

WAC-MAAN - A decade of organizing Palestinian workers in the West Bank Settlements



An assessment of the situation and a suggested path of action –

The WAC-MAAN experience 2007-2018

by Assaf Adiv

Translation: Arda Ohannessian

Editing: Steve Langfur

Design: Reut Gat

The report is dedicated to Hatem Abu Ziadeh, Hasan Jalayta, Niaz Kadadha, Abdalah Abu Khaled, Mohamad Saleh, Ghazi Asali, Osama Abu Rizeq, Shehadeh Farah, Muntaser Jalayta, Sa'id Shujaiyam – all of whom dared to challenge harsh labor conditions, joined WAC-MAAN and with us overcame many obstacles and hardships.

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maan@maan.org.il \ www.wac-maan.org.il

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Introduction

Thousands of Palestinian workers living in the West Bank are employed in the industrial zones of the settlements and within the settlements themselves.¹ They engage in industrial, skilled and unskilled manual work, construction, agriculture, services, gardening, landscaping and commercial sectors. The two largest industrial zones in this area are Barkan, south of Nablus, and Mishor Adumim, east of Jerusalem. This report relates to the workers in those areas, whose labor conditions and problems are unique. Particular attention will be paid to the specific struggles waged by WAC-MAAN [henceforth WAC] and to the precedent set in the unionization of the workers at the Zarfati Garage.

It should be noted that, in parallel to the Palestinian workers employed in Area C,² the number of Palestinians employed within the Green Line also **increased** over the past decade, reaching about 80,000 at the end of 2018,³ most of them in construction. These workers are employed alongside others: Israeli Arabs, Jewish Israelis (mainly employed in management positions, and in the finishing stages of work - such as electricians, aluminum panel workers, building renovators), as well as about 10,000 migrant workers, mainly from China and Turkey.

In contrast to construction workers in Israel, whose labor is characterized by mobility, lack of stability, and employment through subcontractors (sometimes multiple subcontractors),⁴ we see, among Palestinian workers in the Settlement areas, groups whose labor is characterized by a high level of employment stability. This fact provides a foundation on which trade unions might organize, if they were to offer proactive initiatives.

The harsh conditions of exploitation endured by Palestinian workers in general, and especially in the Settlements; the lack of any possibility of health insurance or pension; the harm to their dignity and health; and their dependence on the permits-regime of the Occupation – all have been investigated in recent years by various researchers, journalists and organizations.⁵

The uniqueness of the present report is WAC's perspective on union organizing in very complex political and legal circumstances. While there cannot be any question as to the illegal status of the settlements built by Israel in the occupied territories, and the fact that contradicts the international law, there is in our view the sacred principle of unions to stand to every worker where ever he or she might be and regardless of the workers' legal status.

Whereas Palestinian institutions and trade unions are prevented from acting physically and legally in the Settlements, because the latter are under complete Israeli control, and while Israeli trade unions show no interest in Palestinians from the West Bank, WAC sees its duty work with Palestinian workers in the settlements and represent them, just as it does with workers in Israel. Our starting assumption is that these workers are entitled to labor rights and human rights, whatever may be the status of the political conflict or the future of the Occupied Territories. We are engaged in this effort under almost impossible conditions as part of our commitment to a democratic agenda of equal rights for all and to the struggle to end the **Occupation** and apartheid system built in the West Bank.

The present report is innovative because it refers extensively to the experience of Palestinian workers in the settlement areas. Among other things, we shall refer to the Givat Ze'ev ruling of Israel's Supreme Court of Justice in 2007,⁶ which applied Israeli labor law to the employment of Palestinians in "Israeli enclaves". We shall describe the impact of this ruling on their awareness of their rights and on the involvement of labor courts. We shall also include a description of WAC's attempts to unionize in these areas, both the failures and the successes, which climaxed in 2017, after a four-year struggle, in a pioneering collective agreement with Zarfati Garage.

The end of the report defines the task undertaken by WAC to protect Palestinian workers and promote their unionization, as well as the guidelines for this task. Our starting point is the assumption that workers everywhere, regardless of their legal status, should be able to defend themselves and fight for their rights. We see it as our duty to act as a union whenever we can including in the settlement areas to prevent the continued exploitation of Palestinian workers.

Based on the experience of more than a decade, we can say that in order to change the conditions of workers in these areas, systematic action is required to increase their awareness and involvement. The possibility of collective action is essential and non-negotiable. As a recognized general trade union, WAC supports workers seeking to regulate their rights. We provide them with a platform for collective bargaining and unionizing, including strikes or appeals to the Labor Court when necessary. In the report below we present the difficulties and complexities of this path, yet it is clear to us that it can lead to a significant and realistic alternative for the employment situation, fostering change towards equality and freedom.

- 1 It is difficult to identify the exact number of Palestinian workers employed in the Settlements, both because of the lack of officially published data and because about a third are employed without permits. According to the Central Bureau of Statistics of the Palestinian Authority, in the last quarter of 2016 there were approximately 24,200 Palestinian workers in the Settlements: <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=1848>. A comprehensive study conducted by Dr. Amir Paz-Fuchs and Yael Ronen "Integrated or Separate" (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2649390) estimated that there were about 25,000 workers with permits and another 10,000 without; a study conducted by Dr. Rubi Nathanson in 2017 referred to about 22,000 workers in 2015: <http://www.macro.org.il/images/upload/items/47922424014604.pdf>.
- 2 An area under Israeli security and civilian control. See Ch. 4 below.
- 3 The Kav LaOved report of November 2018, "The Occupation of Occupation," states that as of 2018, there are 65,000 workers in construction and about 15,000 in agriculture (p. 10): <https://bit.ly/2uosfhv>
- 4 The method of employment in the construction industry in Israel is based on a cheap labor force, lack of automation, and massive use of subcontractors. The result is that Palestinian workers are open to exploitation. They are forced to agree to low wages, lack of basic rights, and sometimes even lack of any insurance. Some work without permits or have to pay "work permit agents". See Chapter 2 of this report, which deals with the permits regime that Palestinian workers are forced to cope with on their path to employment.
- 5 See, for example, the Annual Report of the ILO: <https://bit.ly/2xqZJOE>; also the Human Rights Watch report on child labor in the Settlements: <https://bit.ly/2LkC5rb>, as well as a large number of articles in the Israeli, Palestinian and foreign media.
- 6 Supreme Court of Justice 5666/03, Kav LaOved v National Labor Court and others. [NB The terms 'Supreme Court' and 'High Court of Justice' are synonymous.]

Part I: Historical Background and the Reality of the Occupation



Chapter One.

The Establishment of Industrial Zones in the West Bank

In order to ground the Settlements economically, with the support of successive Israeli governments, agricultural and industrial initiatives have been developed that rely on cheap Palestinian labor. Thus, for example, Settlements in the Jordan Valley planted date groves, bananas and other crops, where Palestinians from the Jericho area and its north serve as low-wage, unprotected workers in conditions that resemble slavery – precisely in Settlements that use the most modern agricultural technologies.

At the same time, especially since the end of the 1970s and through the 1980s, an initiative was developed to establish central industrial zones with massive support by Begin's first government.

According to a report by Haaretz journalist Yotam Berger,⁷ as of 2017 there were 14 industrial zones, while the government is encouraging the building of new ones. As of February 2017, some of these zones are inactive, and others – among them Mishor Adumim and Barkan – host hundreds of businesses and are expanding.

"Adumim Industrial Park", commonly known as Mishor Adumim,⁸ was established at a strategic location near Highway 1, ten kilometers east of Jerusalem. It grew out of the Ma'aleh Adumim settlement, which was recognized in 1977 as a local council. The park, which belongs to Ma'aleh Adumim's municipal area, served as an easily accessible and profitable location for entrepreneurs from Jerusalem. These have received substantial subsidies in land leasing, tax benefits, and especially cheap Palestinian labor. They benefited from the absence of any supervision over the conditions of employment.

This model allowed the rapid growth of factories both large and small: the Mishor Adumim website indicates that as of September 2018 it has about 340 factories and businesses. These benefit from many advantages: "Central location, unique work environment, special grants track, recognition as a 'national priority area A', low municipal tax rates, available manpower, a basket of urban services, maximum security, attractive land prices and many plots of land designated for planning and development."⁹

In the 'Barkan' industrial zone, the second largest in the West Bank, there are currently about 165 factories. Established in the 1980s near the Settlement of Ariel south of Nablus, the zone has produced leading factories, which have received benefits for leasing the land, reduced tax and municipal levies, and Palestinian manpower without rights or bargaining leverage.¹⁰

In recent years, companies that operate in the West Bank have faced overseas calls for a boycott of products from the Settlements. These pressures create difficulties for farmers in the Jordan Valley who export dates and other agricultural produce to Europe.¹¹ The campaign, for example, was an important factor even if not the only one that led Sodastream in 2015 to move its plant from Mishor Adumim into Israel.¹² Ahava, which manufactures cosmetics based on raw materials from the Dead Sea, also moved its plant from Mitzpeh Shalem (in the West Bank) to Kibbutz Ein Gedi, which is within Israel.¹³

However, it appears that despite the partial effectiveness of the boycott campaign on producers in these areas, most continue to operate there. Farmers who have lost their market share in Western Europe have compensated by opening new markets in Russia and East Asia. Industries that serve the Israeli market are not at all affected by the campaign. As of summer 2018, there has been an expansion of these zones and an increase in the demand for companies to operate in them. Thus, in June 2018, a government plan was announced for the construction of a new industrial zone along the Trans-Samaria Highway, which is planned to be the largest of the West Bank zones, covering 3,000 dunams (about 750 acres). It is meant to house both advanced and traditional industry.¹⁴

7 <https://www.haaretz.com/israel-news/.premium-israel-builds-industrial-zones-to-deepen-control-of-west-bank-1.5438524>

8 https://he.wikipedia.org/wiki/מישור_אדומים

9 <http://www.parkedom.co.il//אודות-הפארק/>

10 https://en.wikipedia.org/wiki/Barkan_Industrial_Park

11 <https://www.timesofisrael.com/jordan-valley-farmers-unperturbed-by-eu-labels/>

12 <https://www.ynetnews.com/articles/0,7340,L-4766549,00.html>

13 <https://www.ynetnews.com/articles/0,7340,L-4776979,00.html>

14 <https://www.globes.co.il/news/article.aspx?did=1001240520>

Chapter Two

The Permit System that Regulates the Entry of Palestinian Workers into Israel and the Settlements

In the absence of jobs in the Palestinian economy, and given the low wages in the Palestinian market, there is logic to the tremendous effort made by hundreds of thousands of Palestinians (mostly men) for the “privilege” of working in Israel or the Settlements, even when their jobs are underpaid as far as the law is concerned.

Within the area of the Palestinian Authority, a high school or university graduate who is unable to obtain a position either in PA institutions, the limited private sector, or one of the many civil society organizations supported by Western sources, finds himself on the way to the Israeli labor market, which offers better wages - sometimes twice as much or more - for the same job.

But in order to enter Israeli territory, including Jerusalem, or into the Settlements and the industrial zones, Palestinians need to pass through “the seven circles of hell” known as The Permit Regime.¹⁵ In addition, a Palestinian who exits the West Bank’s autonomous areas and enters the area under Israeli control must pass through at least one checkpoint every day and show his permit.

Israeli control of the Palestinian population registry and the issuance of identity cards continues today - 25 years after the signing of the Oslo Accords and the establishment of the Palestinian Authority. A report by the Palestinian organization Al-Badil describes the restrictions on freedom of movement prior to and after the Oslo Accords. The picture that emerges is clear: The PA is not authorized to issue identity cards at its discretion. Any request by a resident for such a certificate requires the approval of the Israeli authorities; since the year 2000, the request for a Palestinian identity card must be submitted directly to the Israeli Civil Administration.¹⁶

Israel’s complete control over the population registry was enhanced in 2005, when the authorities introduced the smart magnetic card, which includes biometric details. It is not mandatory to carry it, but a Palestinian cannot leave the West Bank and enter Israel without it. The magnetic card is issued by the Civil Administration and must be renewed every 4 years. A resident who has been involved in “illegal activity or has had a criminal file opened” will not receive such a card and cannot work in Israel.¹⁷ The minimum age for obtaining an entry permit used to be 35, and the work permit was conditional on the applicant’s being married. The assumption was that a mature adult Palestinian with a family would not be involved in violent resistance to the Occupation. Later the minimum age was dropped, and today residents over the age of 22 can obtain a work permit.¹⁸

Work within Israel and the Settlements is now a major source of livelihood for West Bank residents. It generates purchasing power on the basis of which there is a market of consumer goods, including suppliers, dealers, local stores, and so forth. The fact that such a large group of residents depends on the granting of an entry permit - that is, depends on the decision of an Israeli official - gives tremendous leverage of influence to the Israeli side. B'Tselem's report of May 2018 describes how one Palestinian's armed activity against the Israeli military forces has resulted again and again in a sweeping decision to deny entry permits to hundreds of his extended family, despite the fact that they were not found guilty of any offense and that the authorities know that most had no connection to him. As a result of this sort of thing, major blows are dealt to hundreds of families for long periods of time.¹⁹

But a magnetic card is not enough. Whoever wants to obtain a permit to work in Israel or the Settlements has to submit a written request from an employer who wishes to hire him. The permit is personal to the employee and allows him to work for only a specific place. This creates distorted employment relations with overdependence of the Palestinian worker on his employer: any expression of the employee's dissatisfaction with working conditions - e.g., any protest on his part - may cause the employer to cancel the permit, thus forcing unemployment on the worker. Bosses make frequent use of this threat, and the result is total dependence of the employees, constituting an almost insurmountable obstacle in the struggle for their rights. Workers whose employers can fire them at any moment by withdrawing the permit are, in effect, in a state of forced labor.²⁰

Over the years an industry has developed of issuing work permits by fictitious employers. The latter are companies that do not actually employ workers but happen to have good relations with elements in the liaison apparatus between the authorities in Israel and the PA. A Palestinian who cannot find an employer to request a permit on his behalf is forced to turn to these go-betweens and acquire buy a permit for an amount that can reach NIS 2,500 per month (between a third and a half of the average monthly wage of Palestinian workers in Israel and the Settlements). Once they get the permit, workers in this arrangement must nonetheless continue to seek a job by themselves. If they find an actual employer, the relationship is not formal, since their official employer is the same go-between, who handles the payment vis-à-vis the Population and Immigration Authority, National Insurance Institution and income tax authorities.²¹

It is easier to get a permit to work in the Settlement industrial zones, because there is no age limit for workers in the Settlement areas, and entry to the agricultural areas is not supervised. The checkpoint at the entrance to the Mishor Adumim industrial zone is not at all like the massive entry crossing points in Zeitun, Qalandiya or Checkpoint 300 (the last being at the exit from Bethlehem to Jerusalem). The total dependence of Palestinian workers on entry permits to the industrial zones is a scourge compelling their silence concerning their rights. As there is no industry of intermediaries here, as is the case with regard to permits for entering Israel, workers get their salaries directly from the employer and pay no extra charges to middlemen.

At the same time, the close ties among employers in the Settlements has led to the “marking” of “troublemakers” and the circulation of this blacklist amongst themselves. Palestinian researcher Osayd Awawda describes²² how the Palestinian worker in the Settlements is effectively prevented from moving on from an employer who violates his rights. With the employers holding the authority to determine which worker will receive a permit, an employee who files a claim may find himself “banned” by other employers within the Settlements.²³

- 15 See Yael Barda’s book on the Permit Regime that Israel imposed on the Palestinians <https://www.sup.org/books/title/?id=25698>
- 16 http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Bulletin-12.pdf See also the article by Linah Alsaafin in Al Jazeera where a representative of the Palestinian human rights organization Al Haq is quoted as saying that the Palestinian Authority plays a secretarial role - it prints the documents, but it has no authority to decide who is permitted and who is not to receive them:
- 17 More about the fateful implications of the entitlement to a magnetic id card, or its rejection, in Amira Hass’s article in Haaretz: <https://www.haaretz.com/1.4819750>
- 18 Israeli policy makers adopted since 1967 the assumption that economic progress for Palestinians in the Occupied Territories achieved through work in Israel can be a factor of mitigating the political aspirations of the Palestinians. Absorbing growing number of workers in the Israeli market is regarded by Israeli security establishment as important and effective tool. In this regards see this interview with Israel’s finance minister <https://bloom.bg/3111Qp6>
- 19 https://www.btselem.org/routine_founded_on_violence/20180521_hundreds_of_palestinian_workers_prevented_from_entering_israel
- 20 Evidence of this absurd situation was given by an employee at one of the factories in Mishor Adumim who decided to join WAC in 2011 together with his colleagues. A few days after joining the union, he called WAC’s office and asked to cancel his membership, even though he expressed support for the initiative. He explained that he was the sole breadwinner for a family with six children and that he could not afford to lose his job; he described how a few years earlier his work permit had been revoked just because he had dared to ask his line manager for his overtime wages. It is significant that with all the difference in the situation this worker compared the conditions he faces in the company to that of prisoners in the American detention camp at Guantánamo
- 21 Kav LaOved’s report from May 2014 demands that workers be granted independent work permits that are independent of the employer: <https://bit.ly/2rKBLyB> In April 2016, Kav LaOved published a working paper in response to the government’s decision to establish an inter-ministerial team to regulate the policy of employing Palestinian workers: <https://bit.ly/2xC7osU>
- 22 See p. 4: <https://www.questia.com/library/journal/1P4-2052629512/palestinian-workers-in-israeli-settlements-their>
- 23 In September 2015, Kol Israel broadcast a report which exposed the fact that employers in the Barkan industrial zone shared a “black list” of workers who had sued them in the labor courts. One of the employers interviewed was quoted as saying, “Let them work and shut up.” Kav LaOved report here: <https://bit.ly/1Vl6Qvf>

Chapter Three

The Palestinian Labor Force in the West Bank: Wage Rates and Working Conditions

The tens of thousands of Palestinians who leave every day at dawn to get to work in Israel or the Settlements are forced to spend long hours in traveling to the work place and back home, many having to wait in the queues at the checkpoints.²⁴ These difficulties are compounded by further factors: the need to obtain a work permit, with repeated requests to the Occupation authorities; the pressure exerted on workers to maintain their permits; and constant uncertainty about their chances of remaining in the job, which sometimes makes them vulnerable to attempts at extortion.²⁵

The reason why so many – mostly men – nevertheless choose to work in these conditions is simply the lack of opportunities in areas controlled by the Palestinian Authority (PA) and the low wages there. The average wage of a PA worker in 2018 was NIS 107.90 per day, compared with NIS 247.90 for a worker employed in Israel or the Settlements.²⁶ This is a huge gap, which explains the preference for working in Israel despite the difficulties. According to a report by the World Labor Organization,²⁷ between 2015 and 2016 the unemployment rate in the West Bank was 18.2%, but among Palestinians aged 15-24 it was

almost 30%. There are hundreds of thousands young people in this age range that are not included in any framework. Palestinian youth could potentially lead economic and social advancement, but in practice they remain in a state of idleness and despair.

This situation explains the tremendous urge to obtain a permit to work in Israel or the Settlements. The reporter Janan Bsoul describes the absurdity of the situation in which an unskilled Palestinian working in Israel earns more than an academic lecturing at a university in the PA administered area.²⁸ The result, she writes, is that young Palestinians give up completing their education and instead compete for work permits in Israel. The residents of the PA are engaged in an endless struggle for daily survival, which is entirely dependent on Israel's wishes and interests. As a result, the Palestinian economy is directly hit, and the new generation of young Palestinians finds itself in a trap that disrupts the building of a civil society and the possibility of stability. Bsoul places the primary responsibility for the situation on the Israeli Occupation authorities, but she does not skimp on criticism of the PA's system of palm greasing and corruption, which neglects its citizens and produces chaos.

²⁴ An article in the Washington Post in May 2017 describes the daily routine of Palestinian workers at the checkpoints: https://www.washingtonpost.com/graphics/world/occupied/checkpoint/?noredirect=on&utm_term=.9d5ab14187f9

²⁵ An article in the New York Times of February 2014 describes the absurdity for Palestinian workers in the Settlements: <https://www.nytimes.com/2014/02/11/world/middleeast/palestinians-work-in-west-bank-for-israeli-industry-they-oppose.html>

²⁶ Palestinian Central Bureau of Statistics, Quarterly Report 2, 2018 (English): <http://www.pcbs.gov.ps/site/512/default.aspx-?lang=en&ItemID=3212>

²⁷ The World Labor Organization (ILO) publishes a detailed report on the situation of workers in the Occupied Palestinian Territories once a year. Here is a link to the 2017 report: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_554441.pdf

²⁸ <https://bit.ly/2NWN3YO>

Chapter Four

The Oslo Accords and the Division of the West Bank into Areas A, B and C

Israeli control of the West Bank is absolute. The military occupation regime that was imposed on the area when the military forces entered in the June 1967 war led to the creation of a system of control that includes all aspects of life: border crossings, population registration, air space and water resources, urban planning and development, building permits, economic entrepreneurship, and the imposition on the Palestinian economy of the Israeli taxation and currency envelope.

In 1994, the Palestinian Authority (PA) was established and assumed control over security, municipal, educational, and medical services in the area inhabited by Palestinians in the West Bank. However, this did not significantly change the balance of power which, to this day, gives the Israeli side full control over the lives of the Palestinian residents. As part of the Oslo Accords, the West Bank was divided into three areas: Area A, which is under Palestinian security and civilian control, encompassing about 18% of the area; Area B, in which there is a division between Israeli security control and Palestinian civilian control, including about 22% of the area; and Area C, which includes most of the sparsely inhabited parts of the West Bank, as well as the Israeli Settlements; it is under Israeli security and civilian control. Area C makes up 60% of the West Bank.²⁹

The PA is run as if it were a state, but in practice it is an authority with limited powers. A quarter century after the signing of the Oslo Accords between Israel and the PLO, Israeli military forces continue to control the crossings into and out of the West Bank, both into the sovereign territory of Israel and at the border crossings between the West Bank and Jordan. Any movement of people or goods into and out of the territory of the PA is subject to Israeli approval. The West Bank is full of Settlements and bypass roads that serve only the settlers, leaving Palestinian enclaves in the style of the South African homelands (Bantustans).³⁰ This is even before we mention the hundreds of checkpoints³¹ that fragment the West Bank, severely limiting movement between the PA enclaves.



The Common Customs Envelope set forth in the “Paris Protocol”³² plays a central role in subordinating the Palestinian economy to Israel’s needs. Article 7 of the Protocol establishes the conditions for the employment of Palestinian workers within Israel, and it in fact perpetuates the situation that existed before the signing of the Oslo Accords. The agreement established a joint economic committee for solving problems, but it is a committee in which the Israeli side has the power of veto. The Protocol does not guarantee any protection for workers. It was further determined that Palestinian workers will be insured by the Israeli National Insurance Institute only in the event of a work injury or bankruptcy of the employer. The rest of the insurance rights to which every employee in Israel is entitled, including old-age insurance, child allowance, unemployment, disability and income support, are not granted to Palestinian workers. In a critical article published by Palestinian researcher Amal Ahmad,³³ she explains how the 1994 agreement perpetuated relations of total Palestinian dependence on Israel, as it has been since the beginning of the Occupation in 1967. “The customs union, which on the surface appears to simply be a trade arrangement, was and remains key to Israel’s containment of the OPT [Occupied Palestinian Territories], a strategy in which Israel refuses to accept Palestinian sovereignty or to recognize their human rights in other final status arrangements, such as a single bi-national state.”

The limited powers of the PA are reflected in its inability to protect its citizens employed by Israeli companies within Israel and the Settlements. The Paris Protocol is an economic annex to the Oslo Accords, and it has been the “Bible” of the arrangement of relations between the parties since then. Among other things, it states that Israel will have control over the number of Palestinian workers who work in its territory. On the other hand, it does not stipulate mechanisms that will enable the Palestinian trade unions or civil society organizations to protect these workers. Moreover, the Protocol mentions Palestinian workers in the Settlement areas once only - in the chapter on taxation - which stipulates that Israel will transfer to the Authority the full tax that will be collected from these workers (compared to 75% of the revenue from income tax paid by Palestinian workers employed in Israel). While the labor of Palestinians within Israel’s sovereign territory is anchored in Israeli law and necessitates equalization of conditions for Israelis (although with quite a few exceptions), in all matters pertaining to workers in the Settlements, a legal and administrative void persists. In practice, Palestinian workers in the Settlements continued, until the 2007 Givat Ze’ev Supreme Court ruling, to be subject to Jordanian labor laws from 1966.³⁴

29 <http://ecf.org.il/issues/issue/818>

30 On the occasion of the 25th anniversary of the signing of the Oslo Accords, Amira Hass described the West Bank as the land of the enclaves: <https://www.haaretz.com/israel-news/.premium-israel-s-intention-was-never-peace-or-palestinian-statehood-1.6469548>

31 The human rights organization B’tselem points out in the January 2017 report that there are about 100 checkpoints in the West Bank, 59 of them inside Palestinian territory, and about 40 checkpoints separating between Palestinian-controlled areas: https://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads

32 [http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Gaza-Jericho Agreement Annex IV - Economic Protocol.aspx](http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Gaza-Jericho%20Agreement%20Annex%20IV%20-%20Economic%20Protocol.aspx)

33 Amal Ahmad’s article at Al-Shabaka network “The Customs Union & Israel’s No-State Solution”: <https://bit.ly/2BEINGf>

34 See 2014 article by Assaf Adiv: <http://nena-news.it/palestinian-workers-israeli-settlements/>

Part II:

Change following the Supreme Court Givat Ze'ev Ruling in 2007



Chapter Five

The Givat Ze'ev Ruling of the Supreme Court in 2007 and the Application of Israeli Labor Laws to Palestinian Workers in the Settlements

In October 2007, Israeli Supreme Court issued a ruling that would have far-reaching implications for the struggle of Palestinian workers in the Settlements. The ruling, named "Supreme Court Givat Ze'ev"³⁵, had been handed down in response to a petition submitted by the Israeli NGO Kav LaOved and a number of Palestinian employees of businesses in the Givat Ze'ev Settlements's local council. The petition demanded the application of Israeli labor laws to the working conditions of Palestinian workers in the Settlements. The petition was unanimously accepted by the nine justices of the Supreme Court, creating a new reality.

The obligation to insure Palestinian workers against work accidents and disability had been determined by the West Bank military commander as early as 1976. In 1982, the military commander of the area determined that Israeli employers must pay their Palestinian workers a wage equal to the minimum wage in Israel.³⁶ But as for the other rights, there was a lack of uniformity in the rulings of the regional labor courts, as described by Attorney Khaled Dukhi of Kav LaOved:³⁷In the late 1990s, some judges had already ruled that Palestinian employment in the Settlements was governed by Israeli law, while other judges ruled that Jordanian law was applicable.

The opinion of the Attorney General, which was submitted in the framework of the hearing in the National Labor Court, determined that the Jordanian law is applicable, and this was also the ruling of the National Labor Court that preceded the ruling of the Supreme Court. Actually the case was brought to the Supreme Court by Kav LaOved as a petition to overrule the National Labor Court.

As we described in the previous chapter, the signing of the Oslo Accords did not change the complex legal status of Palestinian workers in the Settlements. On the ground, these areas continued to be a kind of no-man's-land, without the enforcement of workers' rights and safety regulations, and employers acted with impunity.

The Supreme Court Givat Ze'ev decision significantly changed the situation of workers' rights for the better. The difference between Jordanian and Israeli law is significant: the arrangement under Jordanian law reduces costs to employers by tens of percentage points. Jordanian law does not require provisions for pension, payment for sick leave or convalescence pay; the number of vacation days under Jordanian law is much smaller than that required by Israeli law; and in case of dismissal, the maximum compensation required under Jordanian law is 9 months' pay on 15 years of seniority (every year of work beyond 15 years is not taken into consideration for calculating compensation).

Following the Supreme Court Giv'at Ze'ev ruling, there was intense activity on the part of Palestinian workers in the Settlements, which in the initial stage was aimed at the Regional Labor Courts. The number of claims increased dramatically, and the compensation awarded to employees increased significantly.³⁸ Kav LaOved, which had petitioned the Court, played a central role in managing individual claims of Palestinian workers during this period, which resulted in significantly higher amounts awarded.³⁹ Workers who were afraid to sue the employer and lose their jobs gained courage when facing the incentive of a big monetary gain. From 2008, hundreds of workers filed claims with the Regional Labor Courts.

Attorney Khaled Dukhi⁴⁰ estimates that the indirect effect of the High Court Givat Ze'ev ruling was even more important: many employers improved the wages and conditions of the Palestinian workers even before claims were filed, in order to neutralize the unrest that had begun among the workers.⁴¹

A report published by Kav LaOved in August 2013⁴² points to a long list of judgments that determined significant compensation for Palestinian workers in the Settlements. A partial list from this report includes: a judgment in the Jerusalem Regional Labor Court in favor of 32 employees of Even Bar Ltd. for NIS 584,000;; a judgment in the suit of two employees versus AS Madafei Yerushalayim from 2011-2012 totaling NIS 59,521. Workers from other factories organized and turned to Kav LaOved to help them claim large sums. Thus, 44 employees of Mia Food Industries Ltd. in Mishor Adumim filed numerous claims between 2009 and 2013 amounting to NIS 1,475,505; between 2010 and 2013, 42 employees of Mega Print Ltd. from the Barkan industrial zone filed claims totaling NIS 1,677,652; 54 employees from Avgi Morris 2000 (1997) Ltd., from the Barkan industrial zone, submitted claims during 2009-2012 totaling NIS 1,233,739; In 2009-2012, 44 employees at Rossi International Trade Ltd. from the Barkan industrial zone filed claims against the company totaling NIS 998,912.

But important and beneficial as the Givat Ze'ev ruling has been, it does not guarantee change for the workers in the Settlements. Even today, more than a decade after the judgment, many employers continue to ignore its provisions. In all the factories and companies where WAC has unionized workers in the past decade, we have encountered a reality where labor laws and rights are not adhered to; at Salit Quarry near Mishor Adumim, we met in 2007 with Palestinian workers who had been employed for years without pay slips, without accident insurance or a pension, without a minimum of safety measures or regard for their health and without job security;⁴³ in 2013, at the Levy Metal Company – a small workshop producing furniture in the Mishor Adumim industrial zone, we met with workers who were receiving no pay slips or social benefits and were earning half the minimum wage;⁴⁴ at the Zarfati Garage, the vast majority of those who joined WAC in 2013 had no accident or pension insurance.⁴⁵

The fact that workers who were fired or quit succeeded in court to get substantial compensation was an important factor in encouraging others to claim their rights. At the aluminum manufacturing factory Extal – one of the largest and most technologically advanced enterprises in the Mishor Adumim Industrial Zone – a group of 7 laid-off workers filed a petition in 2011 for their unpaid salaries (which were below the minimum wage) and for unpaid overtime; they obtained significant compensation through the court.. The fact that they were able to get this caused unrest involving the remaining 250 factory workers, who complained to the employer that he was paying people who had quit the job, while those who had proved their loyalty did not receive any compensation. As a result, the employer began to pay wages according to law, arranged the registration of overtime, made certain the employees had insurance, and also compensated them – albeit partially – for what he owed from the past.

American researcher Ethan Morton Jerome has reviewed the development of the struggle to improve the working conditions of Palestinian workers in the Settlements. In a field study between 2014 and 2016, he talked to Palestinians in both industry and agriculture; in addition he conducted a comprehensive survey of the Israeli and Palestinian discussions regarding the legal and the on-the-ground situation⁴⁶

The second chapter of Morton Jerome's study is focused on the HCJ Givat Ze'ev ruling in 2007. According to him, before that ruling there was a Palestinian consensus that the application of Israeli labor laws in the Settlements should be opposed, because it could be a step toward annexation. PA institutions, as well as human rights organizations and trade unions, were skeptical about the idea of appealing to the High Court of Justice.

But the workers who petitioned the Givat Ze'ev Local Council and other employers refused to give up their demands, asking Kav LaOved to represent them. Morton Jerome makes it clear, and rightly so, that the opposition to the implementation of Israeli law in the Settlements was linked to the Palestinian public expectation following the Oslo Accords that Israel would soon withdraw from the territories and an independent Palestinian state would be established.⁴⁷ However, when the chances of a political settlement eroded, the question of workers' rights in the field became more relevant. The decision of the Israeli High Court of Justice was therefore accepted de facto by Palestinian circles, despite the preceding controversies. Morton Jerome reports that when he began his study at the end of 2013, he did not identify any Palestinian active opposition, institutional or otherwise, to the idea of Palestinians working in the Settlements or claiming their rights under Israeli law.

35 HCJ 5666/03 Kav Laoved et al. V. The National Labor Court et al.

36 See in this matter the Human Rights Watch report: <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>

37 This emerges from an interview conducted by Assaf Adiv with attorneys Khaled Duhi and Michal Tager of Kav LaOved on October 3, 2018

38 <https://www.questia.com/library/journal/1P4-2052629512/palestinian-workers-in-israeli-settlements-their>

39 See footnote 35

40 See footnote 35

41 An example of this was the Extal plant in Mishor Adumim in 2011 - see details in Chapter 10 of this document.

42 <https://bit.ly/2zIK97j>

43 For the struggle of the Palestinian workers at the Salit quarry in Mishor Adumim, see here: <http://eng.WAC.org.il/?p=421>

44 The Marker Editor Tali Heruti-Sover interviewed Abdullah Abu Khaled, a resident of Jericho, who describes his working conditions and that of his friends at Levy Metal in Mishor Adumim. The article refers to the organizing initiative of the factory workers with WAC: <https://www.haaretz.com/.premium-a-wild-west-bank-for-labor-rights-1.5242295>

45 In June 2013 about 40 Palestinian workers at the Zarfati Garage in Mishor Adumim unionized by affiliating with WAC. The workers had complained of low wages and lack of social benefits: <http://eng.wac-maan.org.il/?p=563>

46 Morton-Jerome, Ethan, "Palestinian Labor in West Bank Settlements" (2018). Theses and Dissertations. 2707. <https://scholarworks.uark.edu/etd/2707> The research has not been published as of June 2019 when we go to press.

47 Morton Jerome cites in this context a study conducted from 2000 to 2002 in the West Bank by Dr Tobias Kelly of Edinburgh University in Scotland, describing the resistance of the relevant Palestinian elements. Dr Tobias Kelly, Cambridge University Press, 2006: <https://bit.ly/2NAKyMq>

Chapter Six

After the High Court decision: No major change

Anyone who expected a dramatic change in the employment conditions of the Palestinian workers following the High Court Givat Ze'ev decision was disappointed. A significant portion of Israeli employers in the Settlements continued to ignore the ruling, and the Palestinians continued to work, for the most part, under conditions of extreme exploitation, with safety regulations disregarded and without social security insurance.

The High Court decision is important, but it is the balance of power in the field that ultimately determines reality. The Israeli employers who moved their factories to the Settlements did so on the strength of a government promise that they would receive many benefits, first and foremost a promise that is not discussed, namely, the chance to hire workers from the PA territories at low wages and without social benefits. Without this, the employers lose their relative edge over industrial areas that are inside Israel. The latter have the competitive advantage of being closer to ports and population centers, nor are they subject to the security tensions in Settlement areas. Against this backdrop, we can understand the hesitation of the authorities in everything related to implementation of the High Court ruling. In the years since the ruling, Israeli authorities have not moved firmly to put an end to the "paradise of cheap labor" once promised to the Settlement employers.

Report No. 62 of the State Comptroller in 2012⁴⁸ indicated that four years after the High Court decision, nothing had changed with respect to enforcing the laws or paying the minimum wage (as required by the Commander of the Central Command since 1982). The comptroller also warned of the lack of any action to enforce safety and hygiene rules in Settlement-area factories.

The Comptroller's report described a sterile collaboration among various government agencies that yielded no improvements in on-the-job safety. The agencies including the Civil Administration's employment officer in the West Bank, the Ministry of Industry, Trade and Labor, its safety director and his legal advisor, as well as the Attorney General, who is supposed to implement the High Court decision. MK Ran Cohen, who served at the time as head of the Knesset committee dealing with foreign workers, demanded such implementation in 2008, but his requests were not met.

At the end of his report, and after approaching all parties, the State Comptroller noted the "years-long failure of significant supervision and enforcement in safety and hygiene in Israeli factories in Judea and Samaria [West Bank. A.A.], which indicates a continuing disregard for human life. This conduct is inconsistent with proper governance and can seriously jeopardize the safety, health and lives of the workers."⁴⁹

At the first meeting of the Knesset House Committee on Public Inquiries on December 3, 2013, chaired by MK Adi Kol, the obligation to pay minimum wage to Palestinian workers in the Settlements was raised. Kav LaOved representatives reported an increase in the number of employers who pay the minimum wage or higher (estimated by them at 50% of employers at the time). In response to a question by the committee chairperson, who wanted to understand what was happening in businesses that violated the law, the representative of the Ministry of Economics replied that his office had no effective way of enforcing the law in Settlement areas. According to him, the authority given to the inspectors of the Compliance and Enforcement Division is limited only to the issue of the minimum wage. But without the authority to examine working hours, the registration of vacations, the printing of proper pay slips, etc., it is impossible to keep the employer from falsifying actual work hours, so that the payment appears to be one that matches the minimum wage.⁵⁰



The struggle for the health of the workers at the Salit quarry

Along with the struggle of Salit quarry's Palestinians to ensure fair wages and social benefits, we acted from the very first to safeguard the health of the workers and ensure that they have humane conditions in the workplace. It should be remembered that in addition to the heavy dust in the quarry, the weather in this desert region is hot most of the year.

The workers complained about the lack of consideration for their basic needs. There was no supply of cold drinking water, no showers and toilets, and no dining room. In addition, we found no safety supervision. During the 24 years that had passed from its establishment in 1983 until 2007, when WAC entered the picture, there had been no inspection for dust harm or a general safety review.

When in 2007 we contacted the Ministry of Labor's Inspection Division on the Quarries and Building, as well as the Institute for Occupational Safety and Hygiene, it became clear that there was no supervision in the West Bank.

In short, we found a Kafkaesque reality that allows factories, including quarries, to employ Palestinian workers without risking any punishment for negligence in the area of safety, at times endangering lives. In light of this situation, WAC submitted a petition to the

Regional Labor Court in Jerusalem on behalf of the workers, focusing on the issue of safety and the inhuman conditions at the quarry.

In July 2007, attorney Bassam Karkabi filed a claim on behalf of 25 of the quarry workers. The claim included a demand for the immediate implementation of the safety regulations - including the demand for an inspection for "toxic dust," which is a standard test in every quarry, aimed to protect the workers from cancer. We also demanded the installation of toilets, showers and a dining room. These demands are not enshrined in the Jordanian law of 1966, which at the time was the basis for labor relations in the region. At the same time, we at WAC decided to submit what we saw as a minimum for reasonable working conditions and to put the issue before the Labor Court. We were confident that when things were presented to a judge it would be very difficult for the quarry to explain its blatant disregard for the workers' lives and health. The result was indeed positive. Even before a court hearing was scheduled, the quarry's management proposed to work with us to correct the deficiencies. The quarry managers immediately took steps to set up a dining room, toilet and shower. For the first time they commissioned a test for harmful dust, which produced a reassuring report that showed no danger of carcinogenic effects at the site. After the first sitting of the Labor Court, it was agreed between the parties that a WAC-appointed safety inspector would visit the quarry to examine the improvements that had been made. Long before the workers' rights and salary terms were improved, the quarry workers saw that unionization with WAC could make a difference.



48 The State Comptroller's Report, published on May 1, 2012. Chapter 7 of the report is devoted to the subject of industrial zones in the West Bank (in the words of the State Comptroller, "Industrial Areas in Judea and Samaria and the Rural Sector"): http://www.mevaker.gov.il/he/Reports/Report_117/ReportFiles/parta_4.pdf

49 See pages 1677 and 1681 of the report

50 An example was the lawsuit filed on behalf of workers from Jericho against a workshop in Mishor Adumim, which paid half the minimum wage without social benefits and without wage slips. In its response to the court, the workshop presented pay slips for the first time and reported hours that were clearly recorded in retrospect falsifying the actual number. In effect, the records had been "corrected" to make it look as though payment had complied with the law. The workers themselves had no records, and so there was difficulty in proving their claims. As a result the workers had to settle for a lot less of what they deserved.

Chapter Seven

Uninsured Palestinian workers

The first demand we raised in the collective bargaining that began in September 2013 with Zarfati Garage was to have the employees insured and contributions paid to the National Insurance Institute (NII). (On unionization at the garage see Chapter 12.) Later, in January 2014, we succeeded in obligating the employer to start making pension provisions. Even though these two layers of insurance coverage were arranged at the garage, we could not guarantee the livelihood of one garage worker, H.J., who suffered a stroke in June 2014 and lost his ability to work.

The case of H.J. is an example of the partial nature of work insurance that Palestinians receive in the Settlements. H.J. was 50 when he suffered the stroke, after 18 years of work at Zarfati. At the time he suffered it, the garage was paying wages according to law and making contributions to the employee pension fund. However, H. J.'s pension insurance did not include a component for disability and life insurance. In the absence of disability insurance for Palestinians at the NII, the employee remains without coverage. As he suffered from an illness that is not related to his work and cannot be considered occupational, he was left with no insurance of any kind. The timing of the illness - only a few months after he had begun to be insured in the pension fund - left him only with the few deposits accrued to his credit (a few thousand shekels), and without the right to a fixed pension for himself and his family.

The example of H.J. illustrates the lack of employment security for Palestinian workers in the Settlements. Many still do not receive legal wages and conditions, and they lack the comprehensive National Insurance coverage that they should have by law. In addition, their pension insurance is partial and limited. Thus, once an employee gets old, contracts a disease, is injured in an accident (not related to work), or dies, he is usually left with no coverage at all, and his family does not receive benefits as would that of an Israeli in the same job.

The partial insurance to which Palestinian workers in the Settlements are entitled comes from two sources: the insurance provided by the NII and supplementary pension insurance. On both levels, Palestinian workers are discriminated against in a way that negates the flag of equality raised by the High Court ruling from 2007. The result is that Palestinian workers employed in the Settlements can only partially guarantee their welfare and that of their families in circumstances of old age, illness or death.

National Insurance covers only cases of work accidents and bankruptcies

Israeli workers are entitled by law to a broad social safety net, which includes old age insurance, child allowance, disability insurance, unemployment insurance, income support benefit, accident and work disability insurance, insurance in case of bankruptcy of the employer, and more. All these types of insurance, with the exception of work accident insurance and bankruptcy insurance, are not part of the package for Palestinian workers employed in the Settlements. A Palestinian worker is entitled to the same insurance coverage as a foreign resident, meaning that he is limited to three branches of insurance: for work injury, for employee rights in bankruptcy and corporate liquidation, and for maternity.⁵¹

This means that a Palestinian worker who has contracted an illness unrelated to the job or has reached retirement age or is fired will remain, even after 20 years of work, without any source of income, except for a pension allowance derived from the amount that has been deposited in his account up to that day (more on this later in the chapter).

In the event of a work accident, National Insurance by law covers the cost of the employee's hospitalization, as well as the treatments and medications he purchases during the course of the treatment. However, in most cases, a Palestinian worker injured in a work place in the Settlements receives initial treatment at a clinic or hospital in the PA, a treatment costing hundreds of shekels, since the employee is required to pay for each X-ray, medication, treatment, and even for a copy of the initial treatment form.

In our experience, claims by Palestinian workers who have been harmed at work in the Settlements are not always accepted by the NII. The handling of most cases is very slow, even in the event that the employer cooperated and filled all the forms as required. The NII is not in a hurry to transfer the money due an employee for the period of absence from work, a salary equal to 75% of his average wage in the three months preceding the accident. With regard to reimbursement of expenses,⁵² there is almost no chance that the theoretical right of the employee to receive them will be realized. Even in cases where the employee is aware that he is entitled to such reimbursement and presents receipts, the payment is delayed for months or is just not transferred.

Very limited pension insurance creates discrimination

The High Court ruling from October 2007 closely preceded a major change in labor relations in Israel concerning pension insurance. On January 1, 2008, a collective agreement and 'extension order' issued by the Ministry of Labor came into effect; it obliged employers to provide a pension for all workers in Israel, whether or not their employer was part of an employers' association.⁵³ This created for the first time a situation in which every Israeli employer was responsible for pension insurance to his employees. A

Palestinian worker who wants to realize this right encounters a double obstacle: first, most employers of Palestinians do not abide by the law. Second, and this obstacle is even more severe, the insurance companies refused to provide comprehensive coverage for the Palestinian workers, and many refuse to accept the workers even for a limited program of old age insurance only.

Problematic in itself, by the way, is the fact that the task of ensuring of pensioners' welfare even in Israel is today in the hands of private companies, which operate solely for profit.⁵⁴

In 2008 and 2009, under the new extension order, when some Settlement businesses applied to the insurance companies to insure their employees, they were initially welcomed. However, in a short period of time, the companies began refusing to insure Palestinian workers for disability and collateral insurance, offering them only provident funds. Some refused to accept any Palestinian workers at all as clients.

As of 2011, a number of employers from the Settlement areas – in the fields of industry, services and agriculture – turned to WAC and requested our assistance in arranging pension provisions. Some of them had been charged by the Labor Courts to make provisions for pension. Others wanted to arrange the matter in order to avoid claims. However, when they contacted the insurance companies they found a brick wall. One example of this situation came with an owner in the agricultural sector at Na'aran, a Settlement in the Jordan Valley. Through WAC's mediation, he established contact with Clal Pension, one of the biggest insurance companies in Israel but this attempt failed, and the employees were not insured. The owner in Na'aran continued his search, and according to information we have recently received, he succeeded in finding a solution in another company, which was providing employees with a provident fund only (meaning a fund that lacks the elements of life and disability insurance). At Zarfati Garage in Mishor Adumim we had a similar experience (more in the chapter on the struggle at Zarfati Garage).⁵⁵

An inquiry we conducted with the help of a pension expert, the late Yaakov Zlotnik,⁵⁶ revealed that it was not the case that a decision was made by an individual insurance company. Rather, an agreement was reached by all the insurance companies not to insure the Palestinian workers in the Settlements with life and disability insurance. The companies argued that they had no tools to assess the medical files of Palestinians or their personal circumstances.

In 2014 WAC addressed a letter on this matter to the Supervisor of Capital Markets and Insurance at the Ministry of Finance, Ms. Dorit Salinger.⁵⁷ We pointed out that in practice there is an agreement between all the insurance companies which has prevented Palestinian workers from exercising their rights by law, creating (prohibited) selection of customers and discriminating on the basis of nationality. The discrimination, we pointed out, is also reflected among groups of workers in Area C factories that employ Palestinians and Israelis. While both Israeli and East Jerusalem Palestinians receive comprehensive pension insurance according to the law (including life and disability insurance), the tens of thousands of PA

workers are discriminated against. In the letter, we asked Ms. Salinger to actively intervene with the insurance companies in order to ensure that the High Court's decision for equal rights on the question of pensions would be implemented.

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In reply, Mr. Ariel Lerman from the Pensions Department⁵⁸ informed us that the government is currently examining the legislation related to the employment of Palestinians in the Settlements, that the pension issue will be discussed in this framework, and that recommendations will be made soon. To this day - about four and a half years after the correspondence - nothing has changed in the matter. In September 2018, we contacted the Clal Insurance Company, demanding that it insure workers at N.A. Metal Industries Ltd. in Mishor Adumim, where we had opened negotiations for a collective agreement. Our request was rejected: The company refused to insure the employees. They remain without any insurance.

The following is an example of the correspondence that took place between us and the representative of Clal on October 4, 2018:

WAC representative: I would like to talk to you about the plant in the Mishor Adumim industrial zone. It wants to provide pension insurance for workers who are residents of the PA. Would this be acceptable to you?

Clal Insurance representative: Do they have blue or orange IDs?

WAC representative: No one there has a blue [Israeli] ID. They are citizens of the PA.

Clal Insurance representative: Unfortunately not relevant.

51 <https://www.btl.gov.il/Insurance/Maasik/HahasakatToshavChutz/Pages/AnfyBituach.aspx> The rate of the provision for a Palestinian worker (assuming that his wage does not exceed 60% of the national average) is 0.46% employer provision and 0.03% employee allowance. The total pay for the Palestinian worker is 0.49% of his salary, and for a worker on the minimum wage of NIS 5,300 per month it amounts to only NIS 26.

52 As mentioned, patients in Palestinian hospitals are required to pay for each treatment, compared to an Israeli worker who arrives at a hospital or clinic in Israel after an accident and receives free medical care as covered by the medical insurance.

53 Historical agreement mandatory pension in the economy: <https://en.globes.co.il/en/article-1000233893>

54 Comprehensive criticism of the privatization of the pension market in Israel and its comparison to the gloomy reality in the United States, from a position paper published in June 2018, The Shores Institute for Social Economic Research: <http://shores.institute/research-paper-eng-Menahem-Carmi-Kimhi-Pensions.pdf>

An article in the Jerusalem Post summarizes the main points of the Shores Institute report: <https://www.jpost.com/Israel-News/Goodbye-Israeli-public-pensions-hello-US-private-retirements-savings-561121> For more on the failures of the pension savings system in Israel, see the Shores Institute's position paper: <http://shores.institute/research-paper-eng-Menahem-Carmi-Kimhi-Pensions.pdf>

55 For a WAC position paper on the failure of the Israeli insurance companies to deal with Palestinian workers, and the impossible situation in which both the employees and the employers find themselves: <http://eng.wac-maan.org.il/?p=861>

56 Mr. Yacov Zlotnik worked in the social insurance department of the Histadrut and was regarded as an expert in the field. After his retirement from the Histadrut, he started an independent agency of pension counseling. He served WAC as a counselor for several years, because he regarded our efforts with Palestinians and other marginalized workers as important.

57 WAC published a position paper at the beginning of 2014, and WAC CEO Assaf Adiv approached Ms. Dorit Salinger, Commissioner of Insurance at the Ministry of Finance, on Jan 22, 2014: <http://heb.wac-maan.org.il/?p=2167>

58 In a letter dated March 9, 2014

Chapter Eight

Obstacles for Palestinian Workers on Their Way to the Labor Court

When a Palestinian worker who resides in the West Bank encounters an Israeli employer who does not pay him according to his legal rights, he has, theoretically, the option of filing a claim with the Labor Court. However, it is a long and complicated path to filing the claim, getting a judgment, and then having the judgment implemented, so much so that the worker is often deprived, in effect, of exercising the right of access to the courts.

The first obstacles facing workers who wish to file a claim are geographical distance, language difficulties, and, of course, the prohibition to enter Israel. This makes them completely dependent on lawyers with freedom of movement. In the West Bank, a large number of lawyers, most of them Arab citizens of Israel, have opened offices in Palestinian cities or have contacted local trade unions to assist in filing these claims. Alongside many lawyers who do their job in good faith, we have learnt that there were others who exploit the isolation and disorientation of Palestinian workers. Sometimes workers find themselves facing an attorney who leaves them in the dark, does not update them on the state of the claim, and does not answer their phone calls. Later the worker is informed that his lawyer reached a deal with the employer without his knowledge.

Another obstacle stems from indirect and fictitious employment arrangements that make it difficult for the employee to prove that he worked for the employer. His wages are often paid in cash, without pay slips, without any written documentation of terms agreed on, hours, vacation days, etc. The periodic work permit is sometimes the only evidence that the worker was employed, and in its absence, the possibility of proving the claim dissipates. Often a Palestinian is employed by a third party, which provides him with the work permit but in practice does not employ him or pay his salary. Other frauds that we encountered pertain to working hours: Some employers pay less than the minimum wage; they state a low number of hours on the wage slips (which are not given to the workers), thus creating an impression that the hourly wage is at least the legal minimum. An employee who approaches the court is required to prove his claim, and this method raises many difficulties, prevents him from presenting evidence, and enables the employer to portray him as greedy.

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Employers in Settlement areas make aggressive use of the inferior status of Palestinian workers. They exploit the fact that the large wage gaps between the PA territories and Israel, and the high unemployment in the PA, create pressure on Palestinians to continue working in the Settlements even under abusive conditions.⁵⁹ In an attempt to prevent their workers from applying to labor courts, these employers have drawn up a “black list” of workers who sued their employers, in order to circulate it and keep them from getting permits. A.A.⁶⁰ a resident of Jericho, was employed successively by two abusive employers in Mishor Adumim. After he sued both of them with the assistance of WAC, he found out that no employer in Mishor Adumim was willing to hire him. We encounter many cases of workers who claim that they are rejected time after time by employers only because of having filed a claim in the past. In a reality of unemployment and large wage gaps, it is clear that such a list constitutes a very effective threat.

On top of all this, and in order to make the way to the labor courts impassable, the employers succeeded in 2018 in convincing the Ministry of Justice that there is an “intifada of false claims” by Palestinian workers that requires administrative intervention. In order to prevent this “unacceptable phenomenon” - although there is no evidence at all of its existence, former Justice Minister Ayelet Shaked adopted in August 2016 a directive that was dubbed “the Jordan Valley Regulations”.⁶¹ These obligate a plaintiff who is not an Israeli resident - as a condition for hearing his claim - to deposit a financial guarantee that will cover the employer’s legal expenses if the claim turns out to be false. In the two years of its existence, the regulation has caused the withdrawal of dozens of claims, most of them by Palestinian workers.⁶²

Civil society organizations Kav LaOved, Adalah and the Association for Civil Rights in Israel (ACRI) promptly petitioned the High Court of Justice against this regulation in 2016.⁶³ Attorney Michal Tadjer of Kav LaOved, who handled the case in the High Court of Justice, described in a discussion with us⁶⁴ how during the court hearings it became clear that the Minister of Justice had installed the regulation without any factual basis, based on complaints from employers only - all of them Israeli farmers in the Jordan Valley who benefit from the exploitation of the workers. It is worth mentioning that the number of Palestinian workers who are employed in the Jordan Valley is relatively very small but the justice minister had not bothered to ascertain the reality among the great majority of employers, had not applied to organizations representing Palestinian workers, and not to trade unions either. Despite this, she had prevented access to the courts of all Palestinian workers. It was also revealed during the hearings that the few employers who had complained could not point to a single false claim filed against them. Nevertheless, the High Court of Justice rejected the petition on September 17, 2018, stating that although this is a partial violation of the right of access to the courts, it is "proportionate and reasonable." With this ruling, another significant bureaucratic obstacle was placed in the way of the Palestinian workers, this time with a seal of approval from High Court.⁶⁵

59 See Chapter 3 above, which deals with the comparison of wage terms between the Settlements and the areas of control of the Palestinian Authority

60 See Kav LaOved report from September 2015: <https://bit.ly/1Vl6Qvf>

61 <http://nakbafiles.org/2016/08/08/israel-pushing-palestinian-workers-out-of-court-no-labor-rights-for-workers/>

62 WAC was approached in February 2019 by a group of young workers from Jericho who worked for 6 years as farm workers in one of the settlements in the Jordan Valley. They were given throughout the period a wage of NIS 60 a day. After 6 years they were dismissed with no compensation. The workers could not produce one single piece of paper that could prove their claim. No paychecks, no entry permit, no copy of a check from the employer. WAC's legal team explained to them the risks involved in submitting a claim to Labour Court in these circumstances taking in consideration that they continue to work there for a different employer. The workers decided not to take any action.

63 HCJ 7016/16

64 The author of the report, Assaf Adiv, met Adv. Michal Tadjer and Khaled Dukhi in Kav LaOved's office in October 2018.

65 This ruling was criticized, inter alia, by Adam Shinar, "Ayelet Shaked erases human rights with the help of bureaucracy," Haaretz, 8 October, 2018: <https://www.haaretz.co.il/opinions/.premium-1.6532406>

Part III:

Unionization of Workers as a Method of Action



Chapter Nine

WAC at the Salit quarry

In March 2007 a group of Palestinian workers who were employed in the Salit quarry near Mishor Adumim contacted WAC. At the meeting held at the gas station in Mishor Adumim, 15 workers participated, most of them residents of the PA and some residents of Jerusalem. The contact with them was created as a result of WAC's activities at its office in East Jerusalem, offering assistance to workers and the unemployed.

In retrospect, we realized that one of triggers to the decision of the Salit workers to unionize was the difficult experience they had undergone due to the illness and death of one of them, the late Yahya Khadr of Jericho. Khadr was one of the first workers at the quarry, and he had worked there for more than 15 years. In 2005 he suffered from a severe heart attack and was hospitalized for many months until he died. His family remained without any compensation or source of income. Khadr's brother continued to work at the quarry and turned to the company for compensation on behalf of the widow, but the management adamantly refused to pay. The workers understood that they must create a safety net to prevent such instances recurring.

Salit quarry is close to Jerusalem and the cement factories in the area, which gave it an important economic advantage. In addition, the quarry also established an asphalt plant and an asphalt team for paving roads in the service of the Public Works Authority and the Jerusalem Municipality. All these yielded large profits to the quarry. Despite this, the quarry employed its 50 employees on poor salary conditions, without any accident or pension insurance.

When we met the quarry workers for the first time, in early 2007 - even before the High Court Givat Ze'ev judgment in October 2007 - they were working without minimal rights. Only after a court petition was filed in July 2007 did the quarry begin to print wage slips, pay National Insurance contributions, and insure the employees with a comprehensive pension fund (at very low rates, as they were obligated to do under the general "extension order").

In October 2009, under the threat of a labor dispute, the quarry management allowed WAC representatives for the first time to enter the quarry premises. We arranged an election to the workers committee and entered into negotiations with the management on a collective agreement. In the course of the negotiations, the workers held more than one strike, because the quarry deducted unilaterally from their wages, in another case due to the management's withdrawal from the negotiating table. In both cases, the strike brought management back into line and led to an increase in wages even before a collective agreement was signed.

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The main difficulty in the negotiations was management's negative approach to the workers, who were looked at as primitive people with no commitment, lazy and incompetent. The second problem was to define the wages, since before unionization these were set as a net sum with each worker, and agreement had to be reached on gross wages. WAC did not raise extraordinary demands and concentrated on improving the lot of the workers who are PA citizens. We saw them as a group whose salaries needed to be rectified, since their wages were significantly lower than those of the Jerusalem workers, who received wages under Israeli law.

Finally, in April 2011, at the end of marathon negotiations, the parties reached a collective agreement, which the workers approved by a majority vote. But it turned out that the joy was premature, since the quarry's management refused to sign it, avoided agreeing on a date for signing, and left WAC's inquiries without any response. Again, having no choice, we declared a labor dispute. On June 16, 2011, a strike was launched under the slogan "We do not work without an agreement". In contrast to previous strikes, this time the management took a tough stance. For more than two months, the workers continued to come to the strike tent every day at the entrance to the quarry. The strike became a center of public interest both on the Palestinian side and on the Israeli side. It was widely covered by the press, which defined the struggle as "historic"⁶⁶ and there was solidarity in Israel and abroad. WAC managed to raise funds that enabled the partial payment of wages to workers who had no source of income.

At the end of August 2011, the quarry entered a liquidation process due to administrative failures and internal disputes in management; a liquidator, appointed by the District Court, began to manage its affairs.⁶⁷ The veteran employees were laid off, and the trustee on behalf of the court was in charge of disbursing severance pay and other benefits. For that group of workers, which included 35 of the quarriers, WAC provided an experienced legal team headed by attorney Ehud Shiloni, who obtained on their behalf a generous compensation arrangement in excess of NIS 4 million (an average compensation of over NIS 100,000 per employee).

Despite the unexpected termination and the loss of jobs, it was clear to the workers that it was WAC's assistance, accompanying the workers until the final payment, that assured them of compensation when the company was liquidated. This experience created shock waves throughout the region. Palestinian workers - mainly residents of Jericho - followed the struggle at Salit and began to contact WAC, which had established a reputation and status as a reliable organization.

Why did the management of the Salit quarry withdraw from signing the agreement it had reached with WAC?

The refusal of the quarry to sign the agreement after both parties had already reached agreement on all the issues remains a mystery.

One explanation is that the management identified a minority group among the quarry workers, who openly opposed the agreement. This was a group of 7 workers out of the 45 at the quarry; all of the 7 are residents of East Jerusalem, whose salary until the agreement was better than that of the workers from the PA. This group resented the priority WAC gave to regulating the conditions of the PA workers. The quarry's management gave some of them wage increases, in an attempt to recruit them for its own benefit in their struggle against WAC, and perhaps in the belief that through this group it would be able to remove the trade union from the vicinity.

Another possible explanation is that there emerged between the quarry's CEO, the owners and the board of directors intense tensions and friction to the point of mutual accusations of theft, which caused the quarry to deteriorate and led to bankruptcy.

A possible third explanation relates to the identity of the chairman of the quarry's board, Rabbi Nathan Nathanson, who was convicted of involvement in the "Jewish underground" in the 1980s. Because of his political identity, it is impossible to rule out that at a certain moment he got "cold feet" from the idea that he would be the one who would give WAC a foothold as a representative of the Palestinian workers in the Settlements.

66 <https://www.ynetnews.com/articles/0,7340,L-4086863,00.html> <http://imemc.org/article/61610/>
<http://www.miftah.org/PrinterF.cfm?DocId=23814>
<http://divergences.be/spip.php?article2697>

67 <http://www.labournet.net/world/1109/quarry1.html>

Chapter Ten

The Unionization Experience - Obstacles and Potential

In the years 2011-2014 - the years from the struggle at Salit to the successful unionization and collective agreement at Zarfati Garage (see chapter 12) - WAC made a number of unionization efforts at the factories in Mishor Adumim: at the Extal Ltd plant in 2011, at the Levy Metal plant in 2013, and at the M.S. Aluminum plant in 2014. These attempts, even though they did not lead to collective agreements, gave WAC a great deal of experience and led to the building of the organization's ties among the workers in the region.

Extal Ltd: Management "buys" the workers with partial compensation and prevents unionization

In July 2011, at the height of the strike at the Salit quarry, WAC was approached by workers from the Extal Aluminum factory - the largest plant in the Mishor Adumim industrial zone, with 250 workers, most of them living in the PA. There is no doubt that this appeal was made against the background of the struggle of the workers at Salit, rumors of which were making the rounds in the Jericho area at the time.

In recent months, Extal's management, under a settlement agreement, had paid tens of thousands of shekels to 7 former employees who had filed claims against it for minimum wage differentials and overtime work. These agreements led to tremendous pressure on the part of current factory workers to have those same differentials recognized and to regulate their working conditions. As a result, Extal's management made significant changes in early 2011. In effect, it implemented its duty under High Court Givat Ze'ev to apply Israeli law to the terms of employment. As part of the changes, the management promised the workers - who had been until then on 12 hour shifts at less than minimum wage - to pay each compensation for the past period. The promised sum was relatively low in comparison to what the company owed, but it came in the form of an agreement that guaranteed their continued employment in the factory.

In July 2011, about half a year after the management's changes, the workers began to fear that the promised sum of compensation would never be paid. It was against this background that they approached WAC, hoping that the unionization would provide them with a means of pressure that would force management to pay them as promised

On 18 July, 2011 we informed management that WAC is the representative trade union in the factory. Even before we received a response letter, we were told by the workers that management had surprisingly decided to pay the promised compensation, summoning each worker separately to present him with three checks and to condition their receipt on his signing a waiver of rights.

We made it clear to the workers that this step violates their rights and was intended to cause them to abandon the process of organizing. We also made it clear that they should be represented before signing a waiver of rights, and that the amount offered to them was very low. Many workers expressed anger and opposition to the blackmail measures used against them. However, the social and economic pressure did their job, and within a few days all the workers signed the waiver forms and were handed the compensation that the company had decided upon. The workers' agreement to receive a reduced payment without being represented effectively eliminated their motivation to organize, and the whole process of unionization was thwarted.

Levy Metal: Lack of Unity in the Workers' Ranks Prevents Unionization

In February 2013, a group of workers employed by Levy Metal Ltd., a furniture workshop in Mishor Adumim owned by Jerusalem resident Levy Mordechai, approached WAC. The workers reported that wages were lower than the minimum, always paid late, without national insurance or pension, without payment for travel, holidays, vacation, illness or convalescence, and even without wage slips. In addition to the 15 permanent workers, residents of Jericho, the factory employed young workers for short periods during periods of pressure; their conditions were even more precarious.

The employer refused to recognize the unionization and to open collective bargaining with us. He even refused to allow WAC to enter the factory, contrary to legal obligations. At the same time, the employer offered the workers a deal which would mainly improve the salaries of permanent employees, in exchange for the removal of WAC from the factory.

Following a workers' meeting on May 10, 2013, we declared a labor dispute and a strike. But then the workers asked to postpone the strike to the beginning of June, after the payment date. At the beginning of June workers received pay slips for the first time, and their wages were improved somewhat. But no National Insurance or pension fund contributions had yet been committed. Later on, it became clear to us that among the workers there was a dispute, which led to their withdrawal from the intention to fight with WAC for a collective agreement.

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The Levy Metal factory produces new payroll slips retroactively

In 2014, we filed a claim on behalf of two Palestinians from Jericho who had worked for a short period of 4 months in 2012 at the Levy Metal factory at a wage lower than the minimum, without wage slips and without social benefits.

They and their co-workers testified that the factory employs temporary workers in the summer, requiring them to put in 12 hour shifts. The two said that in the summer of 2012 they were employed with this arrangement and received a salary of NIS 90 a day; at the end of the busy period they were fired without any additional compensation. A 12-hour workday, according to the law, would have to be at NIS 275 per day by the minimum wage rate at the time – meaning 3 times higher than the salary that was paid to them.

In response to the claim, the factory submitted a record of hours to the court, according to which the two were employed only part-time, thus explaining the low wages. Alongside this record, the company presented matching pay slips, claiming that these had been given to the two at the time and that they reflect real-time registration of hours. It was difficult to prove the contrary. The employees had not kept any record of hours that supported their version, and the court seemed inclined to accept the employer's account. In the end, the workers agreed to a compromise and the case was closed at NIS 4000 for one employee and 2,500 for the other.

M.SH. Aluminum: Workers Succumb to Pressure

At the end of 2014 we were approached by a number of employees from M.SH. Aluminum in Mishor Adummim, who live in the nearby towns of al-Azariya, Abu Dis and Hizma. They turned to WAC in the wake of other struggles in the region, including those at Salit, Extal, and Zarfati Garage. Unlike at other places we knew in the area, their wages were at least the legal minimum and sometimes more; they received most of their rights: sick pay, vacation, holidays, convalescence; and they were also insured for work accidents by the NII. However, the management would impose fines on them when they were late due to crowding at the checkpoint leading to Mishor Adummim. In addition, there was no provision for pension on their behalf, which raised concerns about their future security. Nor was there a prospect for wage raises.

In addition to the connection that had been initiated with WAC, a confrontation arose with management after a group of workers was delayed at the checkpoint, resulting in lateness by half an hour. The management announced that they would be fined NIS 200 each. In response, all the workers left the plant as one until the fines were rescinded. In view of this united stance, management withdrew. That evening the last of the workers joined WAC.⁶⁸

After we informed the company that we were the representative workers' organization and demanded collective negotiations, the company took up delaying tactics, which were later replaced by an official refusal to recognize the unionization. At the same time, the company ran a campaign of persuasion aimed at the workers, claiming that their appeal to WAC was "a stab in the back," but also offering to come to an agreement without WAC.

In early February 2015, when we realized that the factory management had no intention of entering negotiations, we called a strike starting February 18. Because the earlier strike at Zarfati had spawned cooperation between the police and the employer, this time we made sure to neutralize police interference.⁶⁹

On the appointed day, given the lack of response from management in the two weeks since the declaration of a labor dispute, the workers left at 13:00 and announced that they would not return after lunch. Work came to a standstill. WAC activists waited outside the gate with protest signs.⁷⁰ After three hours of picketing, the workers left for home with a sense of satisfaction. The feeling of success stemmed in part from the fact that they had succeeded in paralyzing the plant. In addition, they were strengthened by the fact that a police car's visit to the area ended after WAC representatives stated that the picket line was legal, the police taking no action. Also, journalists arrived, including an Israeli Arabic language TV crew who covered this unusual event: striking Palestinian workers.

Despite this positive trend, the pressure exerted by management apparently increased. The next day, WAC received a faxed message signed by the vast majority of employees, including the organizers of the unionization, saying they had collectively decided to leave WAC and manage their affairs independently, while thanking us and expressing their appreciation. From later reports of the workers, we learned that they had abandoned unionization because of inducements offered by management. Although this is not a legitimate act by management, we had no choice but to abandon the effort, since success in unionization requires the workers' backing.



68 <https://tv.social.org.il/updates/34796>

69 <https://www.themarket.com/career/1.2386326>

70 <http://heb.wac-maan.org.il/?p=2959>

Chapter Eleven

The Nitzanei Shalom Industrial Zone: The National Labor Court Reinstates Jordanian Labor Law

In the years 2013-2015, WAC was involved in an effort to expand the significance and scope of the Givat Ze'ev ruling of the High Court of Justice and apply it to Israeli employers in the West Bank industrial Park of Nitzanei Shalom near Tulkarm.

The Nitzanei Shalom zone was established in the 1980s on land owned by Palestinians of the area.⁷¹ Three Palestinian workers, who had been fired from the zone's Yamit Filtration Plant after years of labor, sued the employer. They demanded severance pay, wages and social benefits under Israeli law. WAC's connection with them was established only after the judgment on their suit was made by the Tel Aviv Regional Labor Court.

The ruling from November 2013,⁷² by Justice Oranit Agassi, stated that the applicable law in Nitzanei Shalom is Jordanian law, and so employees have no entitlements deriving from Israeli law. The judgment even ordered the three workers to pay the employer's court expenses of NIS 20,000.

Justice Agassi also noted that "the defendant's argument should be accepted because if the claim of the plaintiffs was accepted, it would have to apply Israeli law to all the workers of the plant, about 100 in number, and as a result it would undergo an economic crisis and even insolvency due to the many costs and payments it would have to bear"⁷³ This ruling entailed a consideration of possible economic difficulties that might arise for employers, at the expense of the disadvantaged workers, who lack rights and pension insurance. It implied that the Tribunal's role is to interpret the law to protect employers from large claims by employees.

At the end of 2013, we were approached by Adv. Ehud Shiloni, the owner of a leading law firm dealing with workers' rights, who had cooperated with us in the past on the Salit quarry case. Shiloni had represented the Histadrut in the Givat Ze'ev petition filed at the High Court of Justice, and when he learned of Oranit Agassi's ruling, he suggested that we join him in an appeal to the National Labor Court. We too thought we should seek to annul the judgment.

With the help of contacts we had established with Palestinian workers and unions in the Tulkarem area, we got in touch with the workers - Mujahid Khreishi, Khalid Yahya, and Ahmad al-Shayeb - and suggested that they file an appeal. Although it is technically and legally problematic for an Israeli company to collect money from PA residents, the existence of a debt creates difficulties: a Palestinian with a debt to Israel cannot enter Israel or the Settlements. The potential damage of the charge of NIS 20,000 to the Palestinian workers was clear. The three were very interested in the proposal. They expressed frustration and anger at the judgment; they preferred to reject certain compromises proposed by the company in order to obtain a fair ruling that would also benefit the rest of the workers at the plant.

At the beginning of 2014, Shiloni submitted an appeal to the National Labor Court on behalf of the three workers. Our attempts to obtain entry permits for them to meet with Shiloni in his office in Ramat Hasharon were refused, and special arrangements were needed to fix a viable location. The obstacles imposed by the Occupation authorities show how vulnerable is the situation of Palestinian workers who want to sue abusive employers, and how complicated the process of filing a claim can be (recall the requirement of depositing a guarantee before filing a petition, described in Chapter Eight).

The main argument in the appeal submitted by Shiloni on behalf of the workers was that Yamit Filtration is an Israeli company in every respect,⁷⁴ that the Nitzanei Shalom zone is under absolute Israeli control, and that therefore the company should not be excluded from the definition of "Israeli enclaves" in the High Court Givat Ze'ev ruling. Moreover, the letter of appeal made clear the absurdity of designating Jordanian labor laws of 1966 as a basis for the creation of working relations between an Israeli employer and his Palestinian workers. The appeal also argued that since the Oslo Accords and the establishment of the PA, a division of authority between Israel and the PA had been created in the West Bank; it makes sense, therefore, that rulings in labor relations should be based either on Israeli labor law or PA labor law. The reliance on the Jordanian laws of 1966 is irrational, and the Labor Court should have viewed the matter from a wider perspective and not been content with an approach divorced from reality.

The appeal hearing was postponed time and again. Meanwhile, in June 2015, WAC was contacted by a group of activists from the Combatants for Peace.⁷⁵ They were at the time engaged in a campaign against the environmental pollution that the Nitzanei Shalom zone was causing both to Palestinian communities and to Israeli towns in the Sharon Plain. In a joint campaign in June 2015, WAC and Combatants for Peace contacted local authorities who had links with the Tal-El recycling plant that operates in Nitzanei Shalom and called on it to stop its contracts with the polluting plant, which was also not paying fair wages.⁷⁶ “Although this industrial zone was established as a model for regional cooperation, it has become one of the prominent symbols of the abject exploitation of workers, uncontrolled environmental pollution and the violation of human rights,” as the two organizations described it. “Many factories and employers at Nitzanei Shalom exploit the location of the industrial zone beyond the Green Line to argue that the labor and environmental laws of the State of Israel do not apply to them. Residents of nearby Emek Hefer and Tulkarem suffer from air and water pollution. Our visit with various journalists in the area revealed that for many workers the place is run as a labor camp under prison conditions rather than as an industrial zone.” No local authority has responded to the challenge.

On July 14, 2015, the appeal of the three workers dismissed from Yamit Filtration finally got a hearing in the National Labor Court.⁷⁷ Attorney Shiloni asked the panel of judges: “Where do we send the Palestinian workers who have been living with us for decades and are claiming their rights? To an archaic Jordanian law that no longer exists in Jordan and that no one really knows? Is this fair?” The judges rejected the appeal.

The brief ruling by the panel of judges, headed by the President of the Court at the time, Judge Yigal Plitman,⁷⁸ determined that the situation in the “Nitzanei Shalom” area was fundamentally different from that of Givat Ze’ev, since Nitzanei Shalom is not an “Israeli enclave,” but rather an area established to promote economic cooperation between Israelis and Palestinians and to create jobs for the area’s residents. In our view, the court was seeking to set boundaries to the application of the HCJ Givat Ze’ev ruling, and avoid far-reaching consequences, politically and economically.⁷⁹

As a result, three workers who had been employed in the factory for 6–8 years without even minimal conditions, and who were arbitrarily dismissed without a hearing, came out empty handed after two court hearings. The National Labor Court did not even cancel the payment of the NIS 20,000.⁸⁰



- 71 A comprehensive article on “Nitzanei Shalom” on the Idan Landau blog: <https://idanlandau.com/2014/09/24/nitzaney-shalom-occupation-plus-capital/>
- 72 524-05-10 Harishi Medanaba v. Yamit Filtration Ltd
- 73 For the harsh reality experienced by the workers, see the article by Tali Heruti-Sover in The Marker: <https://www.themarker.com/career/1.2651610Pitatieae peditio consequ aectum sape magnist quuntium aliquis sit expero officitur?>
- 74 The company’s website reveals that its address is the Tnuvot industrial zone within Israel: <http://www.yamit-f.com/>
- 75 Combatants for Peace is a group of Palestinians and Israelis who have taken an active part in the cycle of violence in our region: Israeli soldiers serving in the IDF and Palestinians as combatants fighting to free their country, Palestine, from the Israeli occupation see more on CFPeace here - <https://cfpeace.org/>
- 76 An article in The Marker of 29.6.2015 reports on the joint campaign that was held in front of the Givatayim municipality, which had the most significant contract with the Tal-El factory: <https://www.themarker.com/career/1.2671144>
- 77 <http://heb.wac-maan.org.il/?p=3140>
- 78 See 972-10-3636-1213 Harishi Madanabe et al. v Yamit Filtration Ltd
- 79 More on the ruling: <https://972mag.com/court-denies-equal-rights-to-palestinian-workers-in-israeli-industrial-zone/109225/>
- 80 After the judgment was handed down, a connection was established between the workers and the plant management. One of the workers was reinstated. A second one received a small sum of money as a goodwill gesture from the factory management. The third worker did not receive any compensation

Chapter Twelve

Unionization at the Zarfati Garage and a Breakthrough Collective Agreement

In June 2013, right at the time of the attempt to unionize the workers at Levy Metal (see Chapter 10), and after a long article was published in The Marker about exploitation in the industrial zone of Mishor Adumim,⁸¹ an employee at Zarfati Garage named Hatem Abu Ziadeh approached us, describing labor conditions without social benefits and wages below the minimum.

At the first meeting with the initiators of the unionization, they described how, before contacting WAC, they had been in touch with a lawyer operating in Jericho, until they understood that he could not help them. They later contacted the Histadrut, but after a visit by its representative to the factory and a conversation with the workers, they never heard from him. Other workers in the industrial zone, who also live in the Jericho area, recommended that they turn to WAC.

Following the meeting, we convened a workers' assembly in a public area near the entrance to the industrial zone. Abu Ziadeh showed himself at once to be a courageous person. He took it upon himself to lead the struggle. Under his leadership, the workers were determined to bring about a change. They described the many problems facing them: payment of wages only on the 15th of the month, no proper pay slips, no pay for overtime, holidays, pensions or convalescence.

When the workers were at the point of signing registration forms to join us, a large pick-up vehicle approached us and stopped right inside the meeting. From it emerged one of the garage owners, Dotan Zarfati. Suddenly we noticed that some of the workers who were standing with us had disappeared from the scene. Others stayed in their places. WAC National Director Assaf Adiv went directly to Zarfati and told him, "You should know that the workers here complain that they have no rights and we, WAC, intend to represent them. They have a legal right to unionize, and it is time to change the conditions at the garage." The manager responded that the workers were being given all their rights. After a few minutes of talk he got into his car and drove off.

This encounter on the first day of unionizing forced us to act quickly, before the garage began to take revenge on the workers who had confronted Zarfati at the junction. The next day we gave the garage a list of 19 employees who had signed the registration form, and over the course of that week we handed in another 20 forms – all together 39 names that represented more than a third of them, making WAC their representative body according law.

The immediate reaction of the Zarfati managers was predictable. They summoned the employees whom they thought could be pressured, and with a combination of inducements, they tried to get them to cancel their WAC membership. We made it clear to the group that had taken the initiative that this step was illegal. In view of the ruling by the National Labor Court in the Telephone case at the start of the year, our threat to appeal to the court had powerful leverage in deterring the employer.⁸²

WAC's legal adviser, Attorney Aya Bartenstein, sent a warning letter to the Zarfati Garage. More than this, however, it was the courageous stance of the workers that convinced the employer that they would not back down. One of them, when invited to a talk in the garage office, told the manager in the presence of his co-workers: "Why not talk to me here? There's nothing secret" – a response that led the manager to retreat.

As the Garage refused to accept our demand to start negotiations towards a collective agreement, the workers' next step toward unionization was to vote on a labor dispute and strike. The meeting was scheduled on July 2nd at 4.30 PM in a café at the entrance of the industrial park. When the workers arrived, near the entrance to the café they saw the garage manager. He sat in his car again, trying to deter them from entering. Respectfully, the workers went in under his scrutiny, none retreating. About 40 gathered in a militant mood. It was clear that they were in no hurry to give up the sense of freedom that membership in the union had given them. The proposal to declare a labor dispute and strike was unanimously passed.

In the 15 days leading up to the strike, we contacted media outlets. Journalist Haim Har Zahav of Jerusalem's local news channel saw it as an unprecedented struggle of Palestinian workers organized in an Israeli labor union. He arrived at the garage with a camera crew during the lunch break. The workers talked openly and fearlessly to the camera in front of the managers. This was further evidence that they had crossed the Rubicon and that nothing would stop them from striking, if need be.

And the pressure did its job. Two days before the scheduled strike date, manager Maurice Zarfati turned to WAC Director Adiv and offered to meet. As a result, in early August 2013, collective negotiations were initiated with the management of the garage. As we prepared for the strike, we learned that the garage had begun, for the first time, to pay its workers the minimum wage, doing so on the 9th of the month. Thus, before the negotiations opened, a large part of the workers received a salary increase of about NIS 1,000 monthly. Later, and concurrently with the negotiations, the garage began insuring the workers at the NII (September 2013), providing pension insurance (January 2014), and paying for convalescence (February 2014). So our first demands, which touched on workers' basic rights, were already implemented. Thus, when we reached May 2014, there were only two demands on the agenda: (1) promotion according to seniority and professional ability, and (2) compensation for the years in which they had been employed without social benefits and at wages lower than the minimum.

July 2014: Attempt to fire the leader of the Workers Committee

On July 21, 2014, the Zarfati Garage management handed a letter to Workers Committee chairperson Hatem Abu Ziadeh, inviting him to a hearing prior to dismissal. The reason for the dismissal was very general, referring to “changes in the company’s assessments and a lack of suitability for the position.” This was a puzzling argument, considering that Abu Ziadeh was a professional with 17 years of seniority. The timing was strange, and in retrospect it can be explained by management’s decision to end unionization (headed by Abu Ziadeh) working conditions had been regulated according to law. The timing may also have been chosen as an attempt to exploit the difficult atmosphere created by the war in Gaza that was going on at the time.

Together with the workers, we decided to combat this attempt at dismissal by an immediate strike. The next day, July 22, 2014, we assembled the workers during the break at the entrance to the garage. They stood as one by Abu Ziadeh. At the end of the half hour break they remained outside, and when the managers went to call them to work, they declared that they were on strike until the dismissal process had been cancelled.

It was not long before a patrol car arrived at the picket line. The police claimed that any gathering of three or more people in the West Bank without approval was a violation of the law. WAC reached a compromise with the police which included filing a request for a picket line while allowing it to remain at the entrance of the garage. The next morning, however, a group of thugs arrived with Israeli flags and threatened to force the workers out. WAC representative Yoav Tamir called the police and asked for protection against a violent attack on the picket line, but the police van arrived and arrested him on the spot.

In parallel to the pressure exerted on the strikers by the thugs and by the police, the garage began bringing in new workers from the area, as a substitute for the strikers.

The replacement of strikers with other workers is prohibited by law, and this overt act of the garage forced us to apply to the Labor Court with an urgent request for an injunction, filed on July 24, 2013, both against the attempt to dismiss the chairperson of the Workers Committee and against the attempt to break the strike.

The hearing before Judge Sarah Broiner Yisrzadeh was called at record speed, during a period when the courts were not sitting. The garage owners presented a surprising new reason for the intention to fire Abu Ziadeh: There were no more claims of changes in the company’s assessments or claims of his unsuitability, as detailed in the summons to the hearing. Instead, a security argument was suddenly born, according to which Abu Ziadeh had sabotaged a military vehicle that was being handled by the garage during Operation Protective Edge. Although the claim was made without evidence, the judge agreed to give the garage a few days to present a statement by security officials on the matter. In the absence of such a provision, the judge ordered that Abu Ziadeh should be returned to work.

From that moment on, the garage administration made various attempts to incriminate Abu Ziadeh with claims of sabotaging a military vehicle. Already on the day after the hearing, one of the garage managers filed a complaint with the police on the matter. The police summoned Abu Ziadeh for interrogation; this entailed the automatic revocation of his work permit. From that moment on, the garage no longer needed to dismiss him, since he could not get to work anyway. The task WAC now took upon itself was to expose the falsehoods against Abu Ziadeh and force the garage owners to return him to work.

For this purpose, we approached Attorney Michal Pomerantz from the law office of Smadar Ben-Natan, who specializes in human rights. In coordination with WAC, Pomerantz wrote to the Civil Administration and the Police in an attempt to cancel the ban on Abu Ziadeh's entry to his workplace. When it became clear that the two authorities placed the responsibility for cancelling the entry permit on each other, Pomerantz approached the State Attorney's Office for a pre-HCJ hearing. In the absence of an adequate response, Pomerantz submitted a petition to the High Court of Justice against the military commander in the West Bank, the Civil Administration and Zarfati Garage (14 September 2014). At the core of the petition was the claim that this is a civil dispute involving the unionization of workers, and that the security charge against Abu Ziadeh goes hand in hand with the employer's routine attempts to disrupt unionization. Evidence that the security complaint was fabricated was the fact that it concerned events which, according to the management, occurred three weeks before they filed the complaint. Pomerantz pointed out that the letter that summoned Abu Ziadeh to a hearing came two weeks after the alleged sabotage and did not mention this, citing other reasons for the intention to dismiss him. In light of this situation, the petition demanded the immediate annulment of the prohibition banning his return to his workplace, since it constitutes improper interference in a civil dispute.⁸³

At the end of November 2014, security officials announced that they were removing the restriction on Abu Ziadeh's entry into the industrial zone.⁸⁴ A few days later, the police announced the closure of the case against him. The feeling was that the legal and public pressure led to the end of the persecution, and that now there would be no choice but to return Abu Ziadeh to work.

7000 trade union activists worldwide bombard the email account of Zarfati Garage

At the end of July 2014, as soon as it became clear that Abu Ziadeh, chairperson of the workers' committee at Zarfati Garage, was being subjected to persecution, and that the legal and security authorities were cooperating with the garage administration, we contacted Mr. Eric Lee, manager of the worldwide network of trade union activists, LabourStart, requesting a campaign against the persecution of Abu Ziadeh. The network, which is based in London, includes thousands of trade union activists and distributes ongoing information on workers' struggles. Mobilization was tremendous: Within three days, the LabourStart petition received responses from some 7000 activists, who sent emails to the Zarfati Garage and to the International Department of the Attorney General's Office. Each email called for immediate reinstatement of the workers' leader and demanded that the state authorities act to prevent a serious breach of Israel's legal obligations under the international treaty guaranteeing workers' freedom of association (ILO Convention 87). The text of the petition, firm but polite, aimed to convince the Zarfati Garage to change course. The huge number of e-mails created a feeling in the management that the struggle was resonating widely and that the price of continuing confrontation would be heavy. The massive support also put wind in the sails of the workers and strengthened the confidence of the activists.⁸⁵

Contrary to our hope during the hearing before Judge Broiner in early December 2014, it turned out that the picture was completely different. The garage⁸⁶ management remained determined to prevent any change in the situation. At the hearing, the representative of the garage, attorney Yaron Eliram, presented a letter from Major Eli Almakayes of the Army's Garages Unit, according to which Abu Ziadeh was forbidden to service army vehicles and to walk around the garage. The letter was presented by the garage as proof that the security authorities held information against Abu Ziadeh. This contradicted the official position of the defense establishment and the law, which, as mentioned, had cleared all charges against him. Despite this, the judge accepted the letter as evidence and showed a clear tendency to side with the garage's position that it could not employ Abu Ziadeh. Later, the judge issued a ruling that confirmed that WAC was the representative organization in the garage but accused it of having declared a strike even before Abu Ziadeh was fired; it ruled that Hatem must attend a hearing in anticipation of dismissal as requested by the managers. This judgment allowed the garage managers to summon Abu Ziadeh to a hearing and dismiss him formally.

Despite the hardships he suffered and the damage to his livelihood, Hatem Abu Ziadeh continued to stand firm and oppose any settlement. On more than one occasion, the garage hinted that it would be prepared to pay him increased severance pay provided he relinquished his demand to return to work. In a film produced by WAC in October 2014 for a solidarity campaign with him, Abu Ziadeh maintained his determination to continue the struggle. He made it clear that he was an inseparable part of WAC and that, regardless of how things would end, his and the organization's struggle would go on.⁸⁶

Two appeals were submitted to the National Labor Court against the problematic ruling: one by Zarfati Garage that demanded the cancellation of the WAC as a representative organization of the garage workers; the second was submitted by WAC demanding to cancel all the measures taken against Abu Ziadeh. While we awaited a hearing date in the National Court of Appeals, the garage management made full use of the legitimization given it to dismiss him. On February 10, 2015, it sent a letter of dismissal to Hatem. Even though we were in a process of a pending appeal against Judge Broiner's ruling, WAC's legal team decided to file an injunction against the letter of dismissal. This step effectively waived the appeal. Indeed, the judgment of the National Labor Court, which was handed down on April 21, 2015, brought the hearing back to the court of Justice Eyal Avrahami in the Regional Court

A ruling that led to a precedent-setting collective agreement

The hearing of the injunction against the dismissal of Hatem Abu Ziadeh, Chairperson of the Workers Committee, took place in March 2015 in the courtroom of Justice Eyal Avrahami of the Regional Labor Court in Jerusalem. In January 2015 we had added to our legal team two lawyers famous for handling the initial stages of workers' organizing: Amir Basha and Dr. Moran Savorai. They brought with them their experience in the struggles of Histadrut workers unionized in companies as such as Ynet and McDonald's.

Abu Ziadah's steadfastness was the most important factor in the process. He was not tempted by proposals for increased severance pay, nor broken by the uncertainty – or by having to earn a living as a taxi driver within the PA with a monthly salary of NIS 2000 – less than half what he had earned in the garage. During this period, there were deepening relations of trust and cooperation Abu Ziadeh and the WAC team. Our fundraising campaign helped him support his family in those long months.

Judge Avrahami did not rush to a decision. But the adamant refusal of the garage to return Abu Ziadeh to work, and his insistence as well as WAC's on his right to return to work, made it clear to the court that a compromise could not be reached and that there was no choice but to make a clear decision

On February 17, 2016, exactly one year after Abu Ziadeh's dismissal, Judge Avrahami (who in the meantime had been appointed president of the Jerusalem Regional Labor Court) issued an unequivocal decision that the garage should immediately bring him back to work. The court severely criticized the management, saying that the garage tried to "blacken the image of Abu Ziadeh and deny his legitimacy." The court defined the rationale for the dismissal as a false accusation, stressing that "here there has been more than mere folly, to stain the name of a dedicated worker who has put in more than 17 years at the garage." The judge also ruled that there was no basis for the claims raised against WAC's status as the representative organization, and that these merely reflected the garage's refusal to reconcile itself to the "wickedness" of the decree recognizing WAC.⁸⁸ The decision also overturned Judge Broiner's ruling.

The verdict astonished the Zarfati employees. None of them had believed that an Israeli court would stand in support of a Palestinian worker who had been fired on security grounds. The workers were convinced that given the determination of the garage managers, there was no chance that Abu Ziadeh would return to work. During the struggle, we had often heard from the workers that "if the owners of the garage are obliged by the court to return Hatem to work, they would rather close down the garage."

But that was not the case. The court's decision, which was also endorsed by the National Labor Court within a short time,⁸⁹ caused a dramatic change in the attitude of the garage managers. In contrast to their negative position for almost two years of legal battles,⁹⁰ a dialogue began that enabled the implementation of the court's ruling and the formal return of Hatem Abu Ziadeh to work after 21 months of absence.

Simultaneously, and in view of the improvement in the atmosphere, the parties returned to the negotiating table. On the agenda were the agreements reached prior to the outbreak of the crisis in July 2014. The negotiations were conducted intermittently for a number of months in 2016, while the President of the Court, Justice Avrahami, occasionally convened the parties, though refraining from giving a judgment on several issues. It quickly became clear that the stumbling block that made it difficult to reach agreement was the demand for back compensation for years of employment at a wage lower than the minimum and without social benefits.

During the long waiting period until the court's ruling, we decided to employ alternative pressure in the form of individual claims of employees for past debts. Among Zarfati workers, there is a large group of veteran employees who have worked for many years without basic conditions, creating a significant arrears liability on the part of the garage. The claims of 15 workers, some of them for over NIS 200,000, created pressure on the management, which suddenly became interested in signing a collective agreement that could end the disputes with a reasonable compromise instead of harsh rulings.

In these circumstances, when the court suggested that the parties resort to a mediation process with retired judge Oranit Agassi, we thought this could be helpful. The mediation took place at the prestigious offices of the Tel Aviv Center for Mediation. WAC's team included WAC's National Director Adiv, our legal adviser Attorney Bartenstein and Attorney Gilad Zabida (a partner in the law office of Basha and Savorai); and of course Hatem Abu Ziadeh, who came from the West Bank by means of the entry permits that requested on his behalf. The feeling was that this was a one-time opportunity to get a good deal for the Palestinian workers at Zarfati Garage. Abu Ziadeh's courageous and dignified stance during the long wait inspired us. If he was willing to take on this burden of uncertainty and give up generous severance offers, the task now fell upon us to fulfill that promise and reach an agreement for all the workers.

In the end, after several rounds of meetings and exchanges of documents, agreement was reached on the total amount to be paid to the employees: NIS 1.1 million. The sum was divided among 32 employees, each of whom received compensation of between NIS 15,000 and NIS 57,000. These amounts did not reflect the entire debt of the garage to the employees, but rather constituted a compromise. On the other hand, it was clear that the workers' agreement to compromise would guarantee them employment security and wage promotion over time, as part of the collective agreement that was signed.

Prior to the actual signature, WAC held a general assembly of the Zarfati workers in which we asked them to approve the agreement. We translated its text into Arabic and handed it to them in preparation for the vote, which would proceed according to WAC's bylaws. It was essential that we get the green light from them before signing the organizational and financial arrangements.

On Wednesday, February 1, 2017, we arrived with lawyers Amir Basha and Gilad Zabida at the Zarfati Garage towards the end of the working day. The garage manager, Maurice Zarfati, accompanied us on a tour of the garage. The management had prepared the waiting room for the workers' assembly, arranging chairs and refreshments, so that it felt like they were no less interested in an agreement. The impression among the workers was that something very basic had changed in the relationship with management. At the meeting we reviewed the long struggle, the new page that had been opened, and the details of the agreement. The workers were excited, and they unanimously approved it.

On February 14, 2007, we convened a concluding session in the office of Justice Ornat Agassi, during which we signed the historic agreement - the first of its kind for Palestinian workers in the Settlements' industrial zones. The media coverage was significant. The Marker reporter Tali Heruti-Sover defined it as a groundbreaking agreement for Palestinian workers in Mishor Adumim.⁹¹



- 81 In an article by Tali Heruti-Sover, dated May 9, 2013 and entitled "NIS 10 an hour, with no pay slip and no rights," a WAC activist and worker from Jericho was interviewed about the exploitation. He highlighted WAC's efforts in defense of workers in the zone of Mishor Adumim: <https://www.themarker.com/career/1.2015929>
- 82 According to the Collective Agreements Law, an employer's intervention in the freedom of association of his employees constitutes an offense with a fine of up to NIS 200,000 without proof of damage. In January 2013, the National Labor Court ruled, following the intervention of Pelephone in the unionization of its employees, that an employer must not turn to workers and pressure them either positively or negatively against association: <https://en.globes.co.il/en/article-1000811621>
- 83 For more on the petition to the High Court of Justice and its meaning, see here: <http://eng.wac-maan.org.il/?p=1169>
- 84 On the significance of the decision to cancel the entry ban imposed on Hatem, see here: <http://eng.wac-maan.org.il/?p=118>
- 85 On the LaborStart campaign see here: <http://eng.wac-maan.org.il/?p=1079>
- 86 At a later date, and in light of the appeal by Attorney Pomerantz, it became clear that even this letter resulted from an initiative by the garage. In a later judgment Justice A. Avrahami wrote that "... it transpires that Major Almakayes's letter was written in the wake of information provided by Zarfati Garage, without knowing that there was a dispute between the garage and Mr. Abu Ziadeh. This point can be summed up by saying that even the letter of the Non-military Garages Unit was part of the false testimony in which the respondent engaged and is not the reason for the cessation of Abu Ziadeh's work."
- 87 The film "The Hatem Affair" was shot in October 2014 before the indictment against Hatem was annulled: <http://heb.wac-maan.org.il/?p=2817>
- 88 The decision received media coverage because of its implication that Palestinian workers in the settlement areas might unionize. See the following links: WAC website: <http://heb.wac-maan.org.il/?p=3325>; "local call": <https://bit.ly/2L5DRNO>; Kikar Hashabat: <https://www.kikar.co.il/193476.html>; Social TV: <https://tv.social.org.il/updates/44312>.
- 89 The judgment of the National Labor Court, which was given on April 5, 2016 concerning the appeal of Zarfati Garage, was laconic but left no room for doubt. The three justices unanimously ruled that there was no reason to change the decision, recommending that the parties seek a collective agreement.
- 90 WAC also submitted injunctions against the dismissal of two Zarfati workers in addition to the that of Abu Ziadeh. One ended with a compromise that allowed the worker to return to regular work. The second concerned an employee who had had a stroke; the garage objected to his return. In the second case, a compromise was reached in which the employee received severance pay and terminated his employment.
- 91 Article in The Marker on February 20, 2017: <https://www.themarker.com/career/1.3872372>

Summary

Unionizing Palestinian Workers in the Settlements Breaks Down Walls and Conventions

This report summarizes a decade of fieldwork led by WAC in an effort to promote the unionization of Palestinian workers in the Settlements and to protect their rights and their dignity. During this period we have made many attempts. Some were successful and inspiring, others failed.⁹² The attempts enabled us to recognize the power inherent in the struggle of the Palestinians working in the Settlements. In addition, we have seen up close the unique system of laws that applies in this area, what methods of exploitation and pressure are deployed by employers, the reality the workers have to contend with, and what difficulties they have in holding their jobs and achieving improvement, if only minimal, in wages and working conditions.

The challenge of unionizing in the Settlements is all too evident. This is a territory that lies at the heart of a bloody national conflict with a daily toll of victims. The workers who come to the factories leave early in the morning from their homes in the villages and towns of the West Bank. On their way to work, they go through a number of checkpoints and never know for certain when they will reach their jobs. On the other hand, the employers in these areas are overwhelmingly Israeli citizens, some of whom are residents of the nearby Settlements. The result is tension within the workplace.

The establishment of industrial zones in the Settlements, based on the cheap labor of Palestinians without social benefits, was undoubtedly an important incentive for employers who chose to establish farms or factories there. The situation of being an unregulated area, in which the legal framework is not clear, has enabled the preservation of the inferior status of Palestinian workers vis-a-vis their Israeli employers. This was made possible, inter alia, by a lack of supervision from the Ministry of Labor and by the total absence of labor unions. The Palestinian unions do not have the legal status to act in Settlement areas or to turn to Israeli institutions, while the Histadrut avoids taking any real steps on behalf of Palestinian workers for political reasons related to the Israeli national consensus.

WAC's efforts to support the struggle of Palestinian workers in the Settlements takes place in a legal and political vacuum. It plays a unique role in promoting that struggle for rights, human dignity and health.

As we have demonstrated here, our activity as a union relies heavily on the 2007 ruling given in the High Court Givat Ze'ev case, obligating employers to engage with Palestinian workers under Israeli labor laws. We have acted on the assumption that the Collective Agreements Law - the legal basis for the unionization of workers in Israel - obligates the Settlement employers, just as they are obligated by laws concerning sick leave, vacation and overtime. As the report shows, it was very difficult to attain the status of a representative organization for Palestinian workers, and it was only the courage and determination of the Palestinians who chose to join WAC against all odds that enabled us to tip the scales in the regional and national labor courts, which unequivocally stated that WAC is a legitimate labor union and that Palestinian workers are allowed to unionize with it.

As an organization with official status in Israel having the authority to represent workers, WAC is forcing employers to change their practices and improve conditions for Palestinian workers. WAC's official position vis-a-vis the Israeli authorities on the one hand, and its commitment to principles of universal justice and to the struggle for Palestinian workers, on the other, constitute a unique combination that enables us to take initiatives and act in places where unions and other bodies do not operate

Our experience in various struggles in Mishor Adumim, culminating in the collective agreement with Zarfati Garage, has had a wide-ranging effect vis-à-vis a variety of businesses that have improved the terms of employment, clearly concerned that in the absence of such improvement their workers would organize and force the change that way. The positive impact of WAC's activity in Mishor Adumim serves as an example of what can be done in other industrial areas and on the farms of the Settlements in the Jordan Valley, where thousands of Palestinians are still employed under conditions of extreme exploitation.

Concurrently with the work at the organizational level, WAC initiates legal and administrative activities that aim to provide solutions to various problems: lack of medical and life insurance, arbitrary prohibition of entry, imposition of high tax rates, the treatment of injured workers, and more. As part of these initiatives, WAC cooperates with various elements of Israeli and Palestinian civil society, insurance and health organizations, as well as with lawyers in the field of labor rights and civil rights.

It is important to understand WAC's efforts on behalf of Palestinian workers in the context of the reality of the Occupation that has been going on for 52 years. A mechanism was created that fully integrated the Palestinians into Israel's administrative and economic system. Even after the Oslo Accords and the establishment of the PA, Palestinians continue to use Israeli currency; the entire customs and tax envelope is determined by Israel; and a complex system of permits to enter the Settlements and Israel makes the workers completely dependent on Israeli rule.

Given this situation, it is the obligation of trade unions and civil society organizations in Israel to take a principled stand against the violation of the rights of Palestinian workers, even when - and precisely because of the fact - that these are not Israeli citizens and are subject to discriminatory treatment in all areas of life and employment. A trade union that turns its back on this large group of workers does not uphold the basic principle of every union: "An injury to one is an injury to all." Ignoring these workers is a betrayal of the principle of solidarity, based on the oath to protect every worker regardless of religion, nationality, citizenship, gender, color, or political affiliation.

In the absence of employment within the PA areas, we have witnessed in recent years a dramatic increase in the number of Palestinians employed within Israel itself. The consensus in all official Palestinian circles, as well as among the workers, is that the Palestinian economy will continue to be totally dependent on Israel in the foreseeable future, and that Palestinians by the tens of thousands will continue to work in Israel and the Settlements.

WAC operates to protect Palestinian workers in the Settlements as a union with a universal worldview. We see our activity as a contribution to the struggle to recognize the Palestinians' right to human dignity, national rights and a decent life. The more workers become active within WAC, the more encouraged they are to learn the laws and to implement the principles of social responsibility and solidarity among workers. This contributes, in turn, to the advancement of civic action, which can contribute in many ways to the building of Palestinian society. Workers who are able to change their situation through legal organized action are free and confident human beings, who avoid the despair and extremism that arise when there is no way out.

92 Naturally, the report does not include a comprehensive description of WAC's activity, nor have we reported the dozens of workers' requests to organize that did not come to fruition.