainees from different countries in Asia and Africa, working in Israel as part of an agricultural work-study program (Adva Center, 2016). These trainees are not included in the quota of migrant workers in agriculture and do not receive work permits, but rather a student visa. They are allowed to undertake agricultural work only within the work-study program.

**TABLE 1.1: MIGRANT WORKERS UNDER BILATERAL AGREEMENTS (BY COUNTRY AND YEAR)**

	2012	2013	2014	2015	2016	Total
<b>Construction sector</b>						
Bulgaria	764	244	-	1	122	1,131
Moldova		211	773	2,301	1,121	4,406
Romania	-	-	-	152	84	236
<b>Total in the construction sector</b>	764	554	773	2,452	1,327	5,773
<b>Agriculture sector</b>						
Thailand	2,137	5,783	4,680	5,717	4,539	22,856
<b>Total in construction and agriculture sectors*</b>	2,901	6,238	5,453	8,171	5,866	28,629

Source: Population and Immigration authority, special analysis

\* This number does not include seasonal workers from Sri Lanka

Table 1.2 provides information on selected socio-economic characteristics of migrant workers from Thailand and Moldova who participated in the study. Males constituted the majority of participants in both groups. The Thai workers are 32-33 years old on average, completed an average of 9.5 years of study, and most of them had been part of the workforce in their country of origin before their arrival. Compared to the Thai workers, migrant workers from Moldova tend to be older (36 years on average), and have attained a higher level of education (of 11 years of study on average). The data indicates that only 53% of the Moldovan workers had been employed before their arrival. A majority of the Thai and Moldovan workers (96%) stated that they had work experience in their specific work field.<sup>10</sup>

<sup>10</sup> In the 2016 survey, the respondents were asked for the first time to what extent did they have any experience relating to their occupation in Israel (construction or agriculture).

**TABLE 1.2: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF THE SAMPLE**

	Agriculture (Thailand before BLA)	Agriculture (Thailand after BLA)	Construction (Moldova after BLA)
<b>Women (%)</b>	5.5	3	-
<b>Men (%)</b>	94.5	97	100
<b>Age</b> (standard deviation, s.d.)	32 (5.2)	(4.6) 33	36 (7.7)
<b>Years of study</b> (s.d.)	9.9 (3.3)	9.5 (4.2)	10.9 (1.7)
<b>Activity in the workforce before arrival in Israel</b>			
Employed (%)	98.2	94.6	43.6
Unemployed (%)	-	4	54.5
Not part of the workforce (%)	1.8	1.4	1.9
Previous work experience in employment sector – yes(*)	-	96	100
<b>N</b>	55	75	55

(\*) this question was asked only in 2016 to 25 respondents in each group

## A. THE PROCESS OF MIGRATION TO ISRAEL

### FINDING WORK OPPORTUNITIES IN ISRAEL

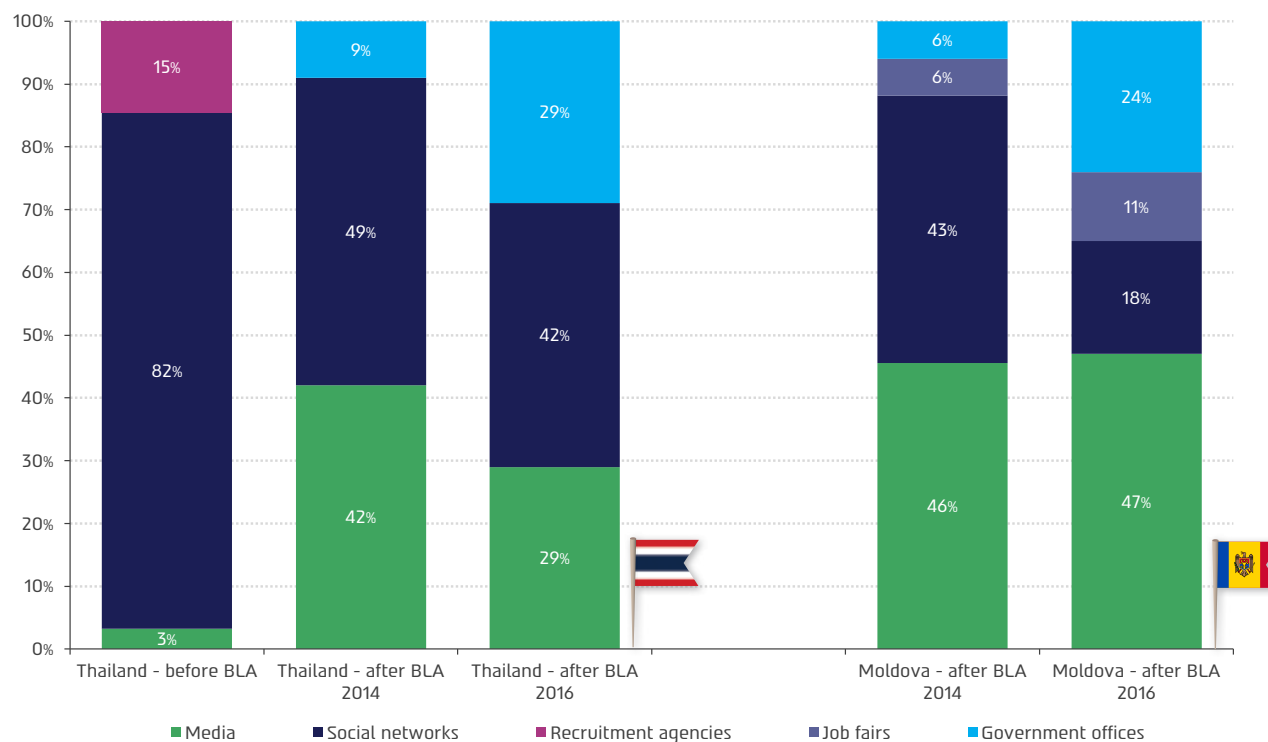
Figure 1.1 provides information on the different ways that migrant workers learn about work opportunities in Israel. The data reveals that prior to the implementation of the BLA with Thailand, the main method by which migrant workers had been exposed to employment opportunities in Israel, was through social networks (friends, relatives or acquaintances), which put the potential migrants in touch with private agencies that administered the recruitment process.

After the implementation of the agreement with Thailand, the typical ways of finding job opportunities changed: 1. The percentage of migrant workers using social networks decreased dramatically from 82% before the BLA to 42% in 2016; 2. The percentage of migrant workers who learned about work opportunities through the media (such as radio, television, newspapers and government office bulletin boards) increased from 3% to 29%; 3. Government offices became an important source of information for migrant workers: in 2016, 29% of the respondents stated that they learned about work opportunities in Israel from government offices in their countries of origin compared to 9% in 2014; 4. As expected, private manpower companies in the country of origin are no longer relevant in the migrants' process of finding work.<sup>11</sup>

11 It is important to note that according to BLAs and arrangements, the first stage in the process is widespread public advertising of the possibility to apply for work in Israel, while the agreements indicate that the wording of the publication will be agreed upon between the Immigration Authority and the relevant government office in the country of origin.

Most of the Moldovan workers (47%) learned about the work opportunities in Israel through the media (newspapers, radio and television). The information was sometimes published by private companies in Israel or Moldova. Simultaneously, there has been an apparent change in the portion of the other sources of information, for instance: there is a clear increase in the number of those who stated that they had learned about work opportunities in Israel from government offices. The number of those indicating job fairs as a source of information increased from 6% in 2014 to 11% in 2016. A drastic decline in the use of social networks is evident, from 43% to 18%.

**FIGURE 1.1: FINDING WORK OPPORTUNITIES IN ISRAEL**

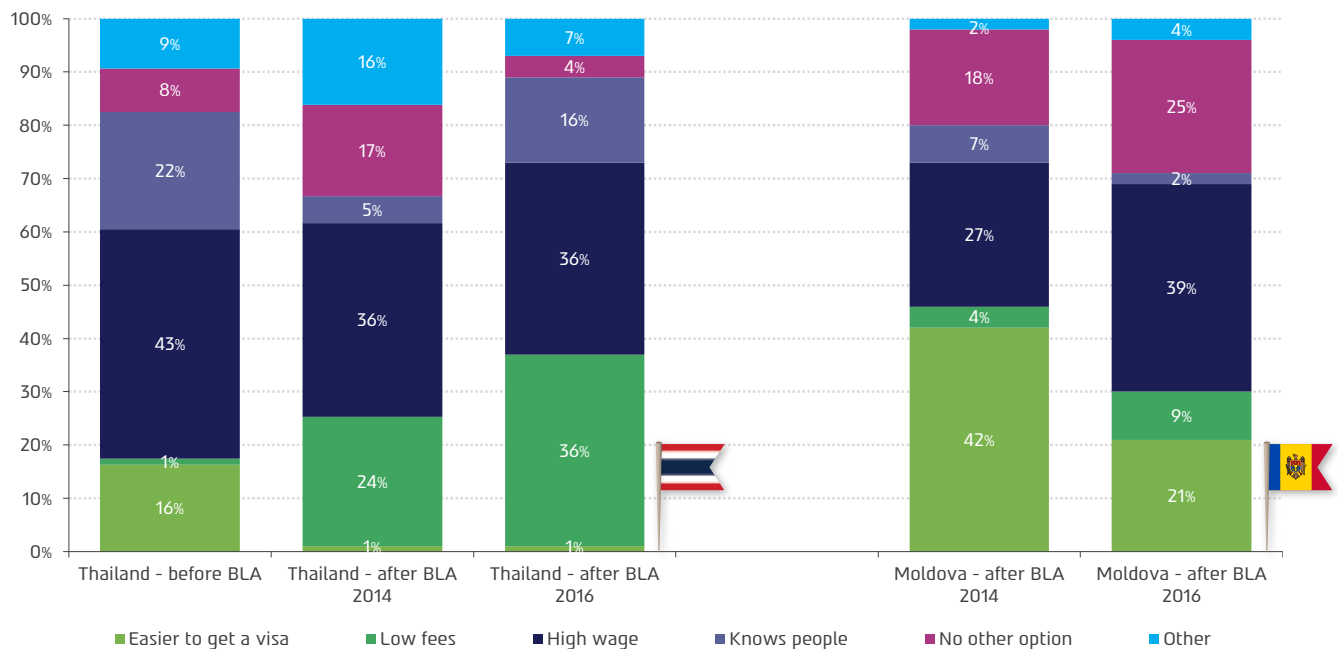


These changes may provide an indication of the success of the BLAs and show that: 1. Information regarding work opportunities in Israel has become more accessible to a larger portion of the public; 2. The recruitment of workers no longer depends on the actions of private companies; and the role of government offices is becoming more prominent. In conclusion, the new means of recruiting workers are characterized by transparency and increased control, resulting in an increase in the accessibility to reliable information on the obligations and rights of candidates in the recruitment process and after arriving in Israel.

## REASONS FOR CHOOSING ISRAEL AS A DESTINATION

Figure 1.2 presents the reasons for choosing Israel over other destination countries. The data reveals that although decision of Thai migrants to choose Israel was primarily based on economic considerations (higher wages), there is an apparent increase in the percentage of those indicating the decrease in the fees they are required to pay for the recruitment as the main reason for choosing Israel.

**FIGURE 1.2: REASONS FOR CHOOSING ISRAEL AS A DESTINATION**



As with the Thai workers, the Moldovans also chose to come to Israel because their wage would be higher (39% in 2016), however they also mentioned the lack of options was an important consideration (18% and 25% in 2014 and 2016 respectively). It should be noted that there is an apparent increase in the percentage of those reporting that the low recruitment fee was one of the reasons for choosing Israel: from 4.5% to 9% in 2014 and 2016 respectively. These findings seem to indicate the success of the new arrangements in reducing the recruitment fees to a level within the financial capabilities of the applicants, as well as the attractiveness of Israel as a destination where the recruitment procedures are transparent and fair.

## FORMS OF RECRUITMENT

The data presented in Figure 1.3 clearly indicates a drastic change in the forms of recruitment of Thai workers after the implementation of the BLA. Prior to the implementation of the agreement, the workers were recruited through private recruitment agencies or subcontractors (in Israel and in Thailand), which collected illegal recruitment fees. This recruitment method preserved the existing migration recruitment “industry” in both countries<sup>12</sup>. However, since the implementation of the BLA, all Thai migrant workers in Israel arrange their migration through government offices, such as local or regional employment bureaus and the Thai Ministry of Labor. The government involvement and control of the recruitment process has eliminated the role of the private recruitment agencies and the subcontractors associated with them, both in Thailand and in Israel.

The Moldovan migrant workers arrange their migration through government offices. However, in 2016 we found 6 respondents who were also assisted by a private company.<sup>13</sup> Some of the respondents did report that they paid those agencies sums of \$50-\$100. Some applicants are not familiar with the recruitment processes and therefore pay unnecessary fees. Follow up on this issue is recommended.

**FIGURE 1.3: FORMS OF RECRUITMENT**



12 For a comprehensive analysis of the manpower recruitment methods in Israel, see Rajjman & Kusnirovich, 2012.

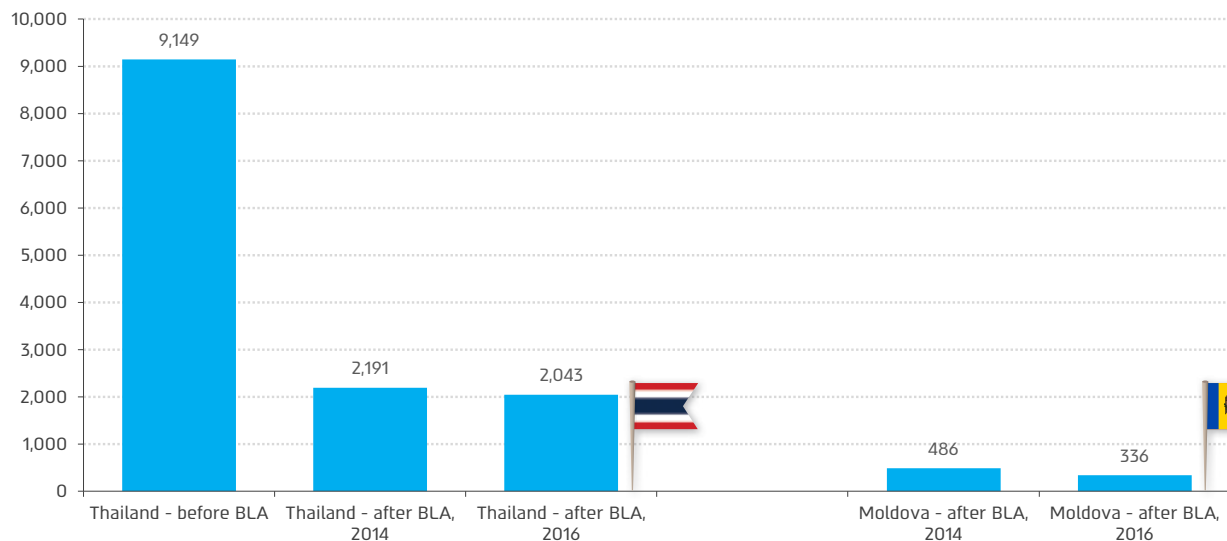
13 One of the respondents reports on the process: "I found information about work in Israel on the internet. It was a company in Israel. There was an online list of documents and forms to be submitted. They said where to go for a professional exam. It was at a professional construction college. We were tested there with other applicants. After that I was at an interview at the embassy. They told me where to go. I did not pay any fee". These companies are most likely in contact with officials in the Moldovan National Employment Agency. The respondents were not aware of that. Therefore, it was not possible to receive accurate information as part of the study.



## THE COST OF MIGRATION

Figure 1.4 presents the sums of money paid by Thai workers to come to work in Israel before and after the implementation of the BLA. Prior to the implementation Thai workers were required to pay excessive fees. A previous report indicated that the recruitment agencies collected an average sum of over \$9,000 for the placement of migrant workers in Israel (Rajjman & Kushnirovich, 2012).

**FIGURE 1.4: THE COST OF MIGRATION – THE SUMS OF MONEY PAYED IN ORDER TO COME TO ISRAEL (US DOLLARS)**



After the implementation of the BLA, the total cost of migration (in US dollars) radically decreased to approximately \$2,100.<sup>14</sup> These numbers clearly indicate the impact of the new recruitment method on the fees paid by migrant workers. In the construction sector, the Moldovans do not pay any recruitment fee, but are only required to bear their flight expenses, medical checkups and the costs for preparation and translation of documents. Therefore, their cost of migration is low compared to the those of Thai migrants: approximately an average of \$486 in 2014 and \$336 in 2016.<sup>15</sup>

<sup>14</sup> The migration costs include a fee of \$450 to TIC and the cost of a flight ticket. In 2103 another fee was authorized in the sum of 2,724NIS (approximately \$780) to local manpower companies in Israel for providing services to the worker throughout his stay in Israel. See The Employment Service regulations (fees from work applicant for work mediation).

[https://www.gov.il/BlobFolder/policy/agriculture\\_foreignworkers\\_agents/he/%D7%A0%D7%95%D7%94%D7%9C%20%D7%9C%D7%A9%D7%9B%D7%95%D7%AA%20%D7%A4%D7%A8%D7%98%D7%99%D7%95%D7%AA%20%D7%9C%D7%AA%D7%99%D7%95%D7%95%D7%9A%20%D7%A2%D7%95%D7%91%D7%93%D7%99%D7%9D%20%D7%96%D7%A8%D7%99%D7%9D%20%D7%91%D7%A2%D7%A0%D7%A3%20%D7%94%D7%97%D7%A7%D7%9C%D7%90%D7%95%D7%AA.pdf](https://www.gov.il/BlobFolder/policy/agriculture_foreignworkers_agents/he/%D7%A0%D7%95%D7%94%D7%9C%20%D7%9C%D7%A9%D7%9B%D7%95%D7%AA%20%D7%A4%D7%A8%D7%98%D7%99%D7%95%D7%AA%20%D7%9C%D7%AA%D7%99%D7%95%D7%95%D7%9A%20%D7%A2%D7%95%D7%91%D7%93%D7%99%D7%9D%20%D7%96%D7%A8%D7%99%D7%9D%20%D7%91%D7%A2%D7%A0%D7%A3%20%D7%94%D7%97%D7%A7%D7%9C%D7%90%D7%95%D7%AA.pdf)

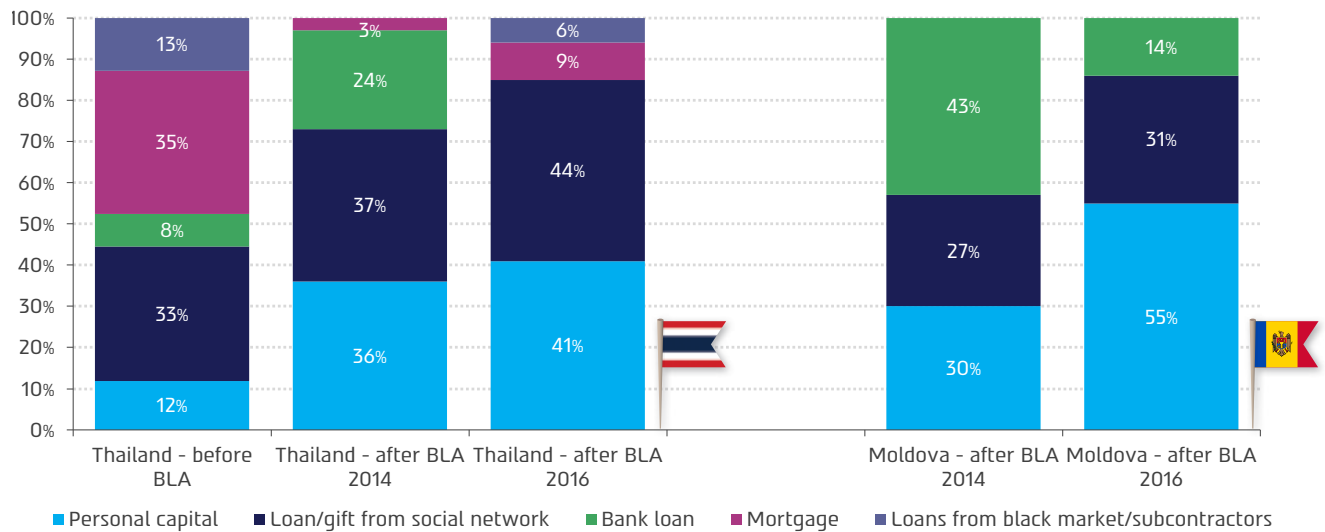
<sup>15</sup> The difference in costs is due to differences in the Dollar exchange rate in Moldova between 2014 and 2016.

## FINANCING THE COSTS OF MIGRATION

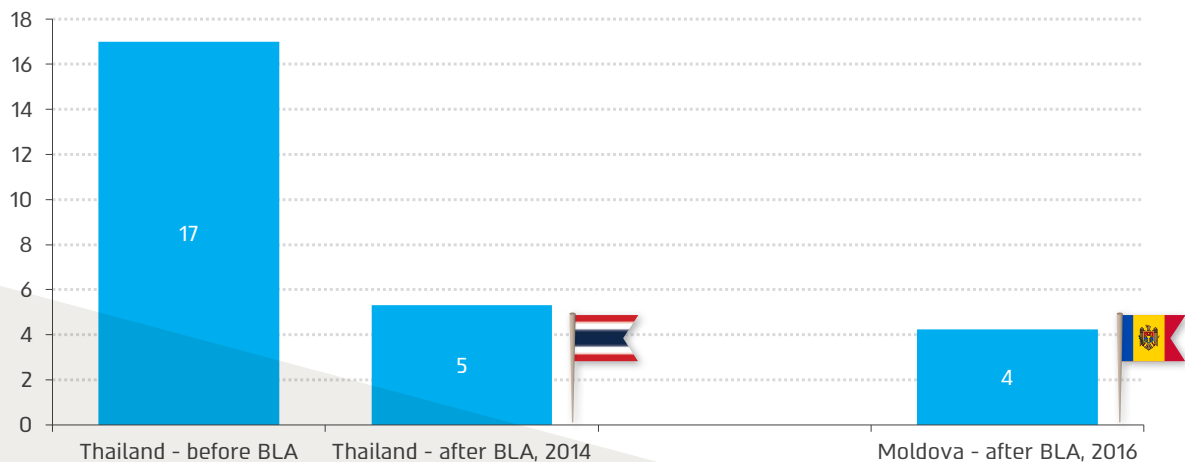
The drastic decrease in recruitment fees has had a significant impact on the financing sources as well as on the time required for migrant workers to repay their debts. The data presented in Figure 1.5 indicates the proportion of each source in funding the total amount required of migrant workers to finance their arrival. The data reveal some significant changes following the BLAs:

1. Prior to the implementation of the BLA, migrant workers from Thailand relied mainly on loans from relatives, friends or banks (often through mortgaging their homes or land), or on loans from the black market. Only a small percentage (12%) relied on personal capital. After the implementation of the BLA and the drastic reduction of costs, many more migrant workers managed to fund their trip with personal capital: from 12% before the BLA to 36% and 41% after the BLA (2014 and 2016 respectively).
2. A consistent increase in the percentage of Thai migrants who funded their trip using loans from their social networks (mainly family, but also friends), usually with no interest: from 33% before the BLA to 37% and 44% after the agreement (2014 and 2016 respectively).
3. The percentage of workers applying for a bank loan increased from 8% to 24% in 2014. This suggests that the reduced fees enabled Thai workers to apply for a loan without sinking into debt.
4. The percentage of Thai workers that had to mortgage their property in order to fund the recruitment fees decreased dramatically. In 2016, it dropped to 9% compared to 35% before the implementation of the agreement.
5. The percentage of Thai migrants using the black market to fund their trip to Israel decreased from 13% among respondents arriving before the signing of the BLA to 6% in 2016.

Migrant workers from Moldova funded their trips through two main sources: 1. Personal capital (a sharp increase from 30% in the 2014 to 55% in the 2016); 2. Loans from social networks (an increase from 27% to 31%). On the other hand, there is a significant decrease in the percentage of applicants for bank loans (from 43% in 2014 to 14% in 2016).

**FIGURE 1.5: FINANCING SOURCES**

The time it takes the workers to repay their debts is one of their main concerns. Migrant workers in debt are afraid to lose their jobs and they tend not to report problems with their employment, violations of the law or fraud. It should be noted that at the time of the interview, most of the migrants (75%) had already repaid their debts. Figure 1.6 presents a drastic decrease in the time to repay the loans among migrants from Thailand: from 17 months prior to the BLA to five months after the agreement. In other words, if on average, a third of their maximum stay of five-year period was dedicated to repaying the cost of migrating prior to the agreement, it now takes both groups several months to repay the debt.

**FIGURE 1.6: TIME NEEDED TO REPAY THE DEBT (IN MONTHS)**

In conclusion, the implementation of BLAs has had a great impact on both the recruitment process of the workers, which is fully supervised by governments and non-profit organizations; and on the sums of money they are required to pay in order to come to Israel. Prior to the signing of the agreements, private companies conducted the recruitment and illegally demanded exorbitant mediating fees from the potential migrants. After the implementation of the BLAs, the various stages of the process are supervised by government offices (the Ministry of Labor of both Thailand and Moldova) and international organizations (IOM in Thailand). The fees have decreased drastically along with debts migrants undertake. This new situation, in which migrants are not bound by financial debt, enables the workers to move freely between employers and gives them the freedom to complain about violations of their rights. It also enables them to return to their countries before the maximum work period of 63 months allowed in Israel. In the agriculture sector, a worker returning to his country permanently before completing 36 months in Israel, is entitled to a partial reimbursement of the permitted fee of approximately \$800 which the worker paid to the Israeli manpower company, as set out in the Employment Service regulations.<sup>16</sup> Therefore, the BLAs also have the potential to serve as an effective framework for protecting the rights of migrant workers.

## **B. EMPLOYMENT CONDITIONS AND SOCIAL RIGHTS**

This section includes an overview and an assessment of how employment conditions and social rights of migrant workers from Thailand and Moldova are being provided. The analysis includes the following issues: 1. The migrant workers' sources of information about work rights; breach of their employment contract; 2. Wages; 3. Average working hours and rest days; 4. Payment for overtime; 5. Payment for sick days and medical insurance; 6. Living conditions; 7. Receiving protective gear when working with hazardous materials and under other hazardous conditions; 8. Expectations before migration versus the reality in Israel.

Generally, Israeli law states that migrant workers are entitled to the same working conditions as Israeli workers, and the employers must provide every migrant worker with an employment contract in a language the migrant understands, in addition to providing the worker with health insurance and adequate housing. Moreover, the BLAs include specific conditions intended to increase the protection of migrant workers, such as: holding pre-departure orientation sessions, distribution of information booklets about worker rights and setting up a telephone hotline for migrant questions and complaints in the mother tongue of the workers, both in Israel and in the country of origin. Prior to their arrival, migrant workers sign a standard employment contract in their own language, setting out the employment conditions in their future workplace.

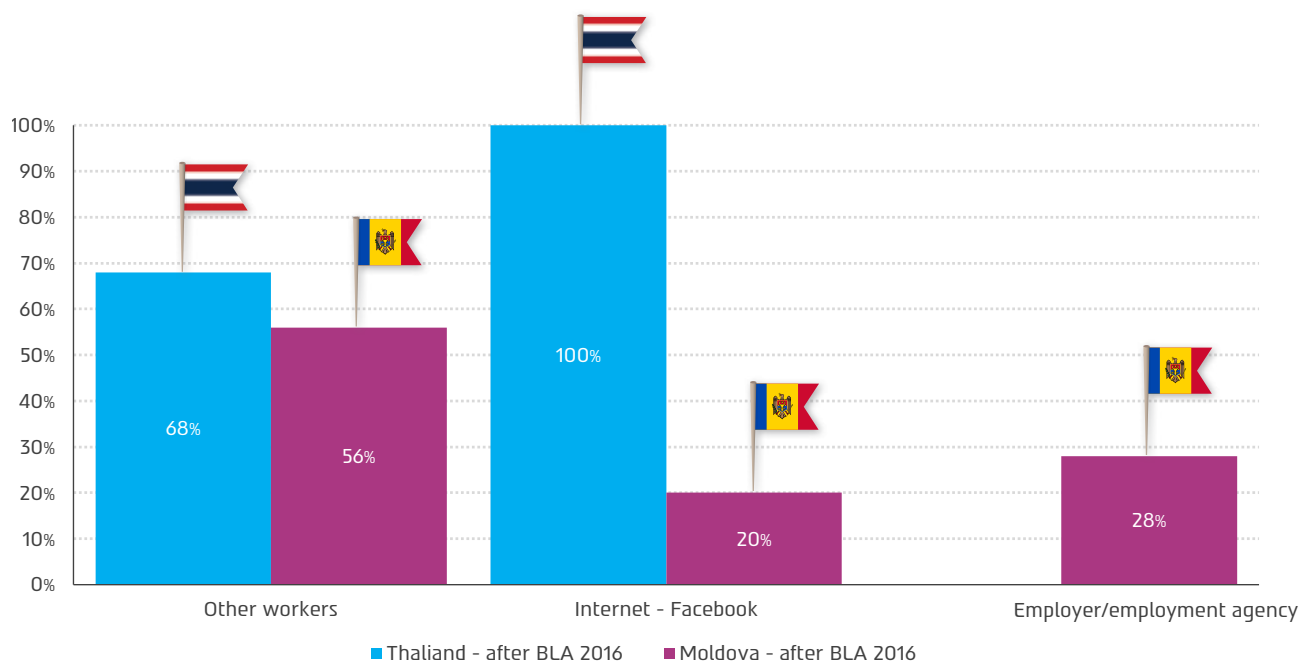
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<sup>16</sup> CIMI reports that from January 2013 to December 2015, 498 Thai workers applied to receive a partial reimbursement of the fee paid to the Israeli recruitment agency, after returning to their country permanently before completing 36 months of work in Israel. 464 of these applicants received reimbursements. 417 such applications were received in 2016, out of which 394 workers received reimbursements. 23 cases are still being processed.

## SOURCES OF INFORMATION ABOUT WORK RIGHTS

Figure 1.7 presents the channels stated by the respondents as sources of information about work rights in Israel.<sup>17</sup> The data reveals that among Thai workers, the most common sources are the internet (mainly Facebook, while all the workers indicated using those sources) and social networks. 68% of the Thai workers reported receiving information from other workers. Among workers from Moldova, the most common source of information was other workers (56%). 28% of the workers received information from their employers, and only 20% found information on rights on the Internet.

**FIGURE 1.7: SOURCES OF INFORMATION ABOUT WORK RIGHTS**



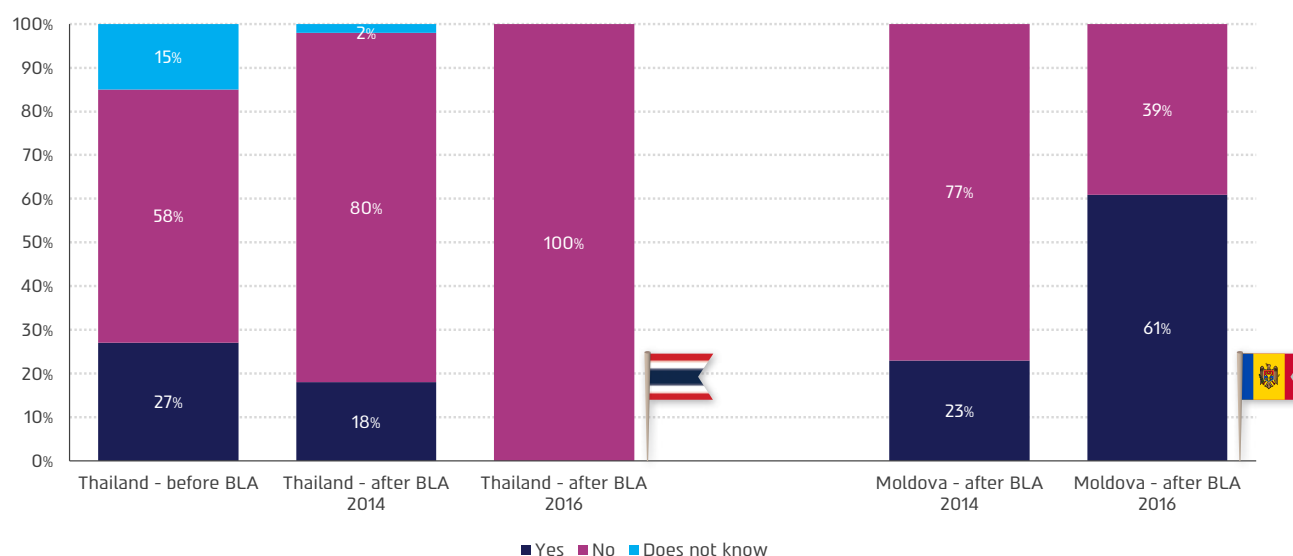
## VIOLATIONS OF CONTRACT

Figure 1.8 presents the percentage of migrant workers who reported that the conditions in the contract that they signed in their country of origin matched the conditions they met after their arrival. The data indicates that even after the implementation of the BLA, there are many cases of breach of employment contracts. The Thai workers reported that between 2014 and 2016 there was a significant decrease in the extent to which the contract matched

<sup>17</sup> This question was presented only in the 2016 study and therefore cannot be compared to previous studies.

the actual employment conditions: in 2016, all the respondents reported discrepancies between the contract they signed and the working and living conditions they met upon arriving in Israel compared to 80% in 2014. However, among Moldovan workers, in the years 2014-2016 there was a significant improvement in the level of consistency between the contract and the actual employment conditions: 61% in 2016 reported that there was a correspondence, whereas only 23% did in 2014.<sup>18</sup>

**FIGURE 1.8 BREACH OF CONTRACT**



It should be noted that migrant workers are entitled to move to another employer in order to improve their working conditions. The following analyses refer to the wage and employment conditions at the worker's current work place at the time of the interview.

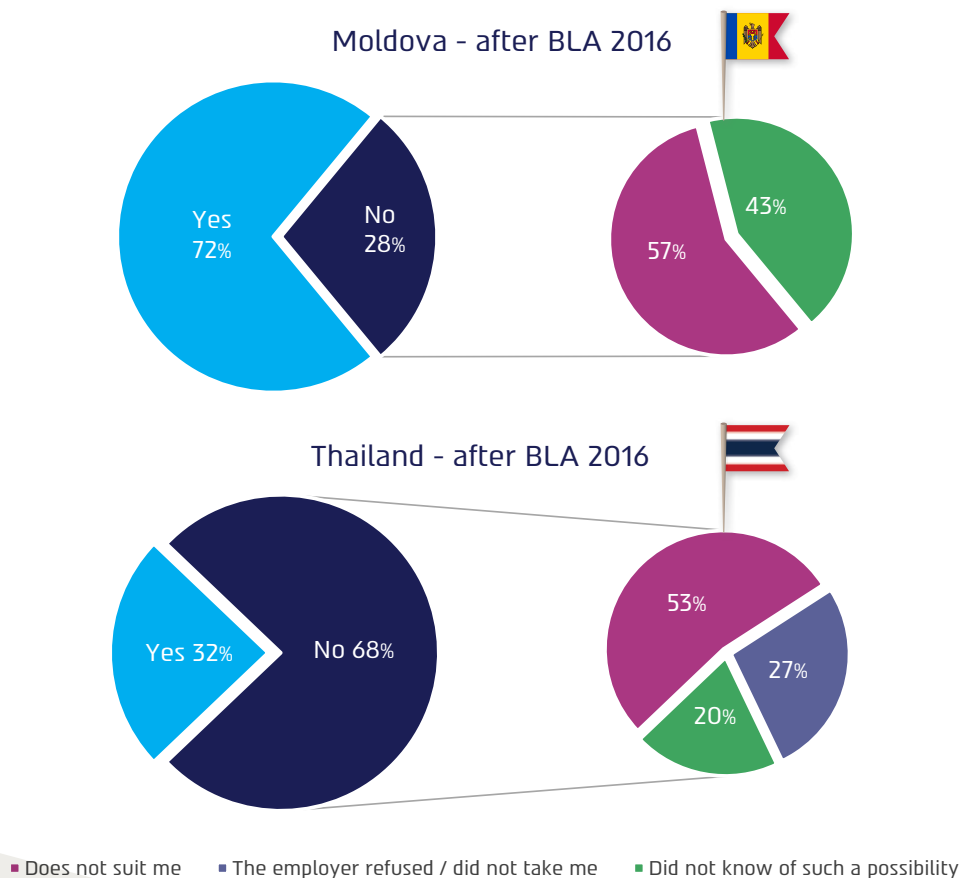
## WAGES

According to the PIBA directive, the workers' wages must be deposited into their bank account. Not opening a bank account for migrant workers in the agriculture sector was cited as one of the main violations in the report of

<sup>18</sup> Approximately 71% of the Thai workers reported problems relating to their employment conditions (hard physical labor, short breaks, working in the heat etc., 11% complained about not receiving a pay slip, 7% reported poor treatment by the employer and only 4% encountered wage withholding. Among the Moldovan workers, a majority (55%) reported communication difficulties with the employer (most likely due to a lack of knowledge of English or Hebrew), and 40% complained about their employment conditions).

'Kav Laoved' Workers' Hotline (Kav Laoved, 2013), contrary to PIBA procedure on this matter.<sup>19</sup> This study examined whether all the workers had a bank account opened for them, and if not, what the reasons were (Figure 1.9). The data reveals that 32% of the Thai workers and 72% of the Moldovan workers reported that they had a bank account in Israel. All accounts were opened at the postal bank. As mentioned, 68% of Thai workers reported that they do not have a bank account in Israel. 53% of them reported that it was not convenient for them to open and manage a bank account in Israel, 27% reported that the employer refused to open a bank account, and 20% did not know about such a possibility. Most of the Moldovan workers had a bank account in Israel, and among those who did not have a bank account, 57% reported that the reason was that using an Israeli bank account was not convenient for them, and the rest (43%) were not aware of such a possibility.

**FIGURE 1.9: DO YOU HAVE A BANK ACCOUNT AND IF NOT, WHY?**

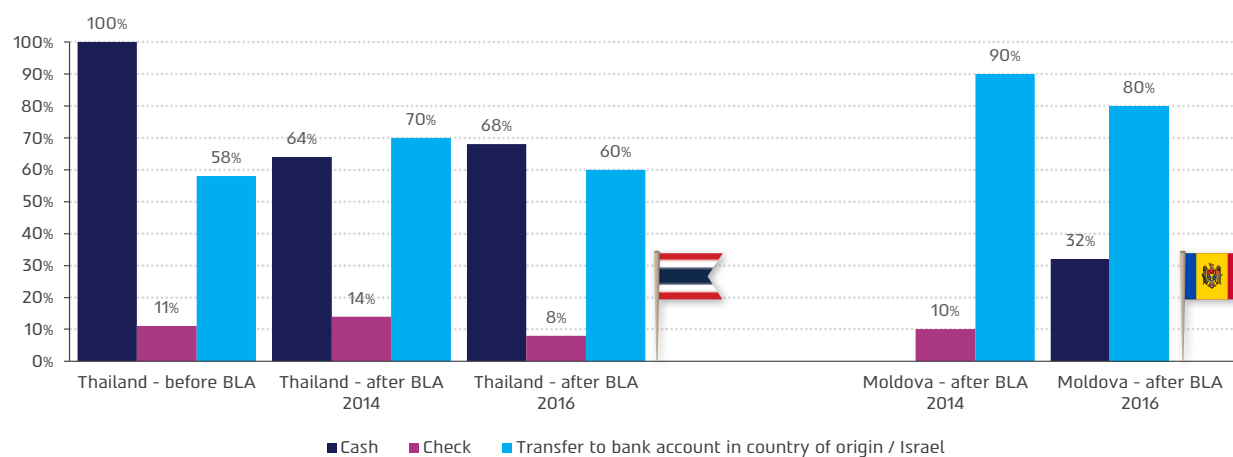


<sup>19</sup> In order to address the claims of employers that the workers do not want an account opened for them, PIBA added a worker declaration to the procedure, in which the worker signs after reading the declaration in his own language if he is not interested in having a bank account: [https://www.gov.il/BlobFolder/policy/conditions\\_permit\\_employ\\_foreign\\_workers\\_agriculture\\_sector\\_2015/he/9.3.0002\\_0.pdf](https://www.gov.il/BlobFolder/policy/conditions_permit_employ_foreign_workers_agriculture_sector_2015/he/9.3.0002_0.pdf) section 4.9 of the procedure.

Figure 1.10 shows the ways in which the workers received their wages. In 2016 approximately 68% of the Thai workers received at least part of their wages in cash. Although there has been a significant improvement compared to the period before the implementation of the BLA, in which all workers reported that they received part of their wages this way, payment in cash still exists and facilitates violations of the workers' rights. Among 60% of the Thai workers who reported receiving their wages through a bank account, 28% reported that part of their wages was transferred to a bank in their country of origin and not in Israel.

In the construction sector, in 2016, 32% of the Moldovan workers received part of their wages in cash, while in 2014, nobody reported receiving any wage in cash. Among 80% of the workers who reported a transfer of their wages to a bank account, 68% reported that part of their wages was transferred to a bank account in Moldova.

**FIGURE 1.10: WAYS OF RECEIVING WAGES**<sup>20</sup>



Migrant workers who are employed full-time in Israel are entitled to minimum wage as defined by law.<sup>21</sup> Figure 1.11 presents average monthly salaries (net value in NIS and US Dollars) of Thai migrant workers in the agriculture sector before and after the implementation of the BLA, and of Moldovan migrant workers in the construction sector. The

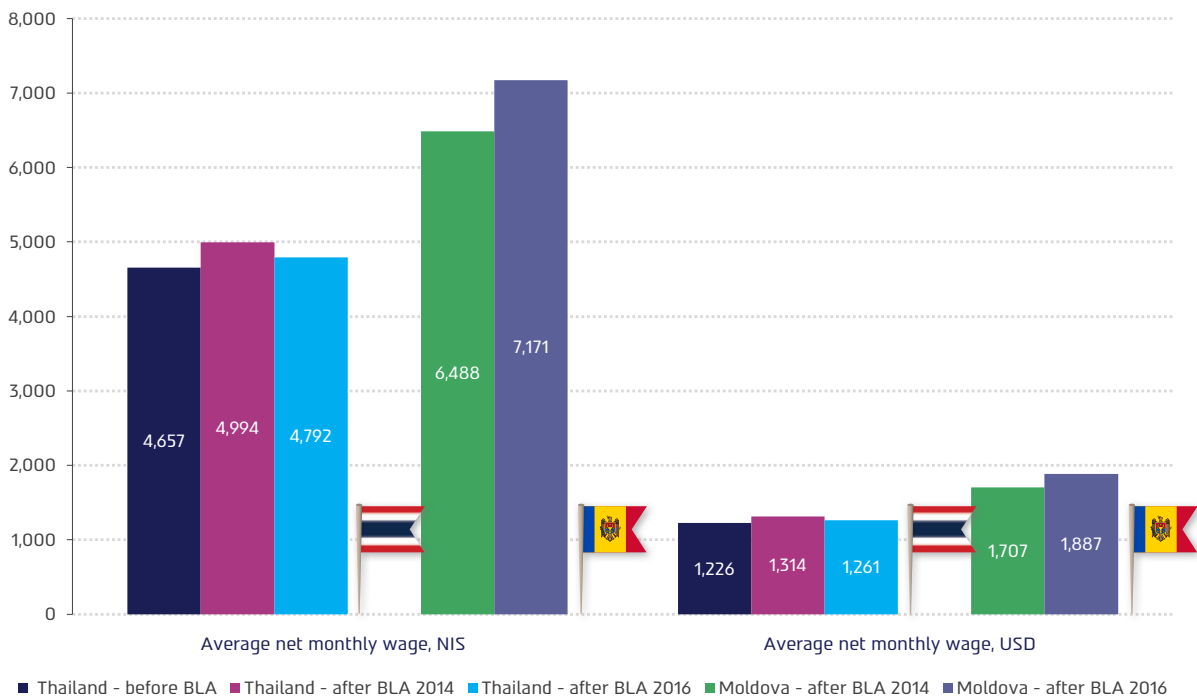
<sup>20</sup> The total in the graph may exceed 100%, because workers can receive part of their wages in a bank account, part by check and part in cash, therefore there could be multiple responses.

<sup>21</sup> In the construction sector, the sectorial minimum wage in 2016 was 5,200NIS. In the agriculture sector, the minimum wage in 2016 was 4,825NIS. During the study period 2014-2016, the gross minimum wage required by Israeli law has increased as did the exchange rate of the Israeli currency. As a result, the monthly minimum wage in US Dollars has remained the same and was \$1,200-\$1,500 according to the employment sector. In the construction sector, there is an additional requirement. In any given month, a contractor must pay a migrant worker registered with him a wage that is not lower than the wage due to the worker for 211 hours, in other words: pay for 182 regular hours and 29 extra hours, even if the worker actually worked less hours. The legal deductions from the migrant worker's wage for income tax and social security are approximately 10% of these amounts. The employer is allowed to deduct up to 25% of the wages towards health insurance, adequate housing and payment of debts. As a result, the net wage should not be less than \$800-\$1,000.



data reveals that in both sectors, the employers do comply with minimum wage requirements. The data indicates that after the signing of the BLA, the wages of Thai workers increased by only a small percentage.<sup>22</sup> The wages of the Moldovan workers are much higher and reflect the higher wages paid in the construction sector in Israel, explained partly by collective labor agreements. These agreements impose stricter requirements on employers (such as a higher minimum wage). In a period of two years (2016 compared to 2014), the wage of the Moldovan workers in construction increased by approximately 11%.

**FIGURE 1.11: AVERAGE NET MONTHLY SALARIES IN NIS AND US DOLLARS**

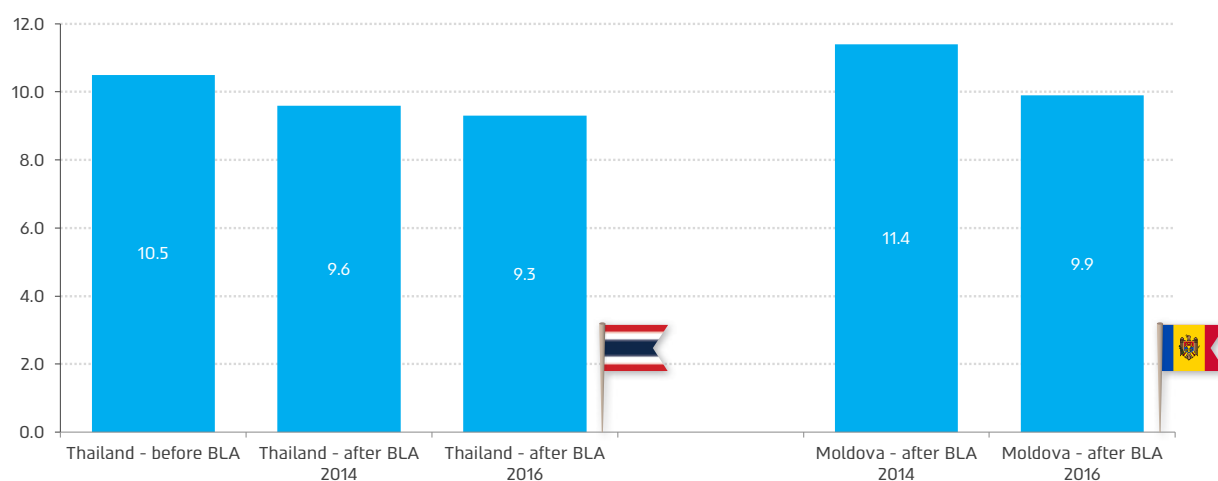


<sup>22</sup> Workers who are residents of Israel, receive tax credits from income tax. This means that a certain amount is deducted from the income tax due from the worker in a tax year. By law, between the years 2003-2014, migrant workers (men and women) in all sectors were entitled to 2.25 tax credit points given to residents of the country. In a study we conducted in 2011-2012, we also examined the pay slips of six migrant workers and observed that some of the employers did not apply this right, and calculated the tax due from the entire wage (the reason for this might be lack of awareness or fear of deviating from income tax regulations). Moreover, even government officials we interviewed in 2011-2012, had trouble saying whether migrant workers were entitled to credits or gave a negative answer, which also indicates a lack of awareness. We examined computerized wage calculating systems commonly used in Israel, and found that during that period credits were not registered to migrant workers in the automatic calculations. The study conducted in 2014 showed that the situation has changed; the employers let the workers realize their tax credits, which increased their net wage by approximately 490NIS a month. In 2015, the Ministry of Finance cancelled the tax credits that migrant workers in the construction and agriculture sectors were formerly entitled to. It should be noted that this should have led to a decrease in the net wage in 2016 of approximately 490NIS. The Finance Ministry restored a 0.5 tax credit in 2017 (1 tax credit point for women), and determined that starting in 2018, each worker will receive 1 tax credit (1.5 credits for women).

## WORKING HOURS

Figure 1.12 shows that after the signing of the BLA, the number of working hours of the Thai workers decreased from 10.5 to 9.6 working hours a day in 2014 and to 9.3 hours in 2016. The working hours in the construction sector were longer, approximately 11.4 hours a day in 2014, while in 2016 there was a significant decrease to 9.9 working hours a day.<sup>23</sup>

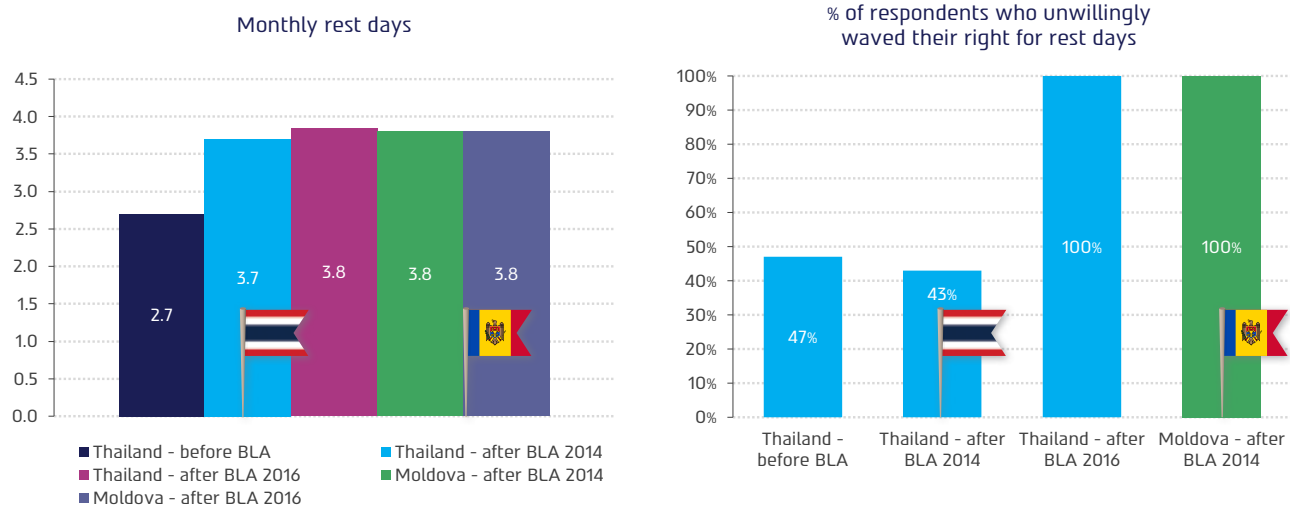
**FIGURE 1.12: AVERAGE DAILY NET WORKING HOURS**



## REST DAYS

The data in Figure 1.13 indicates that after the signing of the BLA, the workers in both sectors reported the same number of monthly rest days (3.8 days), while after the signing of the agreement with Thailand the number of monthly rest days increased to 3.7 compared to 2.7 days before the signing of the agreement. All the workers who did not take advantage of their rest days during the week prior to the interview, did so by choice.

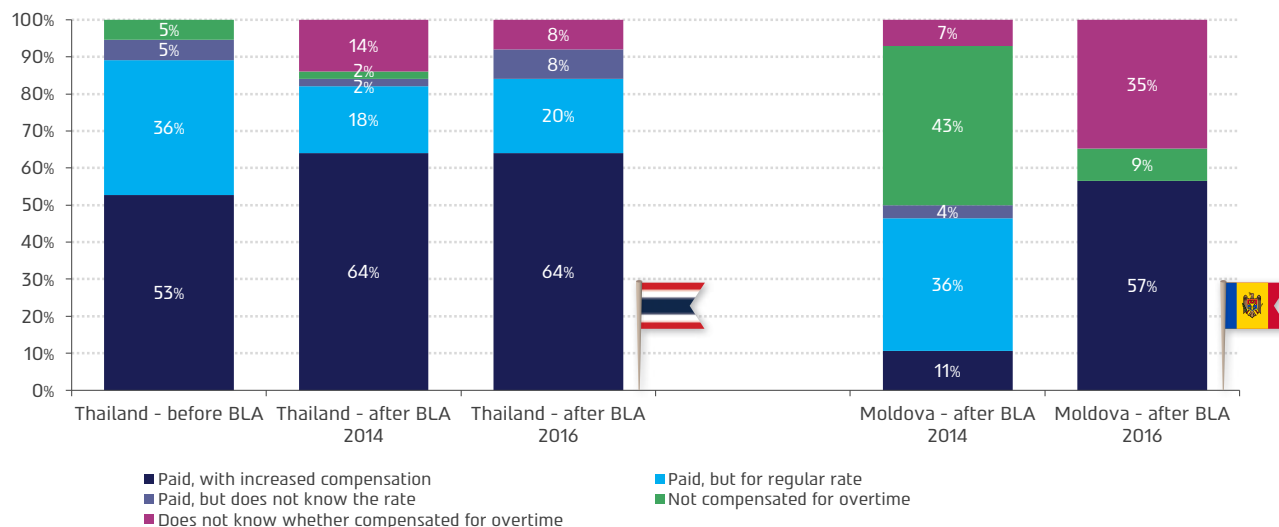
<sup>23</sup> As indicated in the previous section, the employers in the construction sector are obligated to pay the migrant workers for at least 211 working hours a month, namely: 182 regular working hours and 29 extra hours.

**FIGURE 1.13: NUMBER OF MONTHLY REST DAYS**

## PAY FOR OVERTIME

A worker who works six days a week is entitled to increased pay for each additional hour beyond eight hours a day; a worker who works five days a week is entitled to increased pay for every hour beyond 9 hours a day. Figure 1.14 presents information about overtime payment. The data indicates that approximately 60% of the Thai and Moldovan workers reported receiving increased pay for overtime. Among the workers from Moldova, in 2016 there was an increase in the number of workers who received payment for overtime, however in the agriculture sector, no increase was observed compared to 2014, while in comparison to the period before the signing of the BLA there was only a slight increase (9%). After the implementation of the BLA, approximately 20% of the workers in the agriculture sector received regular pay for overtime, which is no improvement compared to 2014. 8% did not know whether they received payment for overtime, and 8% did receive payment, but did not know what rate they were paid. In the construction sector, although there was an improvement compared to 2014, 9% of the Moldovan workers reported that they did not receive any pay for overtime, while 35% of them did not know if they receive such payment.

FIGURE 1.14: PAYMENT FOR OVERTIME



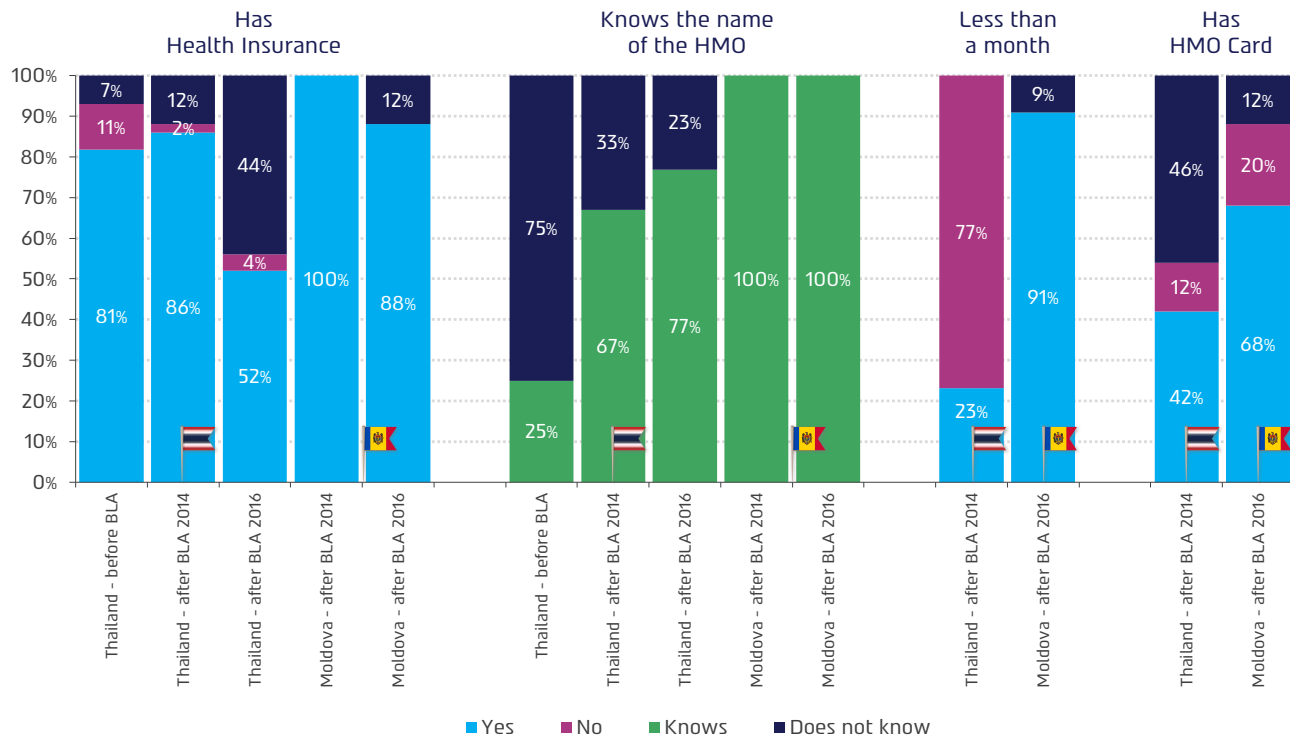
## HEALTH INSURANCE AND PAYMENT FOR SICK LEAVE

According to the National Health Insurance Law, migrant workers are not entitled to national health services. Therefore, the Foreign Workers Law (1991) requires that employers pay for health insurance that includes services determined in an ordinance by the Health Minister, for the entire employment period. The legislation requires that the employer provide every worker with a health insurance policy in the worker's own language. Figure 1.15 shows that in 2016, only 88% of the workers in the construction sector and 52% of the workers in the agriculture sector reported that they had health insurance. The decline in the number of workers who believe that they had health insurance in 2016 compared to 2014 may be explained as a decline in their awareness on this issue. The findings show that 44% of the Thais and 12% of the Moldovans in 2016 did not know whether they had health insurance. Nevertheless, among the workers that reported having health insurance in 2016, there was an increase in the percentage of those who knew the name of the Health Maintenance Organization (HMO, in Hebrew "Kupat Holim") that is supposed to provide their health services: in the agriculture sector, 23% of the Thai workers who arrived after the implementation of the BLA still did not know the name of the HMO they belong to. Among the workers from Moldova, all of those who knew that they had health insurance, were also aware of the name of the HMO.

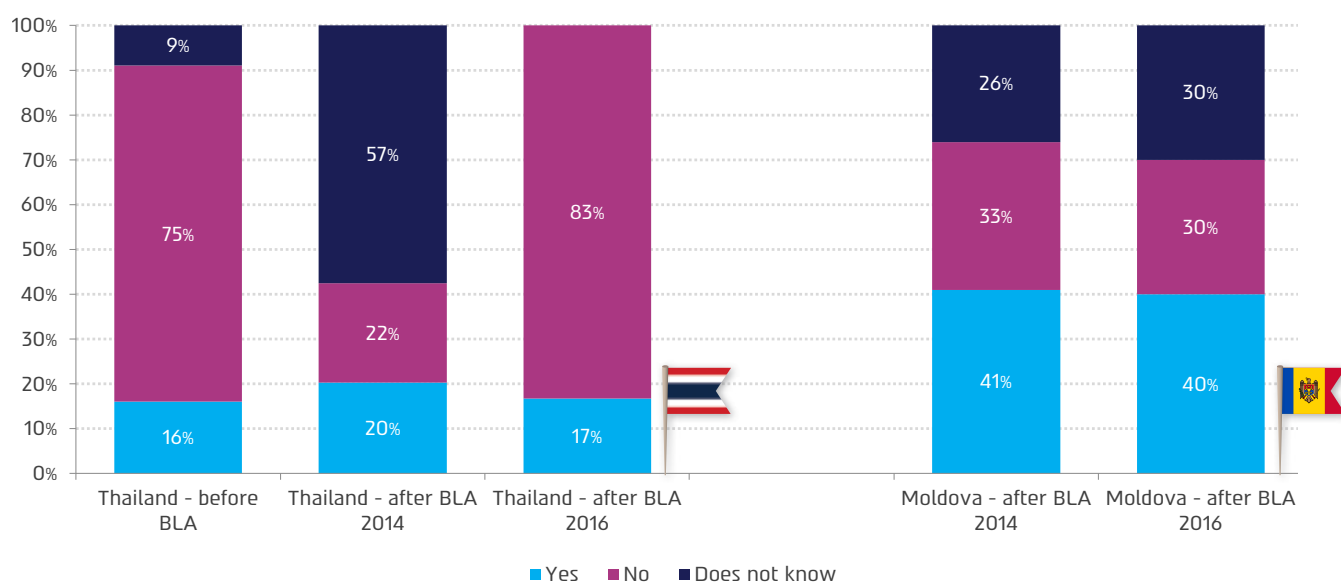
77% of the Thai workers who reported that they had health insurance indicated that they had received documentation about the insurance only after the first month of work, and only 42% of them had an HMO membership card and/or contact information according to the insurance policy. Almost everyone (91%) reported that the policy was in a

language unknown to them. The situation is better for workers from Moldova; 91% reported that health insurance was assigned to them during the first month, however only 68% of them reported that they had an HMO membership card and/or contact information regarding the insurance policy. 41% of the Moldovan workers reported that the policy was in a language unknown to them.

**FIGURE 1.15: HEALTH INSURANCE**



The workers are also entitled to payment for sick leave; calculated according to the wage components appearing in the law. Figure 1.16 presents information regarding payment for sick leave in the agriculture and construction sectors.

**FIGURE 1.16: PAYMENT FOR SICK LEAVE**

The data on the agriculture sector indicates that there was no improvement in the payment for sick leave in the period after the implementation of the BLA. During that period, only 17% of the Thai workers reported that they received payment for sick leave, compared to 16% who reported the same before the signing of the agreement. The lack of awareness of their eligibility decreased: prior to the signing of the BLA, only 9% of the Thai workers did not know whether they received payment for sick leave, however in 2016 all the workers who were sick during their employment and were entitled to sick leave payment, responded that they did know whether they received it or not (but 83% reported that they did not receive payment). There is a possibility that, if they are only sick for a short period, the workers tend not to see a doctor at all (consider that there is no pay for the first sick day and only partial pay for the second day). About a third (30%) of the Moldovan workers reported that they had not received payment for sick leave, and 30% of the workers had no idea whether they received payment for sick leave or not.<sup>24</sup>

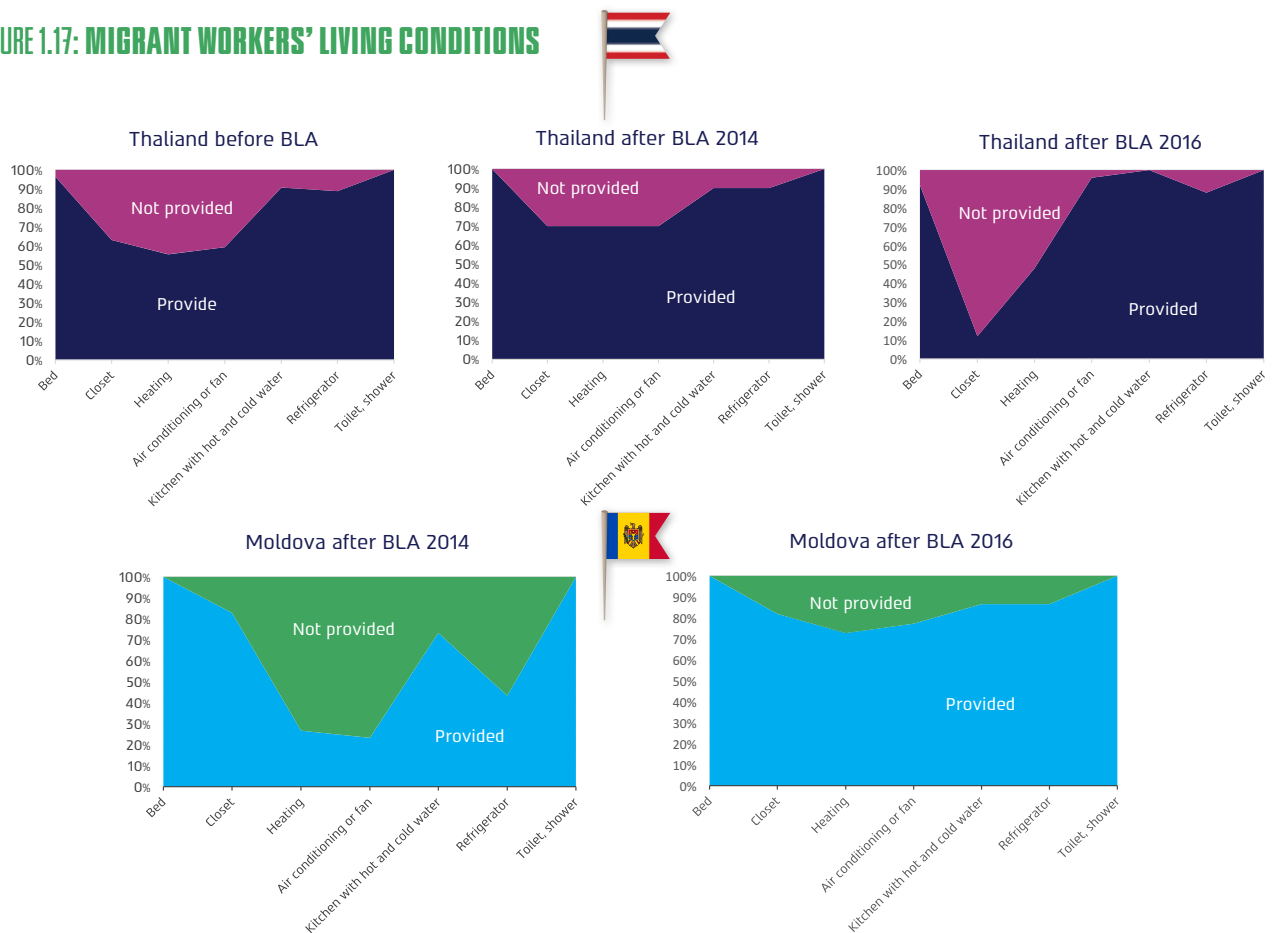
## LIVING CONDITIONS

Figure 1.17 presents a slight deterioration in the living conditions of Thai workers after the implementation of the BLA. Although there has been a slight improvement in the provision of a kitchen with hot and cold water, 88% still

<sup>24</sup> It is possible that the reporting varies according to the workers' understanding of the conditions under which they are entitled to payment for sick leave. This information requires further examination of the workers' understanding of the conditions.

did not receive a closet, half of them did not receive heating, and approximately 12% of them had no refrigerator. There was a significant improvement in the living conditions in the construction sector, however approximately 27% were not provided with heating, and approximately 23% did not receive an air conditioner or fan, approximately 18% had no closet, and approximately 14% did not have a kitchen with hot and cold water and a refrigerator. In both sectors, there is lack of electric appliances and closets. Most of those who were not provided with such equipment (despite the requirements by law), purchased them themselves and at their own expense.

**FIGURE 1.17: MIGRANT WORKERS' LIVING CONDITIONS**



## HAZARDOUS WORKING CONDITIONS

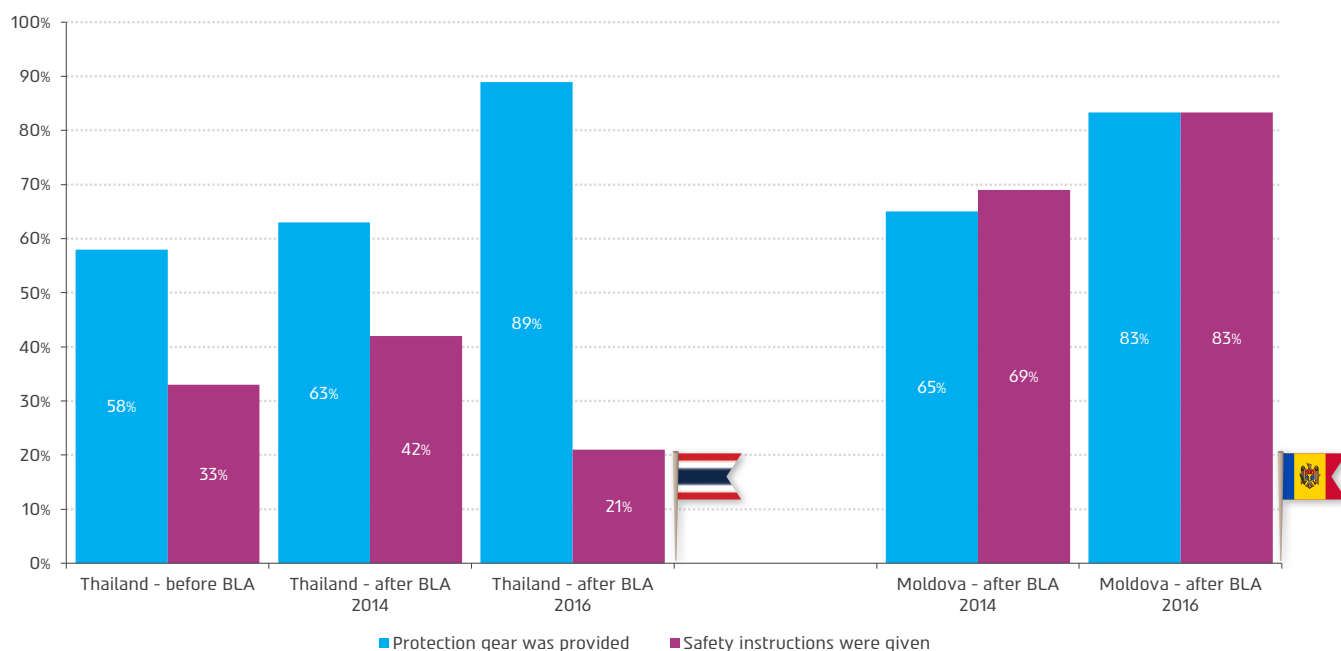
Figure 1.18 presents data related to reports by migrant workers regarding the safety conditions at the workplace. The data reveals that in 2016 there was a significant improvement in the provision of protective gear: 83% of the Moldovan workers were equipped with safety gear while working under hazardous conditions (compared to 65%

in 2014), and 89% of the Thai workers (compared to 63% in 2014, and 58% among those employed prior to the BLA). Since the improvement in both sectors occurred only in 2016, we may attribute the improvement to strenuous enforcement of the labor safety supervising authorities in Israel during the last few years.

However, the situation still requires improvement. 83% of the Moldovan workers received safety instructions, but only 21% of the Thai workers reported receiving such instructions (a significant decline compared to 2014 in which 42% of the Thai workers received safety instructions).

These findings generally indicate that despite the improvement, approximately 11%-17% of migrant workers in both sectors are still exposed to unsafe conditions at work, while that situation regarding the provision of safety instructions in agriculture is particularly problematic.

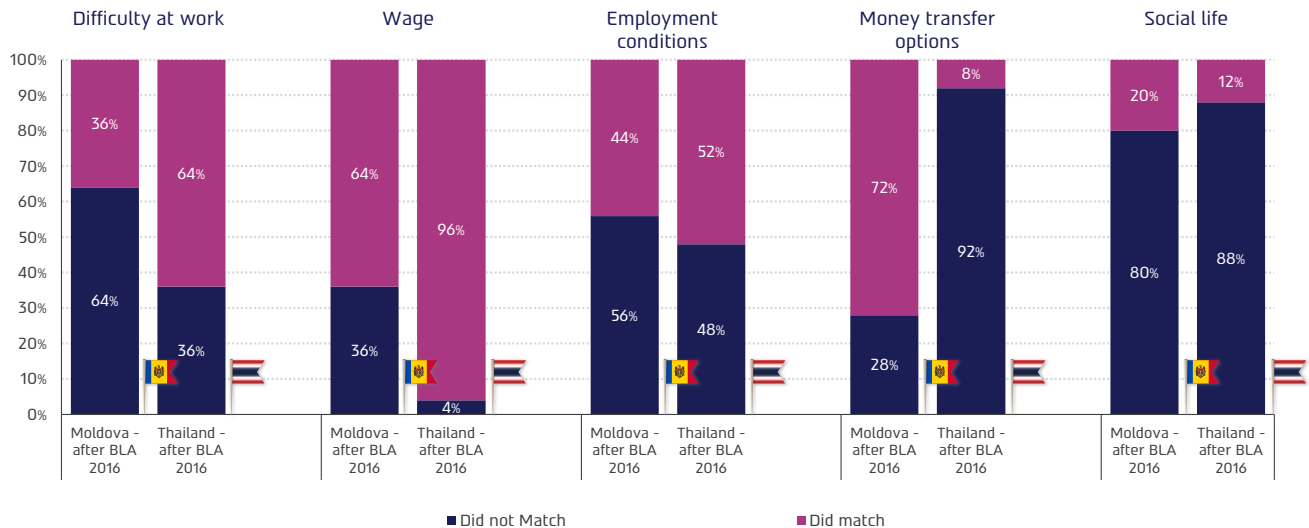
**FIGURE 1.18: WORKING WITH HAZARDOUS MATERIALS AND UNDER HAZARDOUS CONDITIONS**



### EXPECTATIONS PRIOR TO MIGRATION AND REALITY IN ISRAEL

Thus far we have documented the working conditions of migrant workers in different areas. In addition to questions about the actual employment conditions, the respondents were asked to assess to what extent their expectations regarding specific issues prior to migration matched the reality after their arrival in Israel. The responses are presented in Figure 1.19.



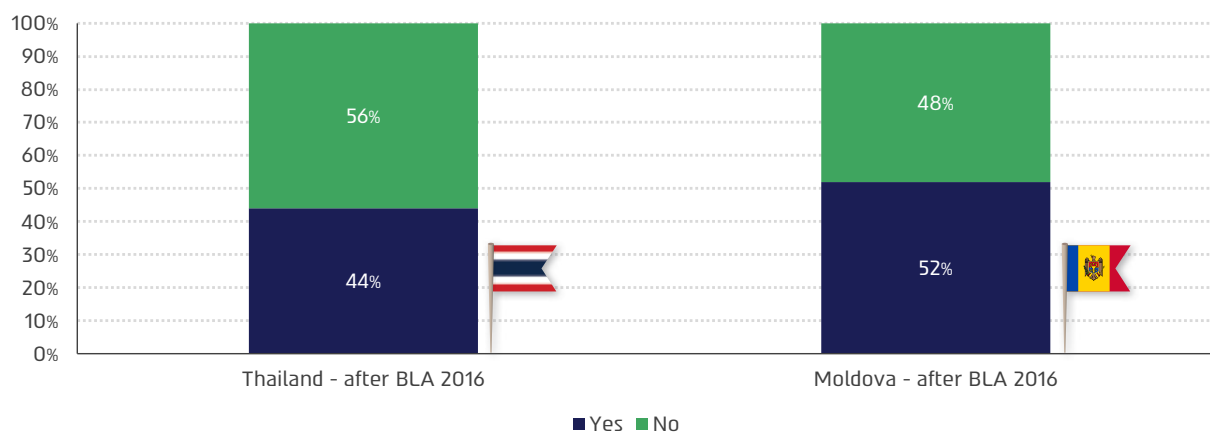
**FIGURE 1.19: CORRESPONDENCE BETWEEN EXPECTATIONS PRIOR TO MIGRATION AND REALITY IN ISRAEL**

There are considerable differences between the groups in most areas. One of the most prominent differences is with regard to wages. Almost all the Thais (96%) stated that there was a correlation between their expectations and the reality they encountered, while only 64% of the Moldovans stated so. In the area of employment conditions and difficulty at work, the percentage of Thais who stated that there was a correlation between expectations and reality was higher compared to the Moldovans (64% and 36%, and 52% and 44% respectively).

Significant differences were also reported considering transferring money abroad. 72% of the Moldovans stated that there is a correlation between their expectations and the reality in this area, and only 8% of Thais stated so. Finally, the data clearly reveals that the respondents feel a great gap between their expectations and the reality they encountered in Israel in the area of social life: over 80% of the respondents in both groups reported that the expectations did not correspond to the reality.

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

The migrant workers arriving in Israel undergo an orientation session prior to their arrival in Israel. During this session, they receive information regarding their labor rights, their employment contracts and general information about life in Israel (CIMI and PIBA, 2016: 15). To understand the effectiveness of the PDO in preparing them for work in Israel, the respondents were asked to evaluate how helpful the PDO was. The results are presented in Figure 1.20.

**FIGURE 1.20: DID THE PDO HELP IN DEALING WITH THE REALITY IN ISRAEL**

Among both groups there is an almost equal distribution between those who believe that the PDO helped them deal with the reality in Israel, with a slight advantage among the Moldovans: 52% stated so compared to 44% among the Thais. Therefore, it is still necessary to improve the structure of the PDO prior to the arrival in Israel, and further examine which components require modification.

## C. CONCLUSIONS

The following Tables summarize the changes in the recruitment and employment conditions of migrant workers from Thailand, before and after the BLA (Table 1.3) and the recruitment and employment conditions of Moldovans after the signing of the BLA (Table 1.4).

**TABLE 1.3: SUMMARY OF THE CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS WHO CAME AFTER THE IMPLEMENTATION OF THE BILATERAL AGREEMENT WITH THAILAND**



Areas	Prior to the implementation of the agreement, 2011	After the implementation of the agreement, 2014	After the implementation of the agreement, 2016	Differences in the situation after the signing of the agreement compared to the situation prior to the implementation
<b>Finding opportunities</b>	Mainly through social networks	Drastic decrease in the use of social networks, increase in the use of the media and government offices	Drastic increase in the use of government offices	A shift to government organizations as an important source for finding employment opportunities
<b>Reasons for coming to Israel</b>	High wage	High wage Low recruitment fees	High wage Low recruitment fees	An upward trend in the number of those referring to the decrease in fees as a reason for choosing Israel as a destination
<b>Recruitment fee</b>	9,149\$ (average)	2,191\$ (average)	2,043\$ (average)	A significant decrease
<b>Recruitment method</b>	Private employment agencies	Government offices and the IOM	Government offices and the IOM	A shift from private organizations to government and international organizations
<b>Wages</b>	4,657 NIS	4,994 NIS	4,792 NIS	The wage increased in only 3% in 2016 compared to 2011, however, during this period, the average wage in the Israeli agriculture sector had increased in 10% for all workers.
<b>Working hours</b>	10.5 hours a day	9.6 hours a day	9.3 hours a day	Decrease

Areas	Prior to the implementation of the agreement, 2011	After the implementation of the agreement, 2014	After the implementation of the agreement, 2016	Differences in the situation after the signing of the agreement compared to the situation prior to the implementation
<b>Monthly rest days</b>	2.7 rest days	3.7 rest days	3.8 rest days	A significant improvement, however all the workers who did not take any days off did not do so by choice
<b>Overtime pay</b>	53% reported receiving increased compensation	64% reported receiving increased compensation	64% reported receiving increased compensation	An improvement, although 20% still received regular pay and 8% did not know whether they received any pay for overtime
<b>Sick leave pay</b>	16% received sick leave pay; 9% didn't know	20% received sick leave pay; 57% didn't know	17% received sick leave pay, everyone knew whether they received pay	There was no improvement; the level of awareness has increased
<b>Knowing which HMO provides their healthcare</b>	25%	67%	77%	A significant improvement
<b>Living conditions</b>	Approximately half do not get a closet, heating, air conditioning/fan and a washing machine	Approximately a third do get have a closet, heating, air conditioning/ fan and a washing machine	Approximately 88% do not get a closet, approximately half do not get heating, approximately 12% do not get a refrigerator	A decline
<b>Protection provided for working under hazardous conditions</b>	58% received protective gear	63% received protective gear	89% received protective gear	A significant improvement
<b>Safety instructions</b>	33% received safety instructions	42% received safety instructions	21% received safety instructions	A decline

**TABLE 1.4: SUMMARY OF THE CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS WHO CAME AFTER THE IMPLEMENTATION OF A BILATERAL AGREEMENT IN THE CONSTRUCTION SECTOR**



Areas	Moldova (after BLA, 2014)	Moldova (after BLA, 2016)	Conclusions
<b>Finding opportunities</b>	Through media and social networks	Media and government offices	A significant increase in government organizations as an important source for employment opportunities
<b>Reasons for coming to Israel</b>	Easy to obtain a visa	High wage No other options Low fees	An increase in those indicating low fees as main reason A decrease in those reporting that it is easy to obtain a visa
<b>Recruitment fee</b>	486\$ (average)	336\$ (average)	Relatively low migration costs
<b>Recruitment method</b>	Government offices	Government offices	The involvement of private companies operating on the internet should be examined
<b>Wage</b>	6,400 NIS	7,171 NIS	A 12% increase
<b>Working hours</b>	11.4 hours daily	9.9 hours	A decrease in working hours
<b>Monthly rest days</b>	3.8 rest days. All of those who did not take advantage of rest days did so unwillingly	3.8 rest days. All of those who did not take advantage of rest days did so by choice	Take advantage of most of the rest days. A slight improvement in the fact that workers who did not take advantage of rest days did so by choice
<b>Overtime pay</b>	11% reported receiving increased compensation	57% reported receiving increased compensation	A significant improvement
<b>Sick leave pay</b>	41% received pay; 26% did not know	40% received pay; 30% did not know	No significant change, low awareness
<b>Knowing which HMO provides their healthcare</b>	100%	100%	High awareness
<b>Living conditions</b>	Only 23% got air conditioning/a fan; 10% got a washing machine; 27% got heating	Approximately 27% still did not get heating, 23% did not get air conditioning/a fan, 14% did not have a kitchen with cold and hot water and a refrigerator	A slight improvement
<b>Protection provided for working under hazardous conditions</b>	65% received protective gear	83% received protective gear	A significant improvement
<b>Safety instructions</b>	69% received safety instructions	83% received safety instructions	A significant improvement

It may be concluded that the BLA in the agriculture and construction sectors had a significant impact on both the worker recruitment process as well as on the sums of money the workers were required to pay to come work in Israel. In the agriculture sector, apart from migrant workers who arrive under the BLA, agriculture students from developing countries also arrive on a training program that combines practical work and studies. Since 2011, the number of students has increased dramatically from 500 in 2010 to 3500 in 2016.<sup>25</sup> The mechanism enabling the arrival of the students, bypasses the farmers' requirement to hold an employment license, and enables unsupervised employment. The status of the students as workers is not clear and they do not hold a work permit.<sup>26</sup>

During the years after the implementation of the agreements, there have been certain improvements in the employment conditions and the provision of social rights of the migrant workers (a decrease in working hours, taking advantage of days off, overtime provision, information on the healthcare they are entitled to, protection provided when working under hazardous conditions). Despite this improvement, the situation is still far from what it should be, and violations of the rights of migrant workers in both sectors still exist: a small percentage of migrants reported receiving payment for overtime and for sick leave, inadequate living conditions, and provision of protective gear and safety instructions when working under hazardous conditions only to some of the workers. Not all the workers have a bank account in Israel, despite the requirement by PIBA. There are still employers who pay the workers part of their wages in cash or transfer the funds directly to their workers' country of origin, thus controlling their money. The improvement in the employment conditions and the rights of the migrant workers is not sufficient, and in some areas the situation has not improved and even worsened. This indicates that without the increased enforcement of employment laws and conditions, provision of rights depends on the good will of the employer.

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25 These students pay tuition in order to come to Israel (\$3,000) in addition to paying for a flight ticket. Additionally, the organizations that recruit these students collect a fee from the farmer that employs them: a one-time amount of 2,560 NIS and a monthly payment of 470 NIS per student ('Kav LaOved', Workers' Hotline, 2014). See also protocol 46 of the Committee on Foreign Workers meeting, Sep. 10, 2014).

26 The students complained to Kav LaOved (Workers' Hotline) claiming that despite promises of studies and training they are employed in routine tasks that do not contribute to their training, they receive a meager wage, and among other things, do not receive pay for overtime ('Kav LaOved', Workers' Hotline, 2014).

## 21

RECRUITMENT OF  
MIGRANT WORKERS IN  
THE CAREGIVING SECTOR

Table 2.1 presents the number of migrant workers who work in the caregiving sector by country of origin and year of arrival. Since 2011, approximately 34,630 migrant workers arrived in Israel, mostly women. Most of them (65%) came from Southeast Asia (the Philippines, India and Sri Lanka), and 34% came from Eastern Europe (mainly from Moldova, Uzbekistan and Ukraine).

According to PIBA, in the end of November 2016 approximately 49,156 migrant workers had a valid caregiver work permit and 11,317 were employed without a valid permit. Together they constitute 60% of all migrant workers in Israel (PIBA, 2017).<sup>27</sup>

Table 2.2 provides information on selected socio-economic characteristics of migrant workers from Sri Lanka in 2011 and 2016. In both groups, the majority of the respondents are women, their average age is 40, and they have completed an average of 10 years of study.

<sup>27</sup> Foreigners in Israel data 2016.4

[https://www.gov.il/BlobFolder/reports/foreigners\\_in\\_israel\\_data\\_2016/he/foreigners\\_in\\_Israel\\_data\\_2016.pdf](https://www.gov.il/BlobFolder/reports/foreigners_in_israel_data_2016/he/foreigners_in_Israel_data_2016.pdf)

There are differences between the samples regarding their workforce status prior to their arrival in Israel. Most of them were employed, however there is a higher percentage of migrants who reported being unemployed before arriving in Israel in the 2016 data. Only 36% reported that they had work experience in the caregiving sector prior to their arrival.

**TABLE 2.1: MIGRANT WORKERS IN THE CAREGIVING SECTOR (BY COUNTRY AND YEAR)**

	2011	2012	2013	2014	2015	2016	Total
<b>East Asia</b>							
<b>Philippines</b>	1,033	957	1,094	1,424	2,075	2,632	9,215
<b>India</b>	1,012	1,222	1,711	1,991	2,061	1,186	9,183
<b>Sri Lanka</b>	681	785	858	712	590	254	3,880
<b>Nepal</b>	85	10	-	1	1	60	157
<b>Thailand</b>	5	1	1	1	1	-	9
<b>Total</b>	(2,816)	(2,975)	(3,664)	(4,129)	(4,728)	(4,132)	(22,444)
<b>Eastern Europe</b>							
<b>Moldova</b>	1,081	921	1,134	1,267	1,546	1,705	7,654
<b>Uzbekistan</b>	141	125	175	277	347	716	1,781
<b>Ukraine</b>	192	197	202	270	362	354	1,577
<b>Romania</b>	109	87	75	72	39	32	414
<b>Other – Eastern Europe</b>	56	58	70	91	95	78	448
<b>Total</b>	(1,579)	(1,388)	(1,656)	(1,977)	(2,389)	(2,885)	11,874
<b>Latin America</b>	22	47	47	54	55	78	303
<b>Other</b>	-	1	1	1	3	4	10
<b>Total</b>	4,417	4,411	5,368	6,161	7,174	7,099	34,630

Source: Population and Immigration authority, special analysis

**TABLE 2.2: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF MIGRANT WORKERS FROM SRI LANKA IN THE SAMPLE [% , AVERAGES, S.D.]**

	2011	2016
Women (%)	79.4	80.0
Men (%)	20.6	20.0
Age (s.d.)	40 (7.1)	39.2 (6.09)
Years of study (s.d.)	10.0 (1.9)	10.2 (1.8)



	2011	2016
Activity in the workforce prior to arrival in Israel		
Employed (%)	82.0	60.0
Unemployed (%)	2.9	24.00
Prior work experience in the relevant employment sector- yes (%) (*)	-	36.0
N	34	25

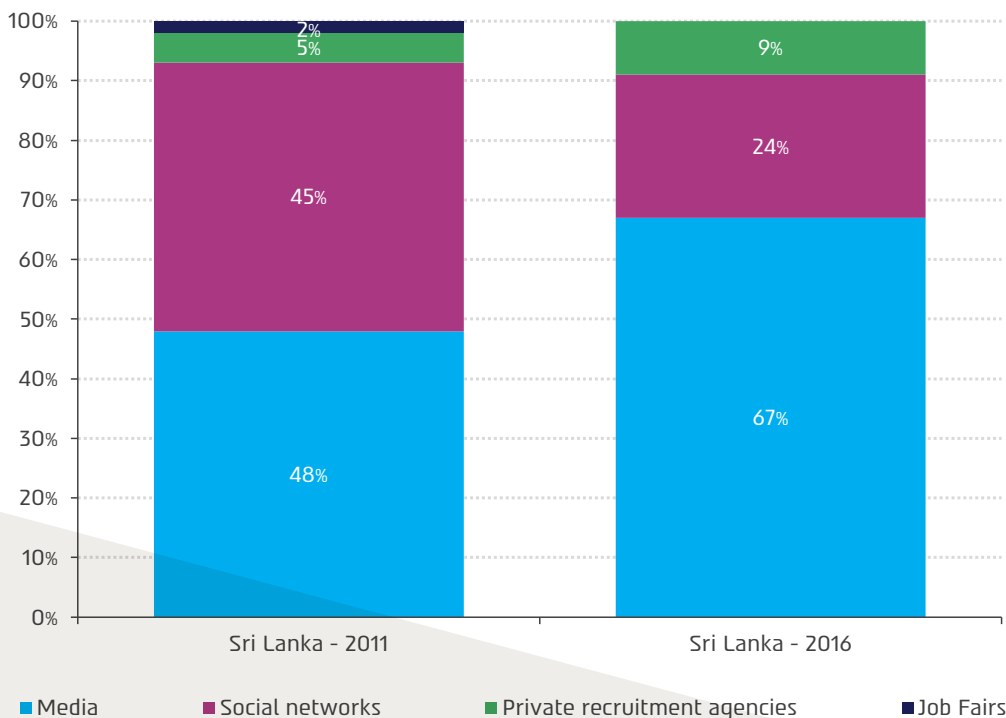
(\*) This question was presented only in 2016

## A. THE PROCESS OF MIGRATION TO ISRAEL

### FINDING WORK OPPORTUNITIES IN ISRAEL

Figure 2.1 provides information about the most popular ways that migrant workers from Sri Lanka find out about work opportunities in Israel. It is important to note that these workers who arrived in Israel are not included in any BLA. The data reveals differences between the two samples: 1. The percentage of migrant workers who used social networks decreased from 45% in 2011 to 24% in 2016; 2. The percentage of migrants who learned about work opportunities from the media (radio, television, newspapers) increased from 48% to 67%.

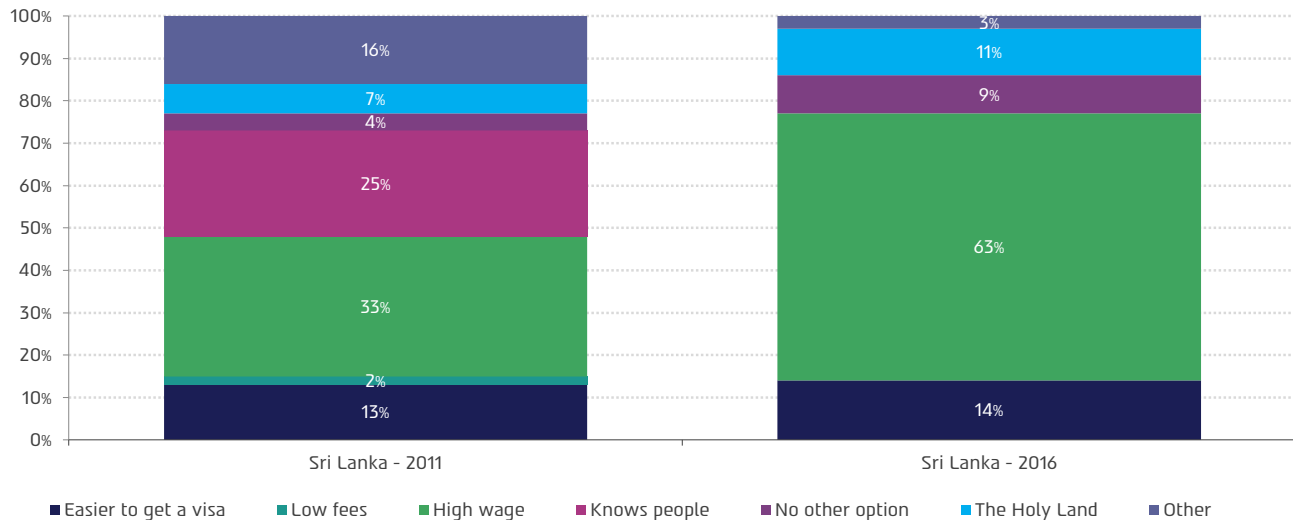
FIGURE 2.1: FINDING WORK OPPORTUNITIES IN ISRAEL



## REASONS FOR CHOOSING ISRAEL AS A DESTINATION

Figure 2.2 presents the reasons for choosing Israel as a destination country.

**FIGURE 2.2: REASONS FOR CHOOSING ISRAEL AS A DESTINATION**



The most popular reason for choosing Israel was high wages, with the percentage of those indicating this reason rising from 33% in 2011 to 63% in 2016. The percentage of those indicating that the reason for choosing Israel was the ease of receiving a visa is low and remained unchanged between 2011 and 2016. The percentage of those referring to the fact that they do not have other options has increased, however the percentages are relatively small (4% and 9% in 2011 and 2016 respectively).

## FORMS OF RECRUITMENT

The data presented in Figure 2.3 clearly indicates that there was no change in the form of recruitment of migrant workers from Sri Lanka. As in 2011, a majority (80%) applied directly to private recruitment agencies who select the workers and charge recruitment fees. Approximately 20% are routed through social networks to the same agents that handled them during their migration to Israel. Therefore, there is stability in the recruitment mechanisms over time (see Rajiman & Kushnirovich, 2012).

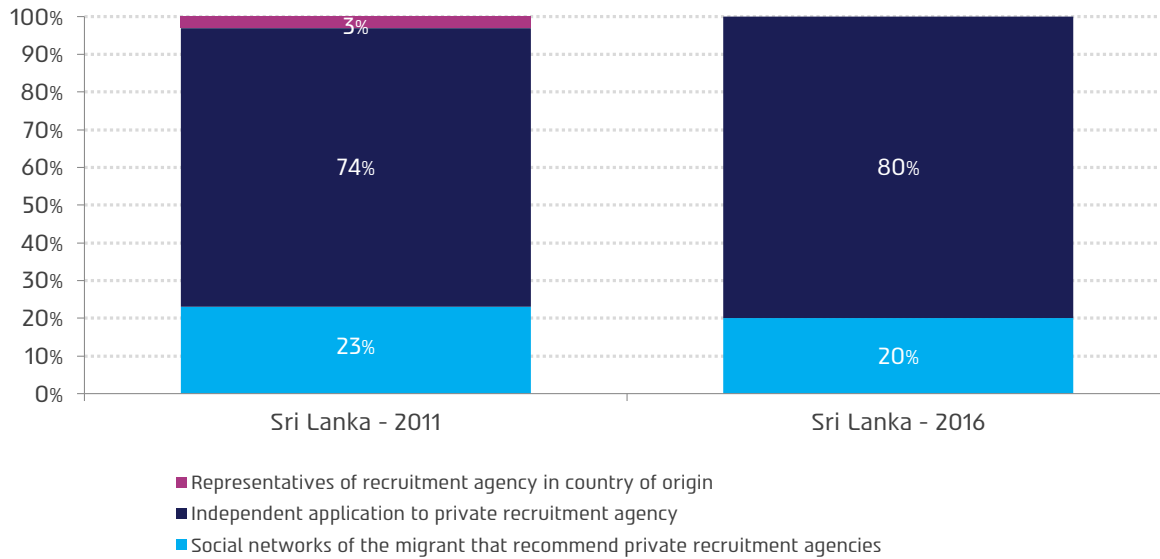
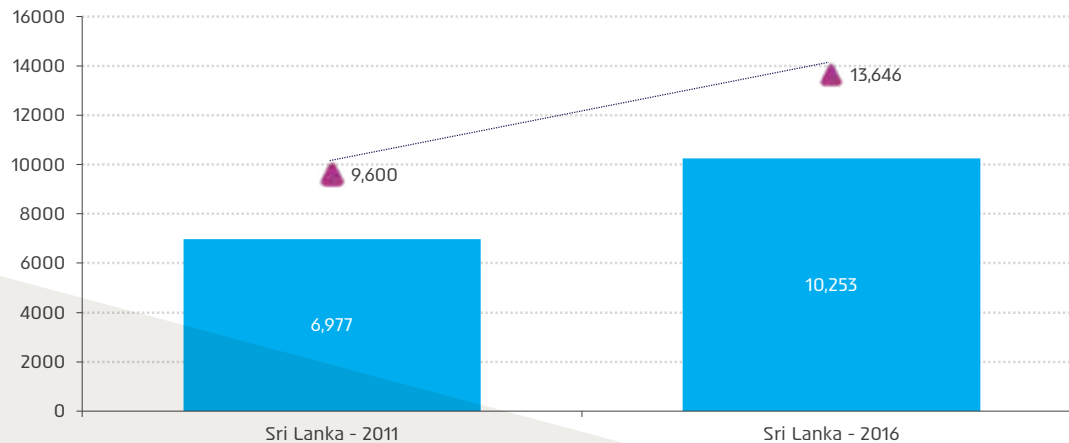
**FIGURE 2.3: FORMS OF RECRUITMENT****THE COST OF MIGRATION**

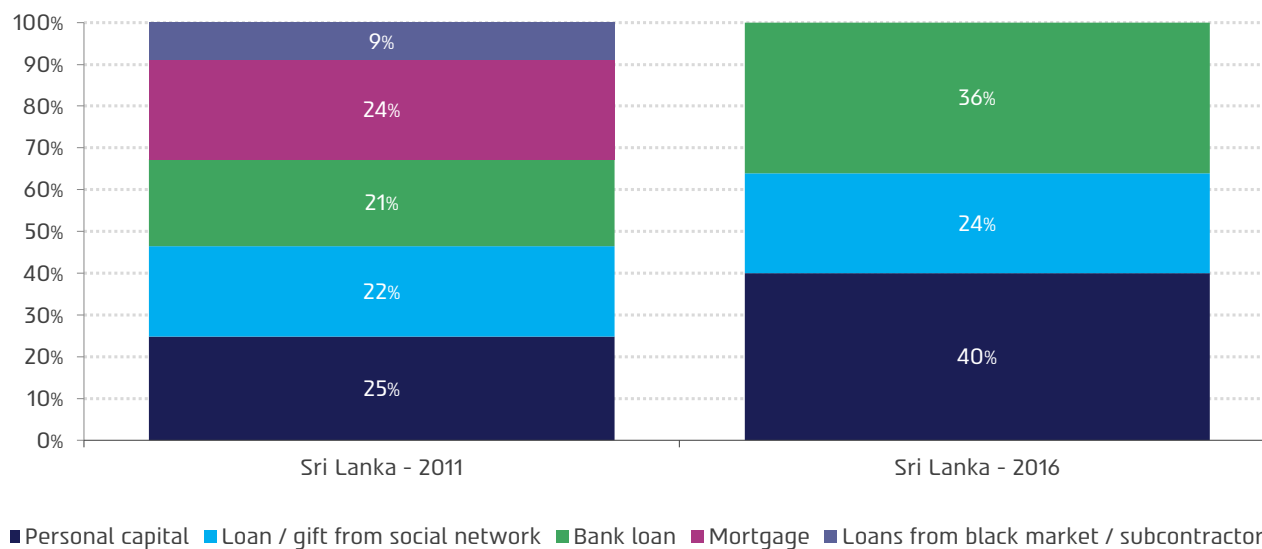
Figure 2.4 presents the sums (average and maximum value) paid by Sri Lankan caregivers to come to work in Israel in both samples. The data indicates a significant rise in the recruitment fees: from \$6,977 (on average) in 2011 to \$10,253 (on average) in 2016. This means that although these amounts are collected illegally, the profit making at the expense of those migrant workers continues.

**FIGURE 2.4: THE COST OF MIGRATION: THE SUMS PAID IN ORDER TO COME TO ISRAEL (US DOLLARS)**

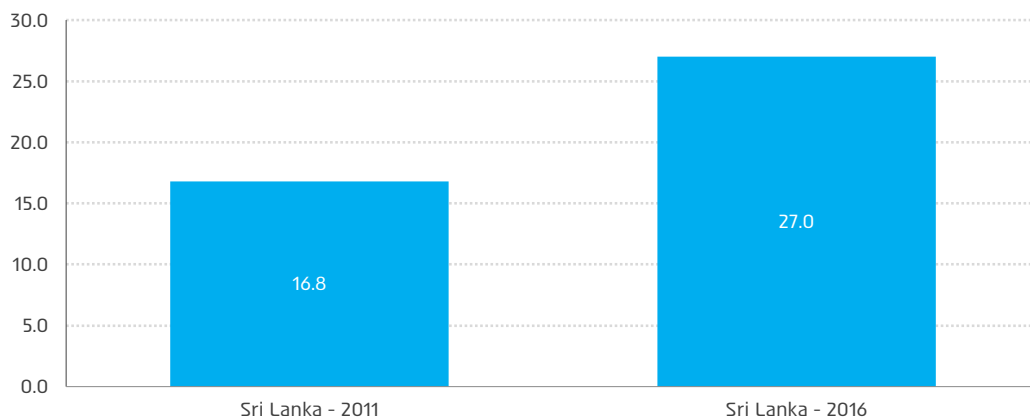
## FINANCING THE COSTS OF MIGRATION

The data presented in Figure 2.5 shows the relative part of each source in financing the total sum required to work in Israel. In 2011 the migrants from Sri Lanka relied mainly on loans from relatives, friends or banks (often having to mortgage their homes or land) in order to finance the cost of migration. Only a small part of them (25%) relied on personal capital. In 2016, however, approximately 40% of the migrants financed the cost of migration using personal capital, the percentage of those using loans from social networks remained unchanged, while there was a noticeable increase in the use of bank loans (from 21% in 2011 to 36% in 2016).

**FIGURE 2.5: FINANCING SOURCES**



One of the main concerns is the amount of time it takes the workers to repay their debts. The sharp increase in recruitment fees has a significant impact on this factor. It is important to mention two facts: 1. None of the respondents has repaid her debts; 2. A sharp increase in the number of months required in order to return the debts has been observed: from 17 months in 2011 to 27 months in 2016 (see Figure 2.6). In other words, if in 2011, approximately 20% (on average) of the five-year period was dedicated to returning the cost of migration, in 2016 it takes approximately 40% of the period to repay the debt. This is a critical issue, in part, because migrant workers who are in debt and are afraid to lose their livelihood, tend not to report violations of the law and violations of their rights and therefore, may become victims of exploitation by employers.

**FIGURE 2.6: TIME NEEDED TO REPAY THE DEBT (IN MONTHS)**

### PROFESSIONAL TRAINING BEFORE ARRIVING IN ISRAEL

According to procedures established in 2008, manpower companies which bring workers to Israel are responsible for ascertaining that the workers have received professional training recognized by their governments before leaving to Israel. Professional training of migrant workers is relevant for two main reasons: 1. They are designated to care for a population with special needs (elderly and disabled), and therefore it is important to determine what their professional skills are and whether they are versed in a language that facilitates communication with their clients; 2. Migrant workers who arrive without adequate skills find it difficult to find an alternative workplace and therefore, may lose their work permits and their legal status in Israel.

The data in Table 2.3 shows that in 2011, 60% of the respondents were required to undergo training courses, whereas in 2016, all the respondents were required to do so. There was also an increase in the number of training days, from an average of 22 days in 2011 to 27 days in 2016. Along with the improvements in these aspects, it should be noted that the training courses are administered by private companies and not by government organizations.<sup>28</sup> It seems that in this area the situation has remained the same.

The lack of supervision over training quality creates a private market run by former migrant workers, who try, after their return to their country, to use the skills they have acquired in Israel by opening training agencies.

<sup>28</sup> In a study conducted in 2010-2012 (Rajman & Kushnirovich, 2012), it was found that most of the courses were given in private settings that did not meet minimum standards and without supervision by the local governments.

**TABLE 2.3: PROFESSIONAL TRAINING IN SRI LANKA (IN %)**

	2011	2016
<b>Were required to undergo a training course</b>	60.6	100.0
<b>Average days of training</b>	22.0	27.0
<b>Organization</b>		
<b>Government</b>	15.0	4.0
<b>Private company</b>	85.0	96.0
<b>Number of cases</b>	35	25

In conclusion, it seems that there were no changes in the process of recruiting of migrant workers from Sri Lanka. The mediation process is still in the hands of private agencies with no government involvement. In addition, there was a significant increase in the sums the workers are required to pay. The mediation companies continue to illegally demand exorbitant recruitment fees from potential migrants.<sup>29</sup> In the next part we will discuss the employment conditions and the social rights of migrant workers in the caregiving sector.

## B. EMPLOYMENT CONDITIONS AND SOCIAL RIGHTS

This section includes an overview of employment conditions and the realization of social rights of migrant workers from Sri Lanka in 2016 compared to 2011. Israeli law determines that every migrant worker must receive an employment contract in a language she understands, the employer must pay health insurance on her behalf, and must provide adequate living conditions. In addition, there are specific conditions intended to increase the protection of migrant workers and to ensure that they receive information about the employment conditions and about their rights prior to their arrival in Israel. They are required to sign a contract that includes the employment conditions in their future workplace. Workers in the caregiving sector, unlike in other sectors, must live in the elderly or disabled employer's home, and it is forbidden to employ a caregiver without arranging their living conditions at the dependent's home.

### SOURCES OF INFORMATION ABOUT WORK RIGHTS

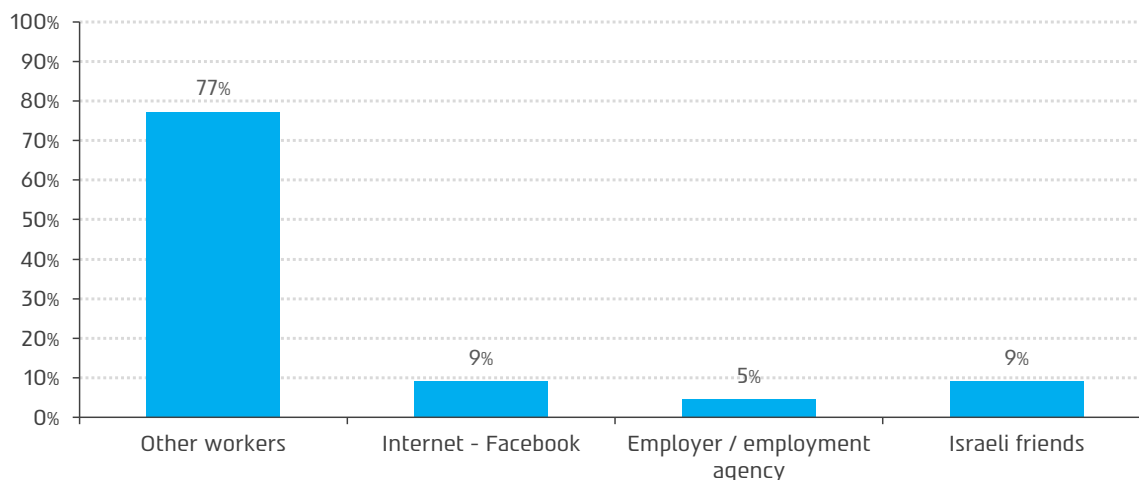
Figure 2.7 presents the channels declared by the migrant workers as a source of information about their rights as workers in Israel.<sup>30</sup> The data reveals that the most popular source is conversations with other workers. Approximately

<sup>29</sup> See State Comptroller Report 65C – 2015, p.1127.

<sup>30</sup> This question was presented only in the 2016 study and therefore cannot be compared to previous years.

9% reported that they received information on the internet (mainly Facebook) and another 9% received information from Israeli friends. Only one reported that she received information from the employer/employment agency.

**FIGURE 2.7: SOURCES OF INFORMATION ABOUT WORK RIGHTS, SRI LANKA, 2016**



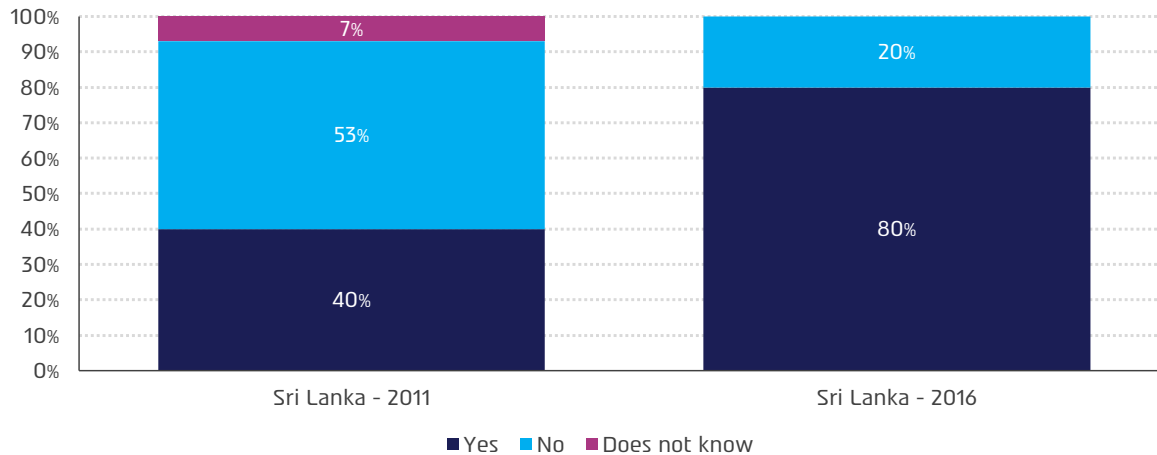
## BREACH OF CONTRACT

Figure 2.8 presents the percentage of migrant workers from Sri Lanka who report a correspondence between the contract they signed in their country of origin and the conditions they met after their arrival. In 2016, 80% of them claimed that the actual working conditions corresponded to the contract while 20% still claimed that there was a discrepancy.<sup>31</sup>

It is important to note that the migrant workers are entitled to change employers, and may choose to do so in order to improve their working conditions. However, there are certain limitations concerning change of employment in this sector. A migrant worker in the caregiving sector must give written notice to the Recruitment Agency he is registered in and to the dependent he is employed by (or the dependent's representative) prior to leaving the place of work.<sup>32</sup>

<sup>31</sup> Approximately 50% of the workers reported that the main difficulty in their work was the physical condition of the dependent. 14.3% reported as a difficulty the employer's attitude or giving up a weekly day of rest. Only one complained about long working hours. Also, only one worker reported not receiving extra pay for working on a Saturday, and another reported the demand to also perform additional household chores.

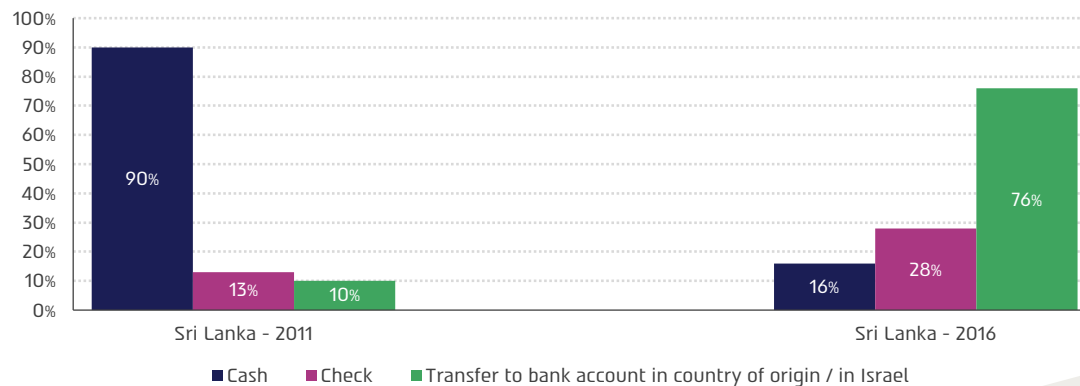
<sup>32</sup> A 7-day notice if the worker has worked at the dependents' for three months; at least a 14-day notice if working at the dependent for 3-6 months; a 21-day notice if worked for 7-12 months; at least a month's notice after a year working for the same dependent.

**FIGURE 2.8: CORRESPONDENCE BETWEEN CONTRACT CONDITIONS AND ACTUAL WORKING CONDITIONS**

## WAGES

According to the Immigration Authority directive, the workers' wages must be deposited into their bank accounts. The study examined whether all the workers had an account opened in their name as required and if not, for what reason. The data reveals that all the workers had an account opened at the postal bank in Israel.

Figure 2.9 shows the ways in which the workers received their wages. There is an evident improvement in the ways of wage payments. Despite the improvement, in 2016, 16% of the workers still received at least part of their wages in cash, compared to 90% in 2011.

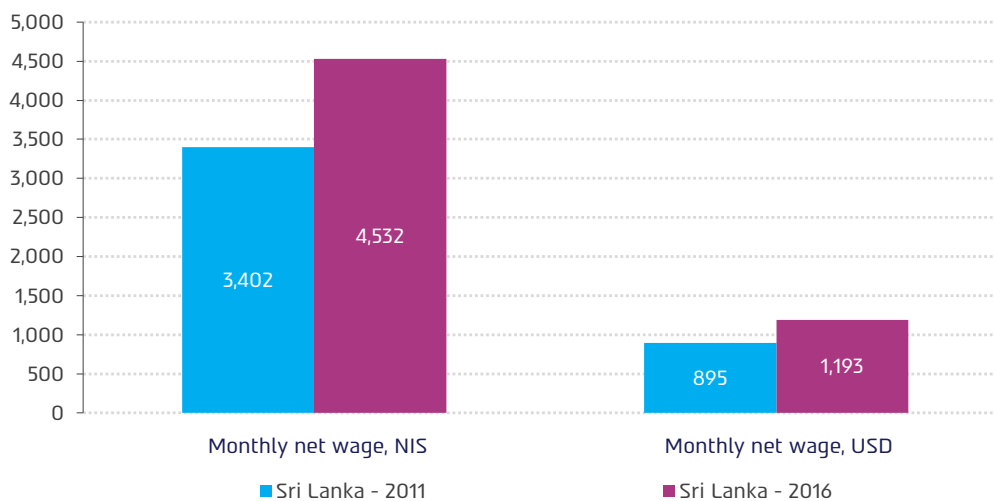
**FIGURE 2.9: WAYS OF RECEIVING WAGES<sup>33</sup>**

<sup>33</sup> The total in the graph could be over 100%, because workers may receive part of their wages to a bank account, part by check and part in cash, therefore there could be multiple responses.



Just like their Israeli colleagues, migrant workers employed full time in Israel are entitled to minimum wage as defined by law. The minimum wage in the caregiving sector in 2016 was no less than 4,825 NIS a month (25.94 NIS an hour).<sup>34</sup> Figure 2.10 presents average monthly salaries (net value in NIS and US Dollars). The data reveals that the employers do comply with minimum wage requirements. The data shows that in 2011-2016 the wage increased by 33%. During this period, the minimum wage in Israel increased in about the same percentage (28.5%). It seems that wages in the care-giving sector have increased in keeping with the increase in the legal minimum wage, which does not indicate any additional wage improvement.

**FIGURE 2.10: AVERAGE NET MONTHLY WAGES IN NIS AND US DOLLARS**



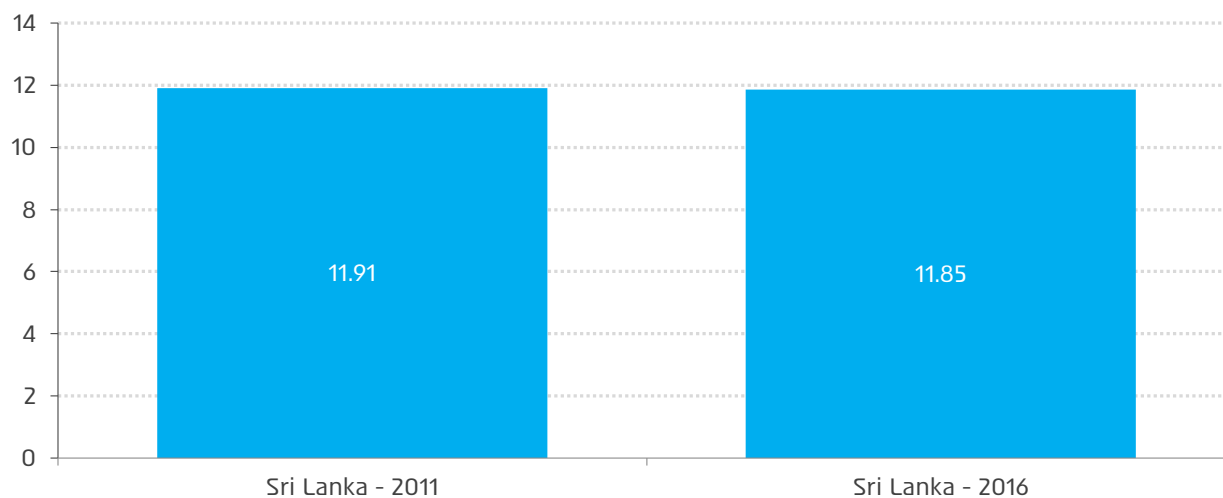
## WORKING HOURS

According to the Supreme Court ruling on the working hours of live-in caregivers, the nature of their work does not allow a precise definition of a work day or working hours, and since it is not possible to define such, the live-in caregivers are not entitled to overtime pay. For a full month of work, a live-in caregiver is entitled to wages no lower than minimum wage regardless of overtime. By law, there are also limitations regarding employment on holidays of the worker or on their weekly day of rest, and additionally, a worker who is employed on those days

<sup>34</sup> The employer is allowed to deduct up to 25% of the wages towards health insurance, adequate housing and payment of debts. In practice, the amount of deduction may be smaller, according to receipts for such payments, and maximum amounts of deductions permitted by the government for each type of expense in 2016. In any case, after deductions, even if in the maximum permitted amount, the net wage of migrant workers in caregiving should not be less than 3,620 NIS. During the given period, the Dollar-to-Israel Shekel exchange rate did not change significantly despite temporary fluctuations: 3.63 NIS per Dollar in 2016 compared to 3.56 Dollar-to-Israel Shekel in 2011.

is entitled to additional pay. Figure 2.11 shows that the net number of reported working hours<sup>35</sup> has not changed significantly and amounts to almost 11 working hours a day (11.85 hours on average in 2016 compared to 11.91 hours in 2011). Approximately 60% of the workers in 2016 reported that they had to be available also at night in case their dependant needed them, a significant increase compared to 40% in 2014.

**FIGURE 2.11: AVERAGE NET DAILY WORKING HOURS**

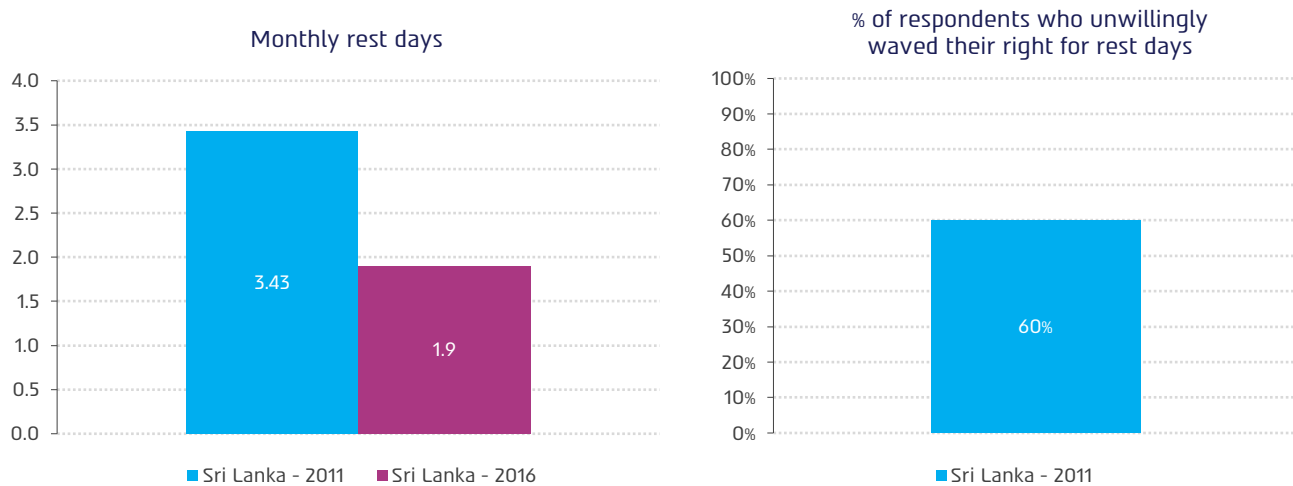


## REST DAYS

Migrant workers in the caregiving sector are entitled to a weekly resting period of at least 25 consecutive hours. The data in Figure 2.12 indicates that the number of rest days that the workers take has decreased significantly (from 3.4 days a month in 2011 – approximately one day of rest weekly, to 1.9 days monthly rest days – a day of rest once in two weeks). This is a violation of the law. In 2016, the workers who did not take advantage of their rest days, did so voluntarily and by choice, in 2011, 60% reported that they were reluctant to give up their rest days. The workers' willingness to give up their weekly day of rest may be explained by the fact that for work on Saturday they report receiving higher compensation- 300 NIS (instead of 200 NIS – a regular day's wage).

<sup>35</sup> Since it is difficult to relate to gross working hours in the caregiving sector, net working hours were calculated according to the starting time, the ending time, and a deduction of all breaks, so that the study relates only to actual hours of work and not to all the hours that the worker spends at the employer's home.

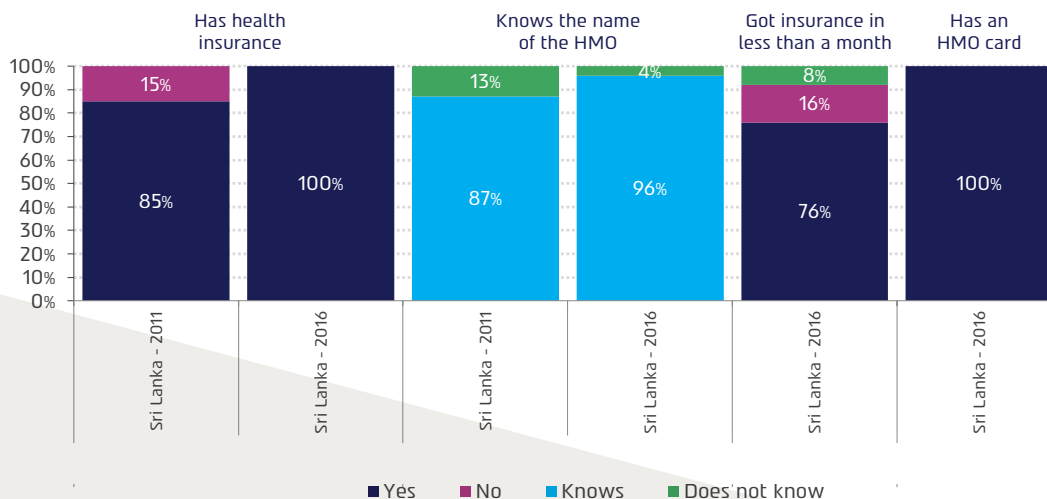
FIGURE 2.12: NUMBER OF MONTHLY REST DAYS



### HEALTH INSURANCE AND PAYMENT FOR SICK LEAVE

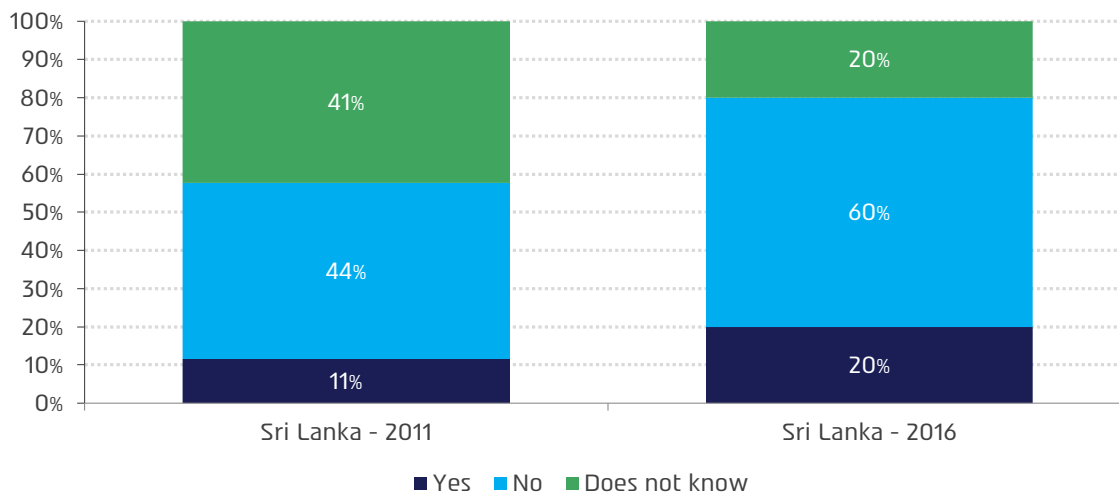
According to the National Health Insurance Law the employer must insure the worker with health insurance from the first day of employment. Figure 2.13 shows that in 2016, all the workers had health insurance, compared to only 85% in 2011. Regarding awareness about belonging to an HMO which is supposed to provide them with health services – in 2016, 96% of the workers were aware of the name of their HMO compared to 87% in 2011. All of them knew in which HMO they were treated and had an HMO card. However, in 2016 76% reported that the policy was written in a language they do not speak.

FIGURE 2.13: HEALTH INSURANCE



Caregivers are entitled to payment for sick leave as defined by law. The worker is entitled to 1.5 paid sick days for every month employed, up to a maximum accumulation of 90 sick days. The actual payment is made subject to submitting a sick leave letter from a physician according to the following calculation: the first sick day is without pay, for days two and three the pay is 50% of the gross daily wage, and from the fourth day – full pay. Figure 2.14 presents information regarding payment for sick leave in the caregiving sector.

**FIGURE 2.14: PAYMENT FOR SICK LEAVE**



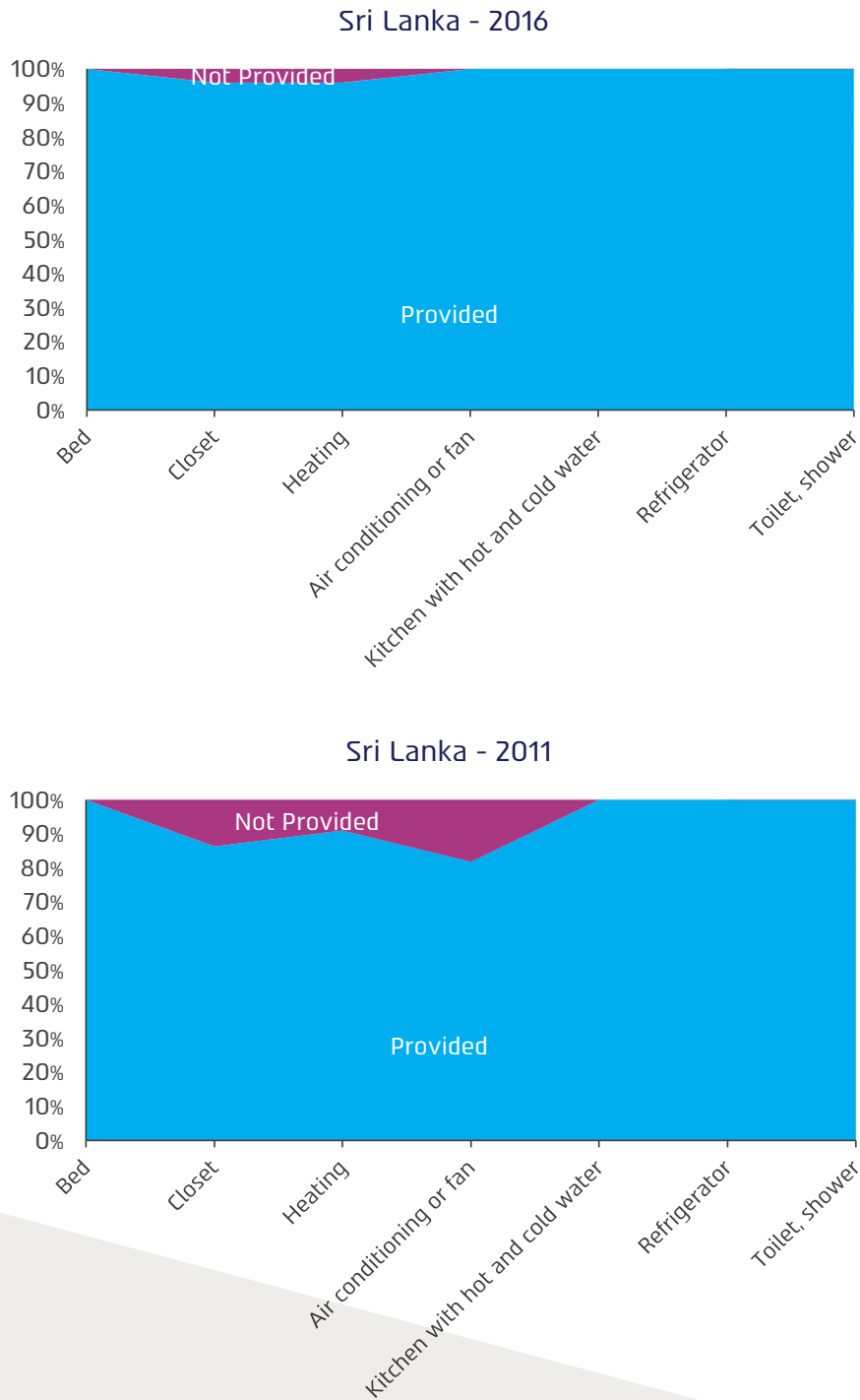
The data in Figure 2.14 indicates that there was no improvement in the payment for sick leave. In 2016, only 20% of the workers from Sri Lanka reported receiving payment for sick leave, versus 11% in 2011 more than those who reported in 2011. However, in 2011, their awareness about receiving payment for sick leave was very low (41% did not know whether they received payment compared to only 20% in 2016). The improved awareness in 2016 does not indicate an improvement of the situation in this area, on the contrary: in 2016, 60% of the workers that were sick reported that they had not received payment for sick days.<sup>36</sup>

## LIVING CONDITIONS

Figure 2.15 presents a slight improvement in the living conditions. Not all workers had a closet and heating, but in general their living conditions do meet the requirements by law, most likely due to the fact that caregivers live in the homes of their employers, and use the equipment in their home.

<sup>36</sup> It is possible that the reporting varies according to the workers' understanding of the conditions under which they are entitled to payment for sick leave. This information requires further examination of the workers' understanding of the conditions

FIGURE 2.15: MIGRANT WORKER LIVING CONDITIONS

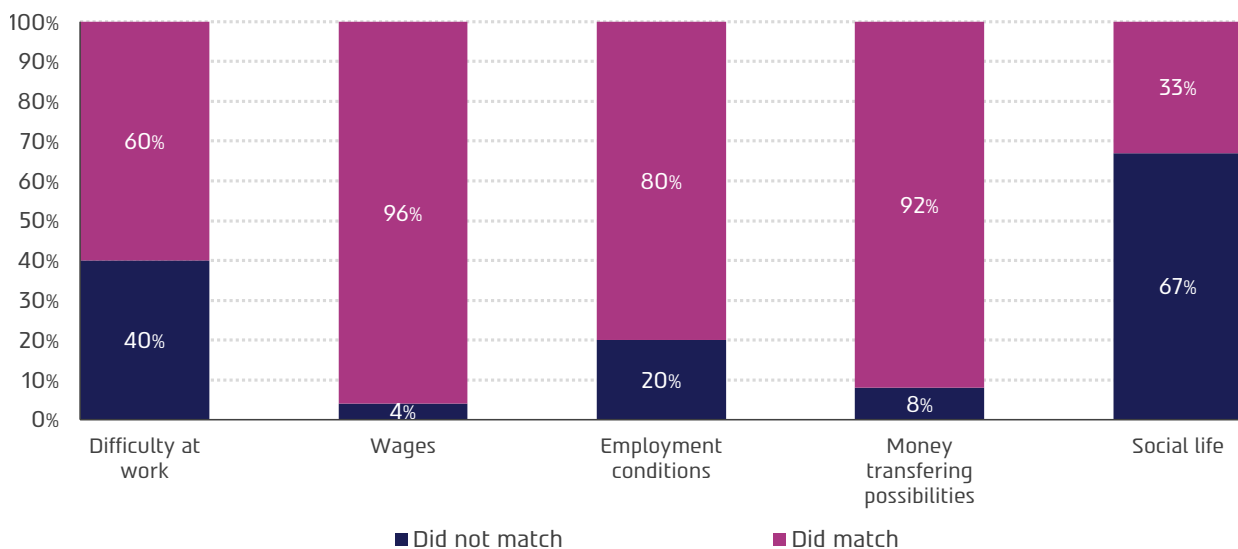


## C. ISSUES DURING THE STAY IN ISRAEL

### EXPECTATIONS PRIOR TO MIGRATION AND REALITY IN ISRAEL

Thus far we have documented the working conditions in different areas. In addition to questions about the actual employment conditions, the respondents were asked to assess to what extent their expectations regarding specific issues prior to migration corresponded to the reality after their arrival in Israel. The responses are presented in Figure 2.16.

**FIGURE 2.16: CORRESPONDENCE BETWEEN EXPECTATIONS PRIOR TO MIGRATION AND REALITY IN ISRAEL, SRI LANKA, 2016**

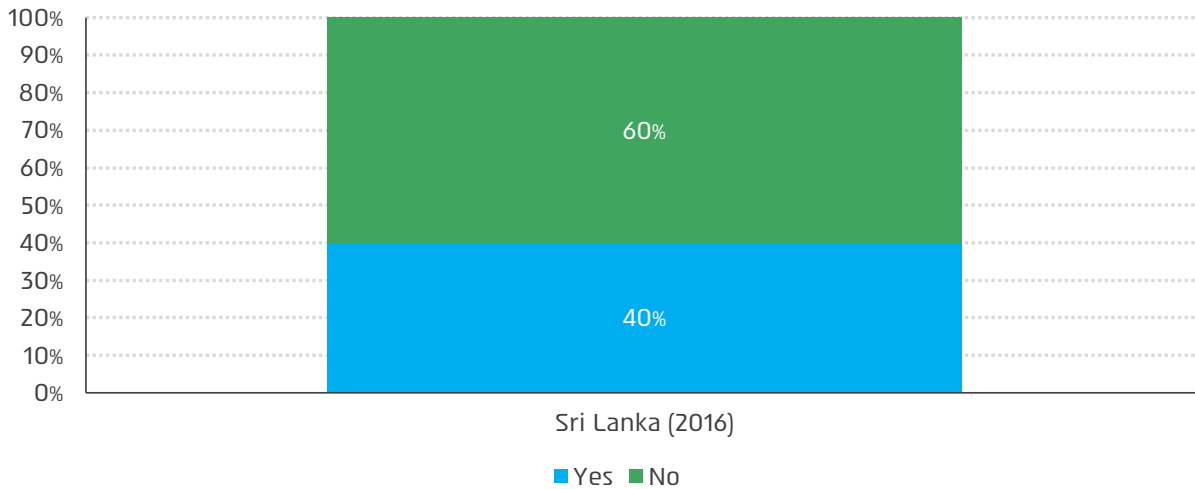


A high correlation is evident between the workers' expectations regarding wages (96%), money transferring options (92%), and employment conditions (80%). However, only 60% were able to correctly assess the difficulty of their job before travelling, and only 33% reported that their expectations about the social life in Israel were fulfilled.

### HAS WORKING IN ISRAEL CONTRIBUTED TO THE IMPROVEMENT OF THE SKILLS AND EXPERIENCE OF THE MIGRANT WORKERS IN THEIR FIELD OF WORK?

One of the important issues regarding labor migration is the extent to which the migrants can improve their skills while working in another country. This issue was examined for the first time in the current study. The respondents were asked: 'to what extent do you feel that you acquired experience and skills in your field of occupation during your work in Israel?' The responses to this question are presented in Figure 2.17. 60% of the respondents reported that working in Israel did not contribute to the improvement of their skills and their experience.

**FIGURE 2.17: TO WHAT EXTENT DO YOU FEEL THAT YOU ACQUIRED EXPERIENCE AND SKILLS IN YOUR FIELD OF OCCUPATION DURING YOUR WORK IN ISRAEL?**



### IMPORTANT CRITERIA FOR SELECTING AN EMPLOYER

For caregivers, the questionnaire included the following question: 'to what extent were the following things important to you when selecting an employer: the dependent's health condition, the employer's attitude towards the worker, the wage, and the geographical location'. The responses were rated from 1 to 4 (1= not important at all; 2= not important; 3= important; 4= very important). In order to illustrate the degree of importance, the data is presented in Figure 2.18 which presents the average of the responses of the respondents for each question.

**FIGURE 2.18: IMPORTANT CRITERIA FOR SELECTING AN EMPLOYER**

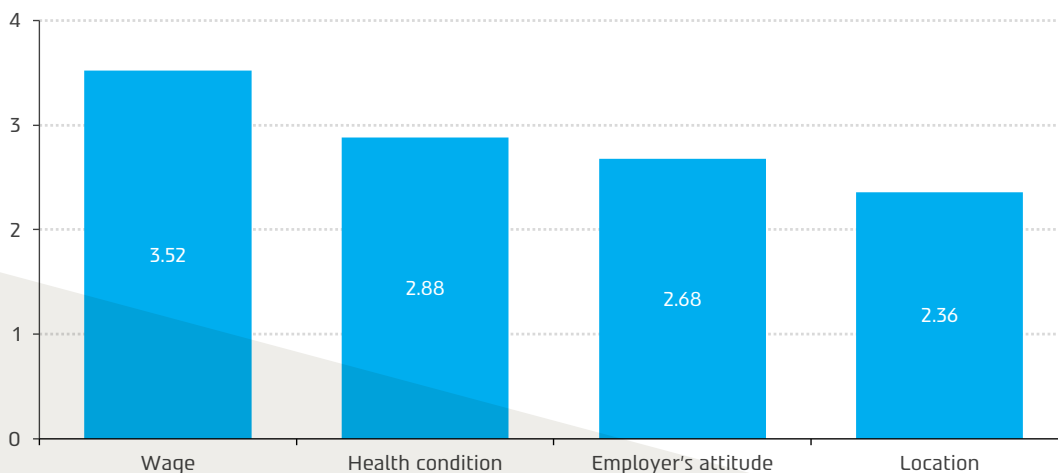
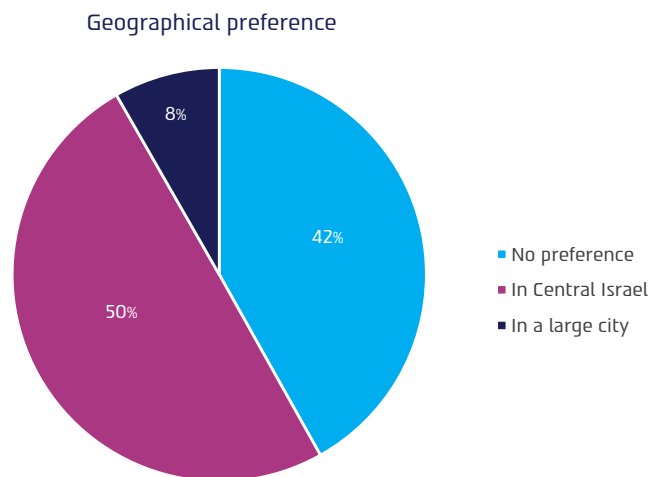


Figure 2.18 indicates the significance of the different criteria in selecting an employer. The most important criterion is the average wage per worker; second in importance are two criteria: the health condition of the dependent and the employer's attitude towards the caregiver. Geographical location is the last criterion in importance.

The respondents were asked to indicate in what area they preferred to work. The responses to this question are presented in Figure 2.19. Approximately half of them preferred to work in Central Israel and approximately 8% preferred a large city regardless of its location. The main reasons for these choices are the recreation possibilities and the social activities of the community. Nevertheless, a large percentage of the workers (42%) do not have a specific preference for the geographical location of the employer. As mentioned, only half believe that geographical location is an important criterion in selecting an employer.

**FIGURE 2.19: WORK LOCATION PREFERENCE**



### CONTACT WITH MANPOWER COMPANIES

The workers were asked about their direct employers. In practice, there are two employment options: 1. Employment by the dependent (employer) together with employment by a manpower company; 2. Employment only by the dependent (employer).



**TABLE 2.4: CONTACT WITH MANPOWER COMPANIES\* (IN %)**

Employed by a manpower company in addition to the employer	92.0
Know the name of the manpower company	87.0
Contact with manpower companies	
Yes- by phone	44.0
Yes- when they visit	26.0
Yes- when I have questions about my wage	4.0
Not in contact	26.0
Percentage of workers who reported that knowing which manpower company employed them was important to them	80.0

\* These questions were asked only in the 2016 sample.

Table 2.4 reveals that almost all the migrants reported that they are employed by a manpower company in addition to their employer, and almost all of them (87%) also know the name of the company. The main forms of communication between the migrants and the manpower companies are by phone (43%) and personal meetings when a representative of the company visits them (26%). Approximately a quarter of the workers are not in contact with the manpower company through which they are employed. The data also reveals that most of the workers do not deem it important to be employed by a specific manpower company (80%), which may indicate a weak relationship between the manpower companies and the workers.

## D. CONCLUSIONS

Table 2.5 summarizes the changes in recruitment and employment conditions of migrant workers from Sri Lanka employed in the caregiving sector in Israel in 2011 and 2016.

**TABLE 2.5: SUMMARY OF THE CHANGES IN RECRUITMENT AND EMPLOYMENT CONDITIONS OF MIGRANT WORKERS FROM SRI LANKA IN THE CAREGIVING SECTOR**

Areas	Sri Lanka (2011)	Sri Lanka (2016)	Conclusions
<b>Finding opportunities</b>	Social networks media	media	A significant rise in the use of media as an important source for finding employment opportunities
<b>Reasons for coming to Israel</b>	High wage Social networks	High wage	High wage has become the main reason
<b>Recruitment fee</b>	\$6,977 (on average) Maximum \$9,600	10,000\$ (on average) Maximum \$13,646	A significant increase in the recruitment fee
<b>Recruitment method</b>	Private agencies	Private agencies	No change
<b>Training</b>	60% were requested to undergo training courses. Training courses were given by private companies	All were requested to undergo training courses. Training courses were given by private companies	Improvement. All workers receive training courses. The training courses are still provided by private companies.
<b>Wages</b>	3,402 NIS	4,532 NIS	A 33% increase in 2016 compared to 2011, however during this period minimum wage in Israel had increased by a similar rate of approximately 28.5%.
<b>Working hours</b>	11.91 hours. 60% available at night	11.85 hours. 40% available at night	No improvement; they work long hours
<b>Monthly rest days</b>	3.4 rest days. 60% of those that did not take advantage of their rest days did so reluctantly	1.9 rest days. All the workers that did not take advantage of their rest days did so of their own will	A deterioration. A decrease in the number of rest days, by the workers' own choice. Nevertheless, this is against the law.
<b>Sick leave pay</b>	11% receive payment for sick leave, 41% did not know whether they received	20% receive payment for sick leave; 20% did not know whether they received	No significant improvement, although the awareness has increased slightly
<b>Knowing which HMO provides their healthcare</b>	87%	96%	A slight improvement

Areas	Sri Lanka (2011)	Sri Lanka (2016)	Conclusions
<b>Living conditions</b>	18.2% did not have air conditioning or a fan, 13.6% did not have a closet, 9.1% did not receive heating	4% did not receive a closet, and 4% did not receive heating	A slight improvement

Table 2.5 shows that the recruitment of workers in the caregiving sector is still carried out by private agencies which illegally charge the workers exorbitant fees. The recruitment fees, which have increased significantly between 2011 and 2016, have also led to a rise in the length of time needed to repay the migrants' debts. While this data pertains to migrant workers from Sri Lanka, it can be assumed that this situation reflects the reality of other workers in the care-giving sector from varying origin countries.

Regarding work rights, there has been no significant improvement in most of the important areas. The wage has increased according to the rise in minimum wage by law during the period in question. The number of working hours has not decreased and they have remained long, approximately 12 hours a day. The number of monthly rest days has decreased almost by half. Although the workers report that they choose to give up rest days of their own volition, it is illegal to substitute a weekly day of rest with extra pay, even if agreed upon.

There was no significant improvement in payment for sick leave. In 2011, a high percentage of the workers were not aware of sick leave payment. In 2016 the awareness had increased, but this is not an improvement since the workers report that they do not receive payment for sick leave.

There was a slight improvement in the awareness regarding the HMO that provides their health services as well as a slight improvement in living conditions. The improvement in these two areas does not change the overall picture of deterioration or lack of change in the other employment conditions.

# GENERAL SUMMARY

In light of the findings from both parts of the report, we may conclude that the implementation of BLA impacts the recruitment conditions of migrant workers in the sectors in which the agreements are implemented. This impact is reflected in a drastic decrease in the costs involved in the arrival of the worker in Israel, in the method of financing the workers' move from their country of origin to the destination country, and in the time needed for them to repay the debts incurred to finance the costs of this move.

A comparison of the situation in the construction and agriculture sectors with the caregiving sector reveals that the involvement of the State of Israel in collaboration with the countries of origin in the recruitment process has brought about a drastic decrease in the costs of migration. These findings are firm evidence of the effectiveness and impact of BLA on the recruitment process. Pilot bilateral arrangements with Nepal and Sri Lanka for the recruitment of workers in the caregiving sector have been implemented since 2016. Considering

the findings of this report, a follow up study is required to evaluate the effectiveness of these agreements in eliminating the phenomenon of the collection of exorbitant fees from migrant workers by recruitment agencies.<sup>37</sup>

Moreover, the sectors in which BLAs are implemented, there has been an improvement in the employment conditions of the workers. In comparison, during the same period, among the caregiving workers from Sri Lanka whom are not covered by BLA, there was no improvement, and in some areas, there was even a deterioration in employment conditions.

Signing and implementing BLAs are an important solution for protecting workers and for improving the realization of their rights. The results of this study indicate that the implementation of BLAs significantly improves the workers' situation and their awareness of the social rights they are entitled to. Nevertheless, there are still violations of these rights; as employers try to restore the previous situation. In these areas, additional enforcement is required. The main recommendations from this study are:

1. Signing of BLAs with additional countries, so that the recruitment and employment of all migrant workers coming to Israel from all countries will be under the framework of BLAs.
2. Expanding existing BLAs with certain countries (such as Moldova) to additional sectors so that the recruitment and employment of all migrant workers coming to Israel from the same countries will be under the framework of BLAs.
3. Increasing enforcement on employers regarding social rights of migrant workers. In the caregiving sector, due to the complexity of the employment relations between the workers and the dependent employers, supervision and enforcement of the employers require a study of the typical issues that arise, in order to provide an appropriate response. In addition, closer supervision of the manpower companies is required and there is a need for tracking the employment situation by social workers in order to prevent abuse of workers.
4. We recommend a future examination of the employment situation of Work-Study students in the agriculture sector, primarily because this may become an alternative method of recruiting workers for agriculture, without the framework of a BLAs.

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<sup>37</sup> The government of Israel is continuing its efforts to expand the agreements in the caregiving sector with additional countries, including in Eastern Europe.



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