

2020 Snapshot: Migrant workers from Thailand in Israeli agriculture

Agricultural workers in Israel

According to official data, three main groups are employed in Israeli agriculture:

- about 35,000 Israeli farmers and workers¹;
- about 15,000 Palestinian workers²; and
- about 23,000 migrant workers from Thailand³.

There are two additional groups of migrant workers in Israeli agriculture who are not mentioned in the official data:

- Some 4,000 "trainees" in agriculture who come to Israel every year from developing countries with students' visas to participate in yearly academic programs including theoretical and practical studies. In practice, several of these agriculture programs are a means to import additional migrant workers in agriculture beyond the allowed quotas, using a recruitment format that enables serious violations of basic rights.⁴
- Some 400 additional workers from developing countries, such as India, who work in the agricultural sector in Israel under a volunteer's visa. The volunteers that Kav LaOved met did not come to Israel to volunteer but to make a living. Bringing them over with a "volunteer" visa allows employers to recruit and employ them while paying a wage lower than the minimum wage. In the absence of alternatives, these workers agree to come and receive a volunteer's salary⁵.

Migrant workers from Thailand

Migrant workers from Thailand are recruited in Thailand based on a bilateral agreement between the two countries. They can work in Israel for a maximum period of five years and three months during which their visa is renewed every year. Their visa is limited to agriculture work.

Thai migrant workers in Israel are spread throughout the country. They work and live at the farms where they are employed. Farms might employ one worker or more, in rare cases large groups of up to 50, depending on the number of permits they received. Most workers speak only Thai, a fact that further isolates them from Israeli society. 97% of the Thai workers are men (about 22,000 men and about 700 women).

Labor law in Israel also applies to migrant workers. Moreover, Israeli law recognizes specific additional rights to migrant workers, including the right to an adequate place of residence. In practice, however, most migrant workers from Thailand do not enjoy the rights to which they are entitled.

Worrying data

1. Non-payment of wages and social rights

According to data collected by Kav LaOved, 83% of migrant workers from Thailand are paid below the legal minimum wage⁶. Too, 77%⁷ do not receive monthly pay slips from their employers, as required by law. According to workers who complained to Kav LaOved, even when they do receive pay slips, often the number of hours recorded there is lower than the number of hours they actually worked. Listing a lower number of hours is intended to hide the fact that workers receive an hourly wage below the minimum wage. The minimum wage in 2020 is NIS 29.12 gross per hour. Many workers reported to Kav LaOved that their wage ranges around NIS 18-20 per hour.

Most workers who contact Kav LaOved also report that they do not have a bank account in Israel. Israeli law requires every employer in agriculture to open a bank account in Israel for each migrant worker and pay there the worker's monthly salary. In reality wages are often paid in cash or transferred directly to Thailand by the private agency working with the employer or by the employer himself. This form of payment is contrary to the provisions of the law and creates ambiguity regarding the amounts paid to the worker.

Most migrant workers from Thailand return home after their period of work in Israel without receiving the full amount of pension and social rights to which they are entitled. To prevent this illegal practice as well as migrant workers overstaying their visa, Israel has introduced a "deposit account" toward which employers pay monthly pensions and social rights. Workers can monitor the status of their respective accounts but will only be able to withdraw the money upon leaving Israel at the end of their employment period.

Farmers' organizations however have blocked the creation of "deposit accounts" in agriculture. At the end of their employment period, workers must today negotiate with their employer in order to receive the social rights to which they are entitled by law including pension, severance payments, recuperation and vacation. In many cases, workers leave Israel after five years and three months without receiving any of the social rights to which they are entitled, or a much smaller amount.

2. Systematic violation of the rights to a safe and secure work environment

Migrants workers in agriculture in Israel also suffer from multiple violations of occupational safety rules. Most workers do not receive the training and protection equipment required for

carrying out hazardous work, such as working with pesticides or at a height. Further, workers do not undergo occupational medical examinations or receive vaccinations as required by law. Workers living in the Gaza envelope (the populated areas of Israel that are within 7 kilometres (4.3 mi) of the Gaza border) can be sent to work in the fields during times of conflict in the area, even when working in the fields is prohibited. They are not aware that they are not supposed to work as the Home Front Command's local guidelines are published only in Hebrew.

3. Sub-standard living conditions

Many workers report that their residence is uninhabitable. 18% report that they sleep in rooms without windows⁸ and 30% that their accommodation does not meet the requirement of one toilet cubicle for eight employees.⁹ Kav LaOved has released a report detailing the dire conditions of many workers' residences.¹⁰

4. Lack of access to health and welfare services

Israeli law stipulates that every employer must provide the migrant workers employed by him with private medical insurance. In practice, however, this right is limited by the absence of translation services without which workers can not get appointments or have a meaningful dialogue with doctors and nurses. Moreover, Thai workers have no social services network despite many needs. Drug and alcohol abuse cannot be treated nor suicide cases prevented.

5. Private agencies that serve the interests of employers

There are fourteen private agencies in the agriculture industry in Israel whose role is to help migrant workers and their employers communicate with each other. The agencies also assist in renewing visas and work permits, in transferring workers among employers, in providing translations and other practical matters. Due to the lack of a common language, the main contact of migrant workers with their employers and with the authorities in Israel is through the translators of the private agencies.

The agencies are supposed to work for the benefit of both employers and employees. Yet 90% of workers report that their agency mainly serves the interests of their employer.¹¹ Workers are automatically attached to their employer's agency and pay a lump sum for their services upon arrival in Israel. Employers pay agencies in a variety of unregulated ways. Too, agencies have no real duty or responsibility towards workers beyond a vague duty to assist them.

Kav LaOved regularly receives chilling reports on agencies' and interpreters' behavior: workers required to pay for services which should be provided without additional payment such as the transfer to a new employer; workers transferred to a "worse" employer as a punishment for being "problematic" because they claimed their rights; workers forcibly put on a plane back to Thailand at the end of their employment without receiving their social rights, and more....

6. Lack of enforcement

According to a survey conducted by Kav LaOved, 95% of migrant workers in agriculture have never seen a law inspector in the farm where they work.¹² Lack of law enforcement, accompanied in many cases by intimidating employers, result in workers accepting to silently endure their fate just to be able to continue providing for their families.

7. The COVID-19 pandemic

The COVID-19 pandemic that broke out in March 2020 has not significantly changed the situation of migrant workers from Thailand. The agricultural economy continued to operate as an essential service. The closure of the skies prevented the return to Thailand of workers, who had completed their maximum period in Israel. Nor did it allow workers who were on leave, as well as new workers, to come to Israel.

Recommendations

Enforcement: The Israeli government must stop shirking its obligations under national law, international conventions and the bilateral agreement signed between Israel and Thailand. The government must make enforcement effective so that it provides sufficient deterrence for employers and agencies against violating the law.

Changes in the private agencies system: The relationship between employers, agencies and workers must be reconsidered, including clear-cut instructions on the obligations of private agencies and employers' payment for their services.

Introduction of a binding deposit account for migrant workers in agriculture. Employers must pay pensions, severance pay, and other social rights, as required by law. The deposit account can be an effective means of ensuring that workers receive the rights to which they are entitled.

More voices are needed. Authorities are indifferent to the widespread violations of the rights of migrant workers in agriculture. There is a need for more people and organizations to demand accountability from the Israeli Government, namely to ensure that this vulnerable and isolated group of about 23,000 workers receive a more humane treatment and that their rights are respected.

Additional reading: Chapter 1 "Recruitment of migrant workers for agriculture" in " The Effectiveness of the Bilateral Agreements: Recruitment, Realization of Social Rights, and Living

& Employment Conditions of Migrant Workers in Israel, 2011-2018 " Ruppin Academic Center, Population and Immigration Authority and CIMI, 2019. Available at this [link](#).

¹ 2017 data, Israeli Central Bureau of Statistic

² 2017 data, Israeli Central Bureau of Statistic

³ 2019 data, Israeli Population and Immigration Authority

⁴ Data provided by the Israeli Population and Immigration Authority

⁵ Data provided by the Israeli Population and Immigration Authority

⁶ Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai

⁷ Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai

⁸ Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai

⁹ Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai

¹⁰ "People Live Here: Violations of Thai Migrant Workers' Rights to Adequate Accommodations" available on Kav LaOved's web site.

¹¹ Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai

¹² Survey conducted among Thai migrant workers in Israel on Kav LaOved's Facebook page in Thai