

HOTLINE for REFUGEES and MIGRANTS

קו לעזבד
Worker's Hotline
عنوان العامل



Caregivers from Eastern Europe

January 2017

Caregivers from Eastern Europe



17 לעובד
Worker's Hotline
عنوان العامل

Written by Sigal Rozen

Research by Idit Leibowitz, Sigal Rozen, Aya Danenberg, Inna Cohen, Sophie Dyurdayev, Yelena Rotenberg

Translation by Elizabeth Tsurkov

The Hotline for Refugees and Migrants is a nonpartisan nonprofit organization that aims to protect and promote the human rights of migrant workers and refugees and prevent human trafficking in Israel. We are committed to eradicating the exploitation of migrants, ensuring they receive respectful and fair treatment, and formulating government policy to this end. We seek to lend our voice to those who are not heard in the public sphere and build a just, equal, and democratic Israeli society. The organization acts by providing information, counsel, and legal representation to migrants, educating the Israeli public, and promoting legislation and public policy.

Kav LaOved – Worker’s Hotline is an independent, non-profit, non-governmental organization committed to the defense of workers’ rights and the enforcement of Israeli labor law designed to protect every worker in Israel, irrespective of nationality, religion, gender, and legal status. Since its establishment in 1991, Kav LaOved has helped workers from all sectors realize and uphold their rights. Kav LaOved’s services target the most disadvantaged workers in Israel, including those employed by contracts and receiving low wages, Arab citizens of Israel, Palestinians, migrant workers, refugees and asylum seekers, and new immigrants.

The Hotline for Refugees and Migrants

75 Nahalat Binyamin, Tel Aviv, 6515417

Telephone: 03-5602530 | Fax: 03-5605175

Email: info@hotline.org.il | Website: www.hotline.org.il

Kav LaOved

75 Nahalat Binyamin, Tel Aviv, 6515417

Telephone: 03-6883766 | Fax: 03-6883537

Email: email@kavlaoved.org.il | Website: www.kavlaoved.org.il

Table of Contents

5 Summary and Introduction

7 Methodology

8 Background

10 1. Payment of Exorbitantly High Recruitment Fees

11 2. Exclusion from the Protection of the Law of Work and Rest Hours

12 3. Denial of Overtime Pay

13 4. Denial of a Weekly Day Off

15 5. Performance of Additional Chores

15 6. Difficult Living Conditions

16 7. Violence and Inappropriate Behavior of Patients or their Relatives

17 8. Difficulties in Leaving for a Visit to the Home country

18 9. Difficulties in Locating an Alternative Employer Due to Geographic Restrictions

19 10. Denial of Severance Pay

21 11. Lack of Information about Labor Rights and Inadequate Supervision to Ensure Rights are Upheld

23 Summary and Recommendations



Summary and Introduction

"The lies start back in Moldova. They say that the family is good, that the conditions are good. But when you arrive, it's not like that... they force you to work day and night. The work isn't just as a caregiver, but also cleaning the bathroom and the entire apartment. In the holidays, they want you to come clean the homes of relatives too. Before every Shabbat, you have to cook for the entire family."

Testimony of a Moldovan caregiver, December 2016

This report seeks to describe the working conditions of about 10,000 female migrant workers from eastern Europe who are employed in the caregiving sector in Israel. These migrant workers enjoy much less communal support compared to migrant workers from east Asia. The women from eastern Europe are more isolated and hence increasingly vulnerable. The report is based on interviews, conducted in November and December 2016, of 36 female migrant workers, most of them from Moldova, but also the Ukraine, Uzbekistan and Romania, and on interviews conducted with Idit Leibowitz, the Caregiving Sector Coordinator at the NGO Kav LaOved over the past seven years, and on reports, regulations and other publications.

The central findings in this report:

Collection of Illegal Exorbitant Recruitment Fees: Recruitment companies continue to charge between \$4,500 from workers who entered Israel until a few years ago to \$9,000 from workers who've entered Israel over the past few years.

Exclusion from the Application of the Law of Work and Rest Hours and Denial of Overtime Pay: The workers are employed 24 hours per day, six days per week. They live in the homes of their employers and on average have to work for 12 hours per day. During the other 12 hours, they are on stand by and must present themselves if the patient requires their services. One of the workers reported an extreme case when she had to work for 22 hours straight. Despite this, the monthly wages of the workers who were interviewed ranged from 2,700- 4,870 NIS.

Denial of the Weekly Day of Rest: A third of the workers were employed seven

days per week.

Illegal Employment Doing Work other than Caregiving: The workers were compelled to cook and clean for the entire family, take care of animals and large gardens. Some were forced to clean and take care of gardens for relatives of the patient who don't live in the same household with the patient.

Difficult Living Conditions: Workers reported not having enough food, being unable to choose what to eat, prevented from turning on the AC or water heater before a shower and banned from using the washing machine.

Inappropriate Behavior of the Patient or Their Relatives: Workers reported verbal, physical and at times even sexual abuse.

Difficulties in Exiting Israel for a Home Visit: Workers reported being denied a return-entry permit to Israel when they wanted to visit their home country unless they obtained a written permission from the employer and recruitment agency.

Difficulties in Finding an Alternative Employer Due to Geographic Restrictions: Workers reported having difficulties finding alternative employers due to the restrictions on the geographic region where their employment is permissible. This difficulty leads the women to accept abusive working conditions, out of fear that they will be unable to locate an alternative employer and lose their legal status in Israel.

Denial of Severance Pay: Since 2008, Israeli law obligates employers of migrant workers to deposit a share of the workers' salary and their contributions in a pension fund, many patients are unaware of this.

Lack of Information about Labor Rights and Inadequate Supervision to Ensure Rights are Upheld: Many workers are unaware of their rights, although a law requires a social worker to visit the home of the patient to inform the employee about her rights and provide guidance to the employer.

The persistent violation of the rights of migrant caregivers, as reflected in this report, increases the likelihood that migrant caregivers will fall victim to the crimes of human trafficking and employment in slavery-like conditions.

Methodology

Idit Leibowitz, the Coordinator for the Caregiving Sector at Kav LaOved for the past seven years, was interviewed in the process of writing this report. She has written two of the latest Kav LaOved reports on the matter. In addition, in November and December 2016, Russian and Romanian-speaking volunteers conducted group interviews with 18 migrant workers and 18 in-depth interviews with additional migrant caregivers, all of them from eastern Europe and former Soviet Union (FSU) countries. The 36 migrant caregivers arrived from the following countries: 32 from Moldova, two from the Ukraine, one from Uzbekistan and one from Romania. The migrant caregivers have lived in Israel between 14 months to 11 years and eight months; most of them have lived in Israel for over four years.

All the migrant caregivers approached Kav LaOved's office in Tel Aviv to fully attain the labor rights accorded to them. One must assume that since only caregivers who were able to reach the offices of Kav LaOved were interviewed, this has had an effect on the outcome of the interviews. This means that these migrant workers were aware of the existence of the NGO, and either completed their period of employment or have been granted a day off, allowing them to reach the offices of the NGO. Not all the workers approached the NGO to complain about abusive employment. Some visited it to ensure that they are indeed enjoying the full scope of rights accorded to them under Israeli law.

Background

81,329 migrant workers are currently legally employed in Israel.¹ Over half of them, 47,488 people, work in the caregiving sector. Furthermore, at any given moment there are about additional 10,000 migrant caregivers who reside in Israel legally, but are not registered with an employer who has a permit to employ them, and hence are classified as illegal residents by the Population and Immigration Authority at the Ministry of Interior. 80% of migrant caregivers are women.²

The number of migrant workers employed in the agriculture and construction sectors are pre-determined according to quotas set out by the government. However, the number of migrant caregivers is not limited and it is set according to the growing number of patients requiring caregiving services, and the cultural maintreaming of employing migrant caregivers for round-the-clock care of relatives. According to the Law of Migrant Workers,³ the employment of a migrant workers is legal if two conditions are met: A. The employer possesses a valid permit to employ migrant workers in one of the limited number of sectors in which employment of migrant workers is permissible under the law. B. The migrant worker has a valid work permit for said field, and is registered with the employer who possesses the permit.

In 2010, 54,747 migrant caregivers lived in Israel, 10,541 (19%) of them from eastern Europe and FSU countire.⁴ The origin of the largest group of migrant caregivers was the Philippines (25,700 workers), the second largest group was of Nepalese caregivers (7,829), the third from Moldova (7,163), the fourth from India (5,482), the fifth from Sri Lanka (3,104), the sixth from Romania (1,824 workers), and the seventh from the Ukraine (1,554).⁵

1 Website of the Population and Immigration Authority, "Data on Foreigners in Israel, 3rd quarter of 2016", October 2016 (Hebrew):https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreign_workers_STATS_Q3_0.pdf

2 Since 80% of caregivers are women, this report referred to caregivers as female, although all that is stated in the report applies to the 20% of male caregivers in Israel as well.

3 The Law of Foreign Workers, 1991.

4 7,163 from Moldova, 1,554 from the Ukraine and 1,824 from Romania.

5 The Center of Information and Research of the Knesset, "The Rights and Obligations of Employers and Foreign Workers in the Caregiving Sector", March 2, 2010. Table 1: Main Countries of Origin of Foreign Workers in the Caregiving Sector. (Hebrew) <https://www.knesset.gov.il/mmm/data/pdf/m02449.pdf>

The origin of the largest group of migrant caregivers was the Philippines (25,700 workers), the second largest group was of Nepalese caregivers (7,829), the third from Moldova (7,163), the fourth from India (5,482), the fifth from Sri Lanka (3,104), the sixth from Romania (1,824 workers), and the seventh from the Ukraine (1,554).⁶

Over the past few years, the NGO Kav LaOved published three extensive reports about the rights' violation of migrant caregivers in Israel. The reports are based on information collected by representatives of the NGO among migrants who reached its offices to fully take advantage of the rights accorded to them under the law or to learn about those rights.⁷

In Israel, communities of eastern European migrant workers are almost non-existent, and the social networks of these workers are much weaker compared to those of workers from east Asia. In addition, the eastern European workers are largely absent from popular social media networks, which human and labor rights NGOs such as Kav LaOved use to communicate with migrant workers in Israel. This makes it difficult for such NGOs to provide assistance and collect information from these workers.

For these reasons, this report seeks to focus on migrant caregivers from eastern Europe and FSU countries, which make up about 20% of migrant caregivers in Israel.⁸

Below is a description of the main problems raised by thousands of migrant caregivers with Kav LaOved over the years, and how these problems are manifested in the lives of the migrant caregivers interviewed for this report:

⁶ According to data published by the Central Bureau of Statistics in a press release on July 28, 2015 (Hebrew) http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201520198

⁷ Kav LaOved, "Black Money, Black Labor", 2013. <http://www.kavlaoved.org.il/en/black-money-black-labor/> and Kav LaOved, "Black Money, Black Labor", 2016 (Hebrew): <http://bit.ly/2j8zrY5> And Kav LaOved, "No Woman's Land: Female Migrant Workers in Israel", 2011 (Hebrew): <http://bit.ly/2jtpRCR>

⁸ According to data published by the Central Bureau of Statistics in a press release on July 28, 2015 (Hebrew) http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201520198

1. Payment of Exorbitantly High Recruitment Fees

"To make it possible for me to come and work in Israel, my family took out a mortgage on our house with the recruitment agency, to arrange my work visa. I arrived in Israel in September 2015 and right away started working in the home on an elderly woman. No one explained my rights to me but I was told that I'll be working in the home of the woman for seven days per week, 24 hours a day. After two and a half months of non-stop work, I approached, as I was directed to do, the recruitment agency to submit a report on my work days for the National Insurance office. The representative of the agency told me that I don't have to work on the weekly rest day, and that if I do work, I'm entitled to additional pay. The representative emphasized that if I'm not getting paid for it, I am certainly not obligated to work.

When I said this to the elderly woman, she said that she has no intention of paying me any additional money. I replied that if this is the case, I ask to take my weekly day off every Sunday.

On Sunday morning, I left the house, as I told the elderly woman. When I returned in the evening that day, she was very angry with me and said that she had called the recruitment agency and told them that I had abandoned her. The representatives of the agency tried to contact me, and when they failed to reach me, they contacted the recruitment agency in Moldova that brought me to work in Israel, and told them that I had escaped. When I called my family back home, I found out that representatives of the Moldovan agency called my mother, told her that I had escaped my workplace and therefore she must pay back the entire sum of the loan within 24 hours, or our house will be foreclosed. Due to the stress and anxiety, my mother suffered a heart attack.

I called the recruitment agency right away to notify them that I hadn't escaped and only left for a few hours, in accordance with what Israeli law allows, as they had told me. I begged them to contact the Moldovan recruitment agency right away. The agency was responsive to my pleas and the house was not foreclosed, but there is no way to undo the damage done to my mother's health."

Testimony of a migrant caregiver from Moldova, November 2016

All migrant caregivers are forced to pay large sums of money as recruitment fees to receive a visa to work in Israel (\$10,688 on average). Under Israeli law, and as published by the Population and Immigration Authority, recruitment agencies

in Israel and recruitment agencies in the countries of origin are prohibited from collecting payment from migrant workers to arrange a work visa for them or to find them an alternative employer.⁹ However, based on information obtained by Kav LaOved, all workers are compelled to pay for their visa and many report being forced to pay thousands of dollars both in the country of origin and to arrange a second or a third work visa during their period of employment in Israel.

Only 13 of the women interviewed for this report agreed to divulge the sum they paid as a recruitment fee. These fees ranged from \$4,500 paid by workers who entered Israel until a few years ago to \$9,000 from workers who've entered Israel over the past few years. The average fee paid by the workers stood at \$7,350, most of it paid in the country of origin.

Being forced to go into debt to pay off the high recruitment fee affects the first years of employment of the caregivers in Israel, and compels them to accept difficult living and working conditions, low pay and even abuse in some extreme cases..

2. Exclusion from the Protection of the Law of Work and Rest Hours

Most of my work days started around 8 AM, when father and mother [the patients] woke up. I finished working around midnight, when they went to sleep. During the day, I prepared food for them, bathed them, cleaned the house, did laundry, shopped for them and took them out for walks.

Testimony of a migrant caregiver from Moldova, November 2016

This testimony of a Moldovan caregiver describes the typical daily routine of migrant caregivers in Israel, whose employers do not violate the law and do not compel her perform additional chores that she is not obligated to perform.

All migrant caregivers are employed for 24 hours per day, six days per week. They live in the homes of their employers and on average are forced to work for 12 hours per day. During the other 12 hours they are on stand by and must appear if the patient wakes up and requires their services. When asked about how many hours of work they performed daily on average, the answers ranged

⁹ Population and Immigration Authority, "Information Sheet for Employers: The New Method of Employing Caregivers", May 5, 2013. (Hebrew)
<http://archive.piba.gov.il/PublicationAndTender/Publications/Pages/ShitatHaasakaChadasha.aspx>

from 12 hours to extreme cases of 22 hours of constant work. In most cases, the caregivers reported having to work a little over 12 hours on most days.

3. Denial of Overtime Pay

If the minimum wage rises, the salary is not raised and we're not informed that the minimum wage has risen. Some say that the minimum wage is NIS 3,600 or 3,800. At Kav LaOved they told me that the minimum wage is NIS 4,825 and that the employers are allowed to pay me a minimum of NIS 3,950 [after deductions]. Kav LaOved also tells me that I must be paid NIS 328 for working on my day off, but the recruitment agency says that I must be paid only NIS 280. When I told the recruitment agency that they are telling the grandmother [patient] to pay me too little, they looked at me as if I had committed a crime when I went to find out how much money I'm entitled to.

Testimony of a Moldovan caregiver, December 2016

Although migrant caregivers work a lot more than eight hours per day, which is defined as full-time employment under Israeli law, they are denied overtime pay. This denial of overtime pay was approved by the High Court of Justice.¹⁰

The monthly wages of the workers who were interviewed for this report ranged from 2,700– 4,870 NIS, while the minimum wage in Israel is currently NIS 4,825 per month. However, employers are allowed to deduct sums that are set in regulations for covering the living expenses of the caregiver. Thus, minimum wage after the highest deduction permissible by law is NIS 3,950.

Former High Court Justice, Edna Arbel, made sure to mention in the verdict rejecting Kav LaOved's petition for applying the Law of Work and Rest Hours on caregivers:

The situation in which a worker is employed for 24 hours per day, six or seven days per week, non-stop and without a break, is a situation we must not accept in a modern society. Payment for overtime hours, on top of the independent purpose at its basis, may also achieve the important purpose of granting free time to the worker".¹¹

¹⁰ More on High Court of Justice case 10007/09 Yolanda Gluten vs. the National Labor Court, March 18, 2013 <http://bit.ly/2i57NhS>

¹¹ Ibid.

4. Denial of a Weekly Day Off

The children of the elderly man did not agree to let me leave his side even for a moment, not during the day or night. I thought I would go crazy. After several months like this, I left them because I couldn't go on like this. I had to have some time for myself.

Testimony of a migrant caregiver from Moldova, December 2016

Usually they let me have a day off every Sunday. Three times they insisted that I remain with grandmother [the patient] on my day off. When I didn't want to, the son threatened me with beatings, firing me and complaining to the police. He said he would make sure I'm deported from the country.

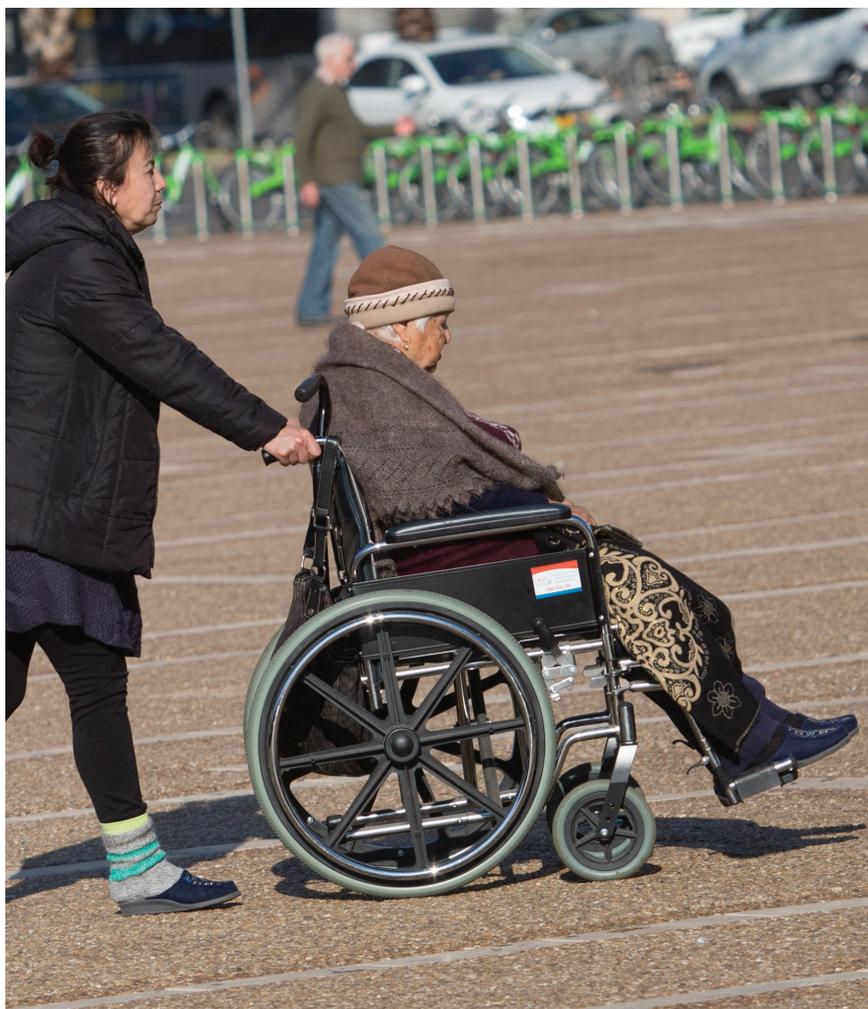
Testimony of a migrant caregiver from Moldova, December 2016

Many of the migrant caregivers reported that they are employed seven days per week, 24 hours per day and are not granted a weekly day off. It should be mentioned that many workers agree to this illegal arrangement, as it increases their meager wages and helps repay the loans they took out to cover the recruitment fee faster. However, some workers appreciate the importance of a weekly day off but the patients or their relatives prevent them from enjoying this right.

Out of the 18 workers who were asked about this, 12 utilize their weekly day off, while six others, a third of the workers, are employed seven days per week. Three of them prefer this arrangement so they can receive additional pay. Among those workers who do utilize a day off, some described cases when the employer refused to allow them to take their day off for one reason or another. One of the workers reported that even when she would have to leave to use the bathroom, the elderly patient would become irritated.

Workers who were interviewed for this report said that they spend their day off with friends, others reported going to church, the sea or doing sports. According to Idit Leibowitz, the Coordinator for the Caregiving Sector at the NGO Kav LaOved, caregivers from eastern Europe largely spend their weekly day off differently from caregivers originally from the Philippines, Nepal or Sri Lanka. Most of the east Asian workers rent a place to sleep for the day off in a shared apartment with other caregivers so they can spend it together. Caregivers from eastern Europe tend to return to sleep at the home of the employer on their day

off as well, because shared apartments are uncommon among them and they cannot afford to finance an apartment for themselves outside the home of the employer. It appears that there is no organized community structure of eastern European migrant workers in Israel, while such a community exists among east Asian women. Women who are members of a religious congregation enjoy the social network of the church, but those among them who do not attend a church in Israel usually make only few friends, some of them migrant caregivers who live close by and are not from eastern Europe themselves.



5. Performance of Additional Chores

They force you to work day and night. The work isn't just as a caregiver, but also cleaning the bathroom and the entire apartment. In the holidays, they want you to come clean the homes of relatives too. Before every Shabbat, you have to cook for the entire family.

Testimony of a Moldovan caregiver, December 2016

Many of the women report having to perform many additional chores that are not connected to their work as caregivers, including cooking and cleaning for the entire family, taking care of animals and large gardens and at times cleaning and gardening for relatives of the patients who live in separate houses. This employment is illegal under Israeli law, even if the worker receives fair pay for her labor. In cases in which the worker is employed without receiving any additional pay, this constitutes one of the warning signs for employment in slavery-like conditions.

6. Difficult Living Conditions

One liter of milk, one box of cottage cheese, three potatoes and three onions for myself and the grandma together! This is how it was for five years. The recruitment agency never checked what's in the fridge. Sometimes the son would bring meat, gulash or two patties. First grandma would eat and the leftovers were for me. There was a washing machine in the house, but it was broken when I arrived. I washed my laundry and grandma's laundry with my hands for five years. I told the recruitment agency about this, but they didn't say anything.

Testimony of a caregiver from Moldova, December 2016

Many of the workers report difficult living conditions in addition to the challenging work they have to perform at the home of the patient. Workers report lack of adequate food, inability to choose the food that they like or having to eat the food preferred by the patient alone. In addition, we heard complaints about being prohibited from using the air conditioning and water heater ahead of a shower, despite the presence of these electrical appliances in the home. In some homes, the employers would closely inspect the receipts of the food the caregiver bought for the household. One of the workers had to wash her laundry and the laundry of the patient by hand, due to lack of a washing machine.

Another worker was forced to wash the laundry by hand despite the presence of a washing machine, because the elderly patient prohibited the use of the washing machine as a cost-cutting measure. These and many other complaints about unreasonable demands and irrational requests of the patients emphasize the crucial importance of the involvement of relatives of the patients in checking up on the patient and migrant caregiver in a constant and consistent manner.

A third of the workers who were interviewed reported having to take care of an elderly couple living together, while ahead of time most of them were told that they will only have to take care of one patient. Under the law, if both partners require the in-home care, they are entitled to hire two caregivers. In reality, many often hire only one caregiver who sometimes received a slightly higher salary for her work. In many cases, only one of the partners requires in-home care, and therefore the couple is entitled to employ only one caregiver, but in reality, the worker has to take care of both partners.

When rejecting the Kav LaOved petition to the High Court that sought to restrict the working hours of caregiver, Justice Ester Hayut mentioned:

"The fact that upholding rights workers are entitled to by the protective Israeli labor law has financial costs is not a proper justification to harm or take away these rights, even if the caregivers belong to disadvantaged groups... I believe the country should take responsibility for the wellbeing of its patients needing care by directing appropriate assistance to caregivers and by covering the costs involved as stated in the labor laws, in accordance to how much assistance the patient needs."¹²

7. Violence and Inappropriate Behavior of Patients or their Relatives

I took care of an elderly couple. The man was violent toward me. He would grab me by the breasts, call me a 'whore' and hurl other insults as well. I once returned late from my day off and the couple refused to open the door for me. I slept in the stairway. After eight months like this, I felt I could not bear it any longer and I ran away from there.

Testimony of a caregiver from Moldova, December 2016

Many workers report harassment and sexual violence as well and verbal and physical violence by the patients or their relatives. In many cases, the patients

¹² Ibid.

suffer from dementia and are unaware of their actions when they sexually assault their caregiver. Caregivers reside in the home of the patients to whose needs they attend through the day. Most of them lack a social network in Israel and are isolated here and do not speak the language. This reality conduces to the eruption of tensions, at times with bouts of verbal and physical abuse and even sexual assault. All but one worker reported being verbally abused by their employers, some of them are subjected to such abuse often while others encounter it rarely. One of the workers explained:

"When you're with a person 24 hours per day and have to serve him and you don't speak the same language, the likelihood of misunderstandings is significant. The misunderstandings result in anger and tension from both sides. I know that I must not lash out at the patient, but she does lash out because she's old and life is difficult for her, and also because she knows she can replace me with another caregiver."

Another caregiver reported that the patient used to tell her: "You're gentile. You're worth nothing."

In addition to the worker who endured sexual violence from her employer, four of the 36 workers who were interviewed also reported being physically abused by patients. One of them described that the patient injured her with a knife when he got angry. Another reported that her patient, an elderly woman, used to beat her and yell: "You have no one here, I will do with you whatever I want. You are a nobody here!" Another worker was often beaten by her patient, an elderly woman who suffered from Alzheimer's disease. A fourth caregiver was violently ejected from the home of her employer in the middle of the night with her belongings and told to never return again.

8. Difficulties in Leaving for a Visit to the Home country

If a relative died, they do not allow me to fly home for the funeral. According to the law, it's permissible, and there are some [Israeli employer] families that allow this but there are also those who do not allow.

Testimony of a caregiver from Moldova, December 2016

Until September 2012, the departure of a caregiver for a visit to her home country was conditioned on the approval of her employer and recruitment agency. This approval allowed the caregiver to obtain an inter-visa that permits her re-entry

into Israel. After the regulation was changed, the Ministry of Interior bureaus used to refuse to allow a worker to leave for a holiday when they did not provide a letter from the employer of recruitment agency, in violation of the new regulation. Following repeated appeals by Kav LaOved to the legal department at the Immigration Authority, in late 2015, the Authority published an explicit directive to heads of Immigration Authority bureaus clarifying that workers have a right to leave for a visit to their home country without any pre-conditions.¹³

Despite this directive, many workers continue to face hurdles when attempting to secure the inter-visa and require the intervention of Kav LaOved to obtain it. In addition, many employers tell workers that if they leave the country, they will fire them, especially if the employer struggles to locate a replacement for the period when the worker will be on vacation. Kav LaOved is pushing for the passing of a regulation that will obligate recruitment agencies to locate a replacement for the period when the permanent caregiver is on vacation

9. Difficulties in Locating an Alternative Employer Due to Geographic Restrictions:¹⁴

It was always difficult to find a new employer in Israel with a permit, but since the law with the regions, it's much harder and we have to pay the recruitment agency again and again.

Testimony of a caregiver from Moldova, December 2016

Starting from the beginning of 2014, the work visa issued to the migrant caregiver includes a designation of the regions in Israel where her employment is permissible. These geographic restrictions were set due to the claims of patients requiring in-home care who live in rural or remote areas about the unwillingness of migrant caregivers to work in these regions.

Under the law, the recruitment agency must provide the caregivers placements that are in accordance with the geographic limitations placed on their employment. A migrant caregiver who starts working for an employer who lives

¹³ Regulation 5.3.0024 “Regulation on handling an inter-visa for foreign workers who reside in Israel legally and wish to leave Israel and return”. More on this can be read on the website of Kav LaOved (Hebrew) <http://www.kavlaoved.org.il/4876-2/>

¹⁴ The limitations were authorized as part of Amendment 21 to the Law of Entry to Israel – 2011 on May 16, 2011. On February 19, 2014, regulations were passed to enable the application of the law.

outside the designated areas of permissible employment is not eligible for a work visa and will be deported from Israel after a hearing.¹⁵

Many workers reported having difficulties finding alternative employers due to the restrictions on the geographic region where their employment is permissible. This difficulty leads the women to accept abusive working conditions, out of fear that they will be unable to locate an alternative employer and lose their legal status in Israel. In cases when the patient passes away, this same difficulty causes the workers to agree to pay additional fees to the recruitment agency, even when they know that requesting such sums is illegal under the law.

Out of the 32 reasons that the workers mentioned for switching employers, 18 changes occurred after the death of the patient, 11 workers switched employers after the worker quit due to harsh working conditions, one worker changed employers because he physically and verbally abused her. Two workers were fired by their employers.

10. Denial of Severance Pay

Grandma [the patient] passed and her children kicked me out of the house after a week, although the recruitment agency told me I could keep living there for a month. An employer of a friend of mine agreed to let me sleep at their place, but there was not bed and I sleep on the floor, so I was cold and got sick. I went to the recruitment agency and they gave me a document detailing the severance pay I'm entitled to, but the relatives of grandma claim "we paid you for November and that's it. The recruitment agency told us we don't have to pay you for vacation days, severance, etc..." I don't understand how the recruitment agency tells me one thing and tells the family another thing.

Testimony of a caregiver from Moldova, December 2016

Since 2008, Israeli law obligates employers of migrant workers to deposit money in a pension fund, but many patients are unaware of this and some recruitment agencies instruct patients not to pay all of the pension funds allocated for severance pay. The percentage of the worker's salary that must be allocated for pension and severance pay currently stands at 12.5%, a high sum that is not

¹⁵ Foreign Workers' Rights Handbook, Population and Immigration Authority, 2016. https://www.gov.il/BlobFolder/generalpage/foreign_workers_rights_booklets/he/Zchuton_eng_july16_0.pdf

being deposited by 99% of employers during the period of employment.¹⁶

A directive of the Ministry of Trade and Industry from 2008, which stated that the pension funds of migrant workers are to be paid only upon her departure from Israel, led workers to give up on receiving funds they were entitled to due to the difficulty of locating previous employers when they departed the country. The government directive to settle the matter of pension funds upon completion of employment has come into force several years ago. However, only recently this directive was made public by the official in charge of labor rights of foreign workers at the Ministry of the Economy.¹⁷

Most of the workers who were interviewed reached out to Kav LaOved because they were not yet paid severance pay or because the sum given to them was lower than what they are entitled to under the law.

According to Idit Leibowitz, most of the caregivers feel great pain and are in mourning after the passing of the patient for whom they cared and with whom they spent 24 hours a day, sometimes for many years. Oftentimes, the caregivers do not dare to approach the mourning relatives about financial matters in the period following the passing of the patient. If the worker had stayed in Israel for longer than 51 months, they have just 60 days to leave Israel. During this short period they need to receive large sums of money from the mourning relatives and exit the country before losing their visa and facing detention and deportation by Immigration Authority inspectors.

Irit Porat, a long-time volunteer with Kav LaOved, described the communication difficulties between the migrant caregiver, the recruitment agency and the family of the patient: "Today we are talking about 12% [of the salary] that needs to be allocated to pension funds and severance pay. But oftentimes, families do not know about all of this. When the caregiver leaves after the grandmother dies, the families are surprised to be faced with demands for payment of funds they had not deposited."¹⁸

¹⁶ Kav LaOved, "Instead of Relations between a Caregiver and a Patient, Worker-Employee Relations", December 11, 2016. (Hebrew) <http://bit.ly/2j8FQCK>

¹⁷ The Ministry of Economy and Industry, "Deductions for Pensions and Other Deductions under the Extension Orders, 2016. (Hebrew) <http://economy.gov.il/Employment/WorkRights/UniquePopulations/ForeignWorkers/Documents/HanchayatMemonePensia.pdf>

¹⁸ See more on Kav LaOved's website (Hebrew) <http://bit.ly/2j8FQCK>

11. Lack of Information about Labor Rights and Inadequate Supervision to Ensure Rights are Upheld

Every time I felt I couldn't handle it anymore, I asked to leave the old woman, but she threatened that I will be deported and couldn't work here in another home.

Testimony of a caregiver from Moldova, December 2016

Sometimes it really feels like emotional abuse. I'm afraid of returning to my home country with emotional trauma because of this work around the clock. Social workers come sometimes and ask all sorts of questions, but just the patient. I think they should also check what's our situation, us the caregivers, and not just that of the patients.

Testimony of a caregiver from Moldova, December 2016

If there was a law stating that after a pre-determined period following the passing of the patient, the family has to give us the money we deserve, it would be easier. What happens today is that they drag it out hoping we will give up on the money we deserve, or that we'll be deported in the meantime... During this time that I'm waiting, I need to live somewhere, pay for food and everything at my own expense.

Testimony of a caregiver from Moldova, December 2016

These testimonies from the interviews we conducted with the migrant caregivers indicate that even those workers who reached out to Kav LaOved are unaware of many of the rights that they have. According to the law, a social worker from the recruitment agency must visit the home of the patient as often as needed and at least once every six months, to guide the caregiver about the in-home care, guide the patient about the rights of the worker, solve problems and inform the worker about way to contact the official in charge of labor rights of migrant workers at the Ministry of the Economy. In reality, a survey conducted by Kav LaOved in 2014 among 72 caregivers showed that 11% of them reported not meeting a social worker over the past year, 25% reported meeting a social worker but they did not know whether she belonged to the recruitment agency, the Ministry of Welfare or whether she is indeed a social worker in cases in which they met managers of recruitment agencies. Only 16% of the workers were asked about sexual harassment. Two of the workers were asked about sexual

harassment in the presence of the employer. Only 36% of the workers were interviewed alone. The rest were interviewed in the presence of a relative of the patient or the patient herself.

Workers who replied to our question about the social worker's conduct reported that when she arrives, she only asks about the state of the patient and does not address them. Others did not even know that the social worker is supposed to ask them about their working conditions and inform them about their rights.



Summary and Recommendations

For preventing working conditions that may constitute human trafficking or employment in slavery-like conditions¹⁹

The website of the Population and Immigration Authority website states in a booklet addressed to migrant workers: "If you are employed in extremely harsh conditions, or if you were denied basic freedoms or basic human conditions, you may be a victim of the serious crime of slavery or trafficking in persons. Victims of such crimes are eligible for free legal help from the Legal Aid Department of the Ministry of Justice."²⁰

Israeli law prohibits human trafficking, holding a person in conditions of slavery,²¹ and forced labor.²²

Over the years, human rights NGOs have identified only a few caregivers who were held in conditions of slavery and meet the criteria for victims of human trafficking or employment in slavery-like conditions. However, the lapses in upholding the rights of caregivers detailed in this report all serve as fertile ground for the instigation of the crime of human trafficking and employment in slavery-like conditions: the high recruitment fees that saddle the workers with an enormous debt, the meager salaries, the continuous labor during most hours of the day, the residence at the home of the employer, at times with complete social isolation, and the difficulties in switching from one employer to another. The working and living conditions of the caregivers, the same conditions that increase the likelihood that they will fall victim to the crimes of human trafficking and employment in slavery-like conditions, are also the conditions preventing the detection of the victims.

To decrease the number of caregivers who may fall victim to these crimes, Israeli authorities should adopt the following recommendations:

19 More on employment in slavery-like conditions, see: Kav LaOved, "Black Money, Black Labor", 2016, p. 19 (Hebrew) <http://bit.ly/2j50ras>

20 Foreign Workers' Rights Handbook, Population and Immigration Authority, 2013. https://www.gov.il/BlobFolder/generalpage/foreign_workers_rights_booklets/he/Zchuton_eng_july16_0.pdf

21 Ibid., article 375 A "Holding to provide services or work, including sex, holding a person in a situation in which the person is treated as commodity, including control over his life and denial of his freedom"

22 Ibid., article 376: "Use of force and other means of coercion, or threats, or consent granted by trickery, with or without recompense"

1. Israel must act to immediately sign bilateral agreements with the countries of origin of the migrant workers.
2. The Immigration Authority should allow the recruitment of workers only through transparent recruitment mechanisms under tight oversight, which will come into existence after the signing of bilateral agreements with the countries of origin of the workers.
3. Israeli enforcement agencies – the police and Immigration Authority – must initiate investigations and act to bring to justice Israeli recruitment agencies and Israeli middlemen who illegally charge recruitment fees from migrant workers.
4. Israel must revoke the geographic limitations and the limitation on the number of transfers between employers that were added to Israeli law in amendment 21 to the Law of Entry to Israel (2011). These limitations effectively bind the caregivers to their employers.
5. Israel must ensure the application and enforcement of the regulation concerning private agencies that recruit and handle migrants in the caregiving sector.
6. The number of visits of social workers from recruitment agencies and the Ministry of Welfare in the homes of patients receiving in-home care must be increased. Visitations of social workers in homes of patients who reside in isolated regions and/or where the caregivers work seven days per week should be carried out especially stringently.
7. Social workers from the Ministry of Welfare should conduct surprise visits in the homes of patients employing migrant caregivers, while focusing on homes in distant locations and where the worker is employed for seven days per week.
8. The Immigration Authority should ensure that all migrant workers who arrive in Israel received beforehand a document in their native language detailing their rights and obligations as migrant caregivers and that they signed a contract in their native tongue that conforms to Israeli law. The Immigration Authority should ensure this by conducting inspections, among other methods.

HOTLINE for REFUGEES and MIGRANTS

קו לעובד
Worker's Hotline
كشون العامل