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# LABOR MIGRATION TO ISRAEL

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# PREFACE

This report was prepared by a team comprised of the Center for International Migration and Integration (CIMI), the Department of Policy Planning at the Population and Immigration Authority (PIBA) and Ms. Adi Hercowitz-Amir, a doctoral candidate in the Department of Sociology and Anthropology at the University of Haifa. This document employs a terminology that was determined by Israeli legislation, which does not necessarily shared by CIMI in relation to the categorization of various groups of migrants in Israel and abroad. The team would like to thank Adv. Shoshana Strauss of PIBA's Legal Department for her useful comments. This report was made possible thanks to financial support from the European Union and PIBA.

Labor migration in Israel has had significant impact on Israel's economy and society in the last decades. We hope that the data and the analysis provided here will serve policymakers, specialists and the general public in gaining a deeper understanding of the unique characteristics of labor migration in Israel. Indeed, the work on this report was initiated to support further policy development and gather information on issues such as the labor market, labor supply and demand, present or potential skill shortages by sector and occupation, migration flows and relevant information regarding gender and other specific characteristics of the community of foreign workers in Israel. The new data generated for this report will hopefully support tailor policy responses. Furthermore, the original Hebrew language document was translated into English in a bid to facilitate comparison and international dialogue, and also to share some of Israel's highly innovative approaches to managing migration challenges while protecting the rights of foreign workers.

In the early 1990s, Israel began recruiting foreign workers from developing countries for specific economic sectors with growing demands for additional workers, focusing primarily on low-skilled laborers for the agriculture, construction and domestic care sectors. Since then, the regulation of foreign employment has become a key policy issue in the government as well as the public debate. Focusing on the period between 2010-2015, this report aims to present the current state of affairs with regards to the issue's various aspects, with particular focus on regulation and recurrent trends in the different Israeli sectors in which foreign workers are employed.

The report relies on two methods of analysis: one is a comprehensive review of various sources that provide information on the issue of foreign workers in Israel. The sources include reports, publications and position papers by governmental and non-governmental bodies, as well as academic literature on the issue of foreign workers in Israel. The second method the report uses is analysis of quantitative data provided exclusively by PIBA, some of which are published here for the first time.

**The first chapter** characterizes the foreign workforce in Israel according to its various subgroupings, in order to distinguish the foreign worker community from other foreigners who stay and work in Israel, such as Palestinian and Jordanian workers, foreigners who entered Israel with tourist visas and have remained in the country illegally, and infiltrators from Eritrea and Sudan. This chapter also includes a historical review of labor migration into Israel over the years as well as the evolution of regulatory legislation and procedures.

**The second chapter** deals with current trends in labor migration in Israel from the standpoint of each sector, and provides an overview of the sectors while relating to the following variables: country of origin, age, legal status, gender and length of stay in Israel. The variables, as mentioned above, are based on data provided by PIBA. The chapter offers an analysis of the various divisions that demonstrates how each of the three top sectors is characterized by a unique population of foreign workers.

**The third chapter** summarizes, in brief, the report's main points.

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# 01.

## REVIEW OF THE FOREIGN WORKFORCE IN ISRAEL

### 1.1 CHARACTERIZATION OF THE FOREIGN WORKFORCE IN ISRAEL AND DEFINITIONS

Foreign workers, consisting of various sub-groups, are employed in various economic sectors. These populations differ in aspects such as the legality of their employment, the size of the group, and their demographic makeup. Below is an outline of the main characteristics of each of these groups.

#### A. FOREIGN WORKERS

##### 1. Regular foreign workers

The “Foreign Workers Law” (1991), defines a “foreign worker” as “a worker who is not a citizen or a resident of Israel.”<sup>1</sup> The legality of a worker’s status is dependent upon the fulfillment of two conditions: (1) The employer has in his/her possession a valid employment permit for one of the sectors for which foreign employment has been approved by the government; (2) The foreign worker has a valid work permit for the same sector, and s/he is registered with the employer who holds the employment permit. Only an employer who holds a valid employment permit issued by PIBA is allowed to employ foreign workers. Moreover, a “licensed” employer is authorized to employ only foreign workers whose work permits and visas are valid (visa B/1) for the relevant sector.<sup>2</sup> As

1 It should be emphasized that the definition of a “Foreign Worker” does not include foreigners residing in Israel (for example, spouses of Israeli citizens) whose stay permit enables them to work (work permit B/1). The permits issued to this population of foreigners are not limited to a specific sector, or subject to quotas. This report does not include this population in the data presented.

2 PIBA has decided, regarding all sectors, upon several criteria for receiving a foreign worker work permit: (1) The period since the first entry into Israel with a work permit does not exceed 63 months; (2) The applicant does not have parents or children staying in Israel (with the exception of foreign specialists whose family members may reside with them during their work period in Israel); (3) The applicant is not older than 60 years old (or less, in some sectors); (4) The applicant does not suffer from health problems; (5) The applicant does not have any criminal record in his/her country of origin).

detailed below, the Israeli government decides upon a maximum quota of foreign workers in the construction and agriculture sectors. PIBA's data, as of the end of September 2015 (PIBA, 2015), indicates that **76,946 regular foreign workers** are presently staying in Israel. Table 1 indicates the sectors that employ regular foreign workers in Israel: caregiving (45,122 workers, 59% of all regular foreign workers), agriculture (21,618 workers, 28% of all regular foreign workers), construction (7,010 workers, 9% of all regular foreign workers) and various expert workers<sup>3</sup> (3,196 workers, 4% of all regular foreign workers). According to PIBA,<sup>4</sup> foreign workers mainly come from the following countries: agriculture - Thailand and Sri Lanka; construction - China, Moldova, Romania, Turkey, and Bulgaria; and caregiving - the Philippines, Moldova, Nepal, India, Sri Lanka and other countries.

**Table 1: The number of regular foreign workers in Israel – Segmented by sector, 30.9.2015**

Sector	Caregiving	Agriculture	Construction	Experts	Total
Number of foreign workers	45,122	21,618	7,010	3,196	76,946

The proportion of foreign workers across the different sectors has changed radically over the years. In 1996, the construction sector employed the largest number of foreign workers (58% of the total quota), but by 2009 the caregiving sector had become the largest (Raijman and Kushnirovich, 2012; Kemp, 2010). As a result of these fluctuations - the shrinking of the number of foreign workers employed in the construction industry and the growth of the “feminized” caregiving sector - the gender composition of the foreign worker population went through a transition; while men comprised 85% of the regular foreign worker population in 1995, their share shrunk to 48% in 2010 (Raijman and Kushnirovich, 2012). This proportion remained unchanged in 2015.<sup>5</sup> Amongst the irregular foreign workers, the gap between the proportion of women and men is even wider (further details in section 2 below). In 2015, only 31% (less than a third of all foreign workers) were men.

3 According to PIBA's definition, an “Expert Foreign Worker” is a foreign citizen who has highly skilled knowledge, or essential and unique knowledge, which is not available otherwise in Israel. The expert foreign worker's monthly salary must not be lower than twice the average salary for a local wage earner. For the definition in this document regarding “a request for a permit to employ a foreign citizen in the “expert sector” according to section A13 of the Foreign Workers Law - 1991” see: <http://piba.gov.il/Subject/ForeignWorkers/Forms/Documents/%D7%98%D7%95%D7%A4%D7%A1%D7%99%20%D7%91%D7%A7%D7%A9%D7%94%20%D7%9C%D7%9E%D7%95%D7%9E%D7%97%D7%99%D7%9D.pdf>

4 Data provided by the Department of Policy Planning in PIBA is valid as of 30 September, 2015.

5 Data provided by the Department of Policy Planning in PIBA is valid as of 30 September, 2015.

## 2. Irregular foreign workers

The second group of foreign workers includes foreigners who, in the past, were regularly employed under the “Foreign Workers Law” (1991), as detailed in section 1 above, but who fail, as of 2015, to meet at least one of the criteria required. At the end of September 2015, there were **16,234 irregular foreign workers** in Israel. These migrants were once regularly employed, mainly in the caregiving sector (11,915 workers, 73% of all irregular foreign workers), and other sectors such as: construction (998 workers, 6% of all irregular foreign workers), agriculture (648 workers, 4% of all irregular foreign workers), industry and services (129 workers, less than 1% of all irregular foreign workers), and various expert workers (813 workers, 5% of all irregular foreign workers). As a result of technical limitations, a substantial group of irregular foreign workers cannot be linked to a particular sector (1,693 workers, 10% of all irregular foreign workers) (PIBA, 2015) (please see table 2 below).

**Table 2: The number of irregular foreign workers in Israel - Segmented by sector, 30.9.2015**

Sector	Caregiving	Agriculture	Construction	Experts	Industry and services	Without a link to a permit in a particular sector**	Total
Number of foreign workers	11,915	648	998	813	129	1,693	<b>16,234</b>

\* The division is according to the sector in which the worker was employed in during the period of regular employment. This does not necessarily indicate employment in the same industry at the time of irregular work status. PIBA does not have information regarding the actual sectors in which irregular workers are currently employed.

\*\* Cases in which record of the worker's past employment is unavailable.

## B. PALESTINIAN WORKERS AND JORDANIAN DAY WORKERS

The employment of **Palestinian workers** is subject to quotas issued by the Israeli government. The decision regarding the quotas involves not only labor market demands, but also security, state and political considerations (Etkes, 2011; Nathan, 2011; Nathan, 2015). The greatest demand for Palestinian workers is in the construction sector, where employers strive for additional workers, as well as seasonal jobs in the agriculture sector (Nathan, 2011). Security considerations led to the recruitment of foreign workers from Asian and Eastern European countries, thus significantly decreasing employment of Palestinian workers in the Israeli labor market since the beginning of the 1990s. But it was never stopped completely: These workers enter Israel via the crossings between

Israel and the West Bank, having been issued work permits by the Civil Administration Unit at the Ministry of Defense, which serve as an entry permit into Israel for employment purposes. It should also be noted that in addition to the Palestinian workers who hold work permits, there are a few thousand Palestinians who enter Israel without a permit and are categorized as irregular overstayers (Nathan, 2011).

As of the end of June 2015, 46,117 Palestinian workers holding permits were employed in Israel - most of them in construction and a smaller number in agriculture and industry. In addition, 4,617 Palestinian workers are employed on a seasonal basis in agriculture; 4,023 Palestinians from the West Bank have a permit to work in East Jerusalem; and in this year alone, 24,456 Palestinian workers were employed in Israeli settlements in the West Bank (Nathan, 2015).

**Jordanian citizens are employed in Israel as day workers.** Initially, an Israeli-Jordanian bilateral agreement provisioned the issue of 300 permits for industry, strictly in the Eilat area<sup>6</sup> (Nathan, 2015). In June 2014, the Israeli government decided to increase in three stages the number of permits issued to Jordanian day workers in the tourism industry in Eilat by 1,500.<sup>7</sup> In early November 2015, the first implementation phase began, and the first 172 Jordanian day workers began their employment (PIBA, 2015b).

**In addition to foreign workers and the Palestinian and Jordanian workers, it is estimated that two additional foreign populations partake in the labor market in Israel:**

### C. FOREIGNERS WHO HAVE OVERSTAYED A TOURIST VISA TO WORK:

As of December 2014, there are **91,000 foreigners in Israel who entered with a tourist visa** and remained in the country after it expired.<sup>8</sup> The assumption is that they stayed in Israel as irregular workers with 59.8% of these foreign citizens arriving from the former USSR; some from Romania (5.1%) and Mexico (3.6%), and the remainder from other countries (The Central Bureau of Statistics, 2015). These workers are employed in various sectors and do not necessarily reside in geographical

<sup>6</sup> Not all permit holders enter Israel and among those who do, few enter every day. Therefore, the data regarding Jordanian workers who are employed in the industrial sector relates to the number of issued permits and not to the number of employees.

<sup>7</sup> Decision number 1773: <http://www.pmo.gov.il/Secretary/GovDecisions/2014/Pages/dec1773.aspx>. The decision provisioned that the quota would be valid until 2019 or until the unemployment rate in Eilat became greater than 7.5%, as per data provided by the National Employment Service.

<sup>8</sup> It should be noted that this data may be an overestimation as a result of mistakes in registration at the border or as a result of changes of status that may have occurred during the stay of the permit holders in Israel (The Central Bureau of Statistics, 2015. Page 5, footnote 4).

locations typically associated with concentrations of foreign worker populations. Therefore, despite the fact that this is a large group out of the total irregular foreign workforce in Israel, the authorities have constantly struggled to identify and deport them (Nathan, 2014; Nathan 2015).

## D. INFILTRATORS

Section 1 of the “Law for the Prevention of Infiltration” states that an infiltrator is someone who is not a resident, and who entered Israel by means other than a legal border crossing. In September 2015, there were **44,599 persons in Israel who met this criterion, hereafter referred to as “infiltrators.”**<sup>9</sup> The origin of 73% of them is Eritrea; 19% came from Sudan; and the rest are from other African countries and elsewhere (PIBA, 2015). According to the declaration of the State in the High Court of Justice case 6312/10 Kav La’oved (KLO), measures would not be taken against employers of infiltrators from Eritrea and Sudan as long as the employees have not been instructed to report to the *Holot* open detention center for infiltrators, and as long as they have a valid temporary residency permit, issued according to section 2(a)(5) of the Entry into Israel Law. Aid organizations and researchers estimate that many of the infiltrators make their living in the secondary labor market, especially in the tourism, restaurant and housework sectors (KLO, 2014; Livnat, 2011; Yaron et al., 2013).

## 1.2 EVOLUTION OF FOREIGN EMPLOYMENT IN ISRAEL

Since the end of the Six-Day War, the Israeli economy has relied on foreign labor to meet its needs. Until the early 90s, these were mainly semi-skilled Palestinian workers from the West Bank and the Gaza Strip, who entered Israel as day workers and were employed in the secondary labor market<sup>10</sup> in the construction, agriculture and industry sectors (Raijman & Kamp, 2008; Bartram, 1998). These workers constituted, up to that time, around 7% of the total civilian workforce in Israel (Raijman and Kushnirovich, 2012). In the early 90s, a sharp rise in the number of non-Palestinian foreign workers was registered in Israel. The resumption of hostilities following the outbreak of the first *Intifada* in 1987 ushered a significant decline in the number of Palestinian workers entering into Israel that created a severe shortage of workers, especially in the construction and agriculture sectors (Raijman, 2009). Simultaneously, the 1990s saw large waves of immigration waves into Israel that further increased housing demands and pressure applied by contractors’ organizations (Kamp & Raijman, 2008; Bartram, 1998).

9 The term “Infiltrator” reflects Israeli legislation and is not in regular use outside Israel.

10 The secondary labor market is defined as a group of occupations that require minimal training, offer low salaries, have limited professional mobility and are characterized by a high turnover of workers (Portes, 1981).

In the beginning of 1993, foreign workers started being recruited en masse, initially from Romania and Turkey (for the construction sector) and Thailand (for the agriculture sector) (Bartram, 1998). The ascendancy of neoliberal economic policies, as well as a rapidly growing economy, turned Israel into an attractive destination for these workers (Kushnirovich and Filk, 2012).

Following the increase in quotas and the emergence of irregular labor migration, the number of non-citizen and non-Palestinian workers in Israel increased consistently over the 90s, until it surpassed the total number of Palestinians who had ever worked in Israel put together. In 1993, regular and irregular foreign workers constituted 1.6% of the civilian workforce (Ministry of Labor and Welfare, 2001). In 1997, this rate leaped to 8.5% (Eckstein, 2007) with 164,000 regular and irregular foreign workers<sup>11</sup> employed in Israel (The Central Bureau of Statistics, 2003; Kemp and Raijman, 2008; Eckstein, 2010). Over the course of the last two decades, the percentage of foreign workers out of the total civilian workforce varied. As of 2015, the proportion of regular and irregular foreign workers out of the total civilian workforce stands at 2.5%.<sup>12</sup>

Foreign workers are employed in Israel in three main sectors: construction, agriculture and caregiving. A fourth sector includes foreign workers who have expertise in particular areas. Thus, one of the distinctive attributes of foreign employment in Israel is the fact that it is **sectoral** - both in terms of the restriction of employment opportunities for foreign workers to certain economic branches, as well as the existence of distinctive regulatory systems for each of the sectors (Kemp and Kfir, 2012). While foreign workers replaced Palestinian workers in the construction and agriculture sectors, the recruitment of foreign workers in the caregiving sector created a new employment practice that has unique characteristics, including the option of hiring live-in caregivers who reside in the homes of their employers (Raijman, 2009).

The opening of the country's main gateway to the entry of foreign workers resulted in the opening of backdoor gateways to undocumented migration (Raijman, 2009) and in the prolonged stay of these migrants. In 2002, after nine years in which the number of foreign workers in Israel continuously

11 According to the definitions of the Central Bureau for Statistics, the data relates to foreign workers who have a valid work permit and to foreign citizens who entered Israel with a tourist visa and stayed to work as irregular foreign workers (The Central Bureau of Statistics, 2003).

12 It should be noted that this data does not include the population of foreign citizens who entered Israel and overstayed their visas. It is estimated that many of them work in Israel without a permit. When this population is factored in, the percentage of foreign citizens out of the total civilian workforce in 2015 goes up to 5%. Regarding the percentage of foreign workers in the total civilian workforce in the recent years, see Eckstein (2007) and Kemp (2010).

increased to an apex of over 200,000 people,<sup>13</sup> Ariel Sharon's government enacted a "closed skies" policy with regard to the recruitment of foreign workers, with the intention of significantly restricting foreign employment in Israel. The decision was part of a wider economic program of the Ministry of Finance that sought to encourage unemployed Israelis to join the workforce and replace foreign workers (Kemp, 2010). The "closed skies" policy, combined with deportations of migrants without work permits, reduced the number of regular and irregular foreign workers alike for a certain period (Bar-Zuri, 2009); in the construction sector, it even resulted in their replacement by Israeli and Palestinian workers (Nathan, 2014). However, the number of irregular foreign workers was back on the rise a few years later (Kemp and Kfir, 2012).

In the wake of the "closed skies" policy, there have indeed been periods of time when foreign workers were replaced by Palestinians (in the construction sector) or by Israelis (in the agriculture sector). However, it has been claimed that, by and large, over the years, since the implementation of the "closed skies" policy, there has been no de-facto decline in the number of visas issued to new foreign workers (Kemp, 2010). Instead, the number of visas in each sector and the permitted length of stay fluctuated. This mainly influenced the construction industry, that shrunk significantly. At the same time, the number of foreign workers in the caregiving sector grew (Kemp and Kfir, 2012; Raijman, 2009; Bank of Israel, 2007).

## 1.3 REGULATING THE RECRUITMENT AND EMPLOYMENT OF FOREIGN WORKERS IN ISRAEL

### A. LEGISLATION AND REGULATION REGARDING THE EMPLOYMENT OF FOREIGN WORKERS<sup>14</sup>

Four major laws regulate the conditions of employment of foreign workers in Israel:<sup>15</sup>

#### 1. The Foreign Workers Law, 1991

This law stipulates the responsibilities of foreign workers' employers towards state authorities and the foreign workers, including an obligation to obtain an employment permit from PIBA when intending to employ a foreign worker. As far as state authorities are concerned, an employer can

<sup>13</sup> According to the definitions of the Central Bureau for Statistics, the data relates to foreign workers who have valid work permits and to foreign citizens who entered Israel with a tourist visa and stayed to work as irregular foreign workers (The Central Bureau of Statistics, 2003).

<sup>14</sup> For the full list of regulations regarding foreign workers, see table D in the appendixes.

<sup>15</sup> Part of the data in this sub-section is based on a report published by the Knesset's Center of Research and Information (see: Zeira and Moshe, 2015).

employ only a foreign worker who has been granted a residency and work permit that corresponds to the employment permit that the employer himself obtained from the authorities. The employer must fulfill the terms of the permit, pay the fees and other charges provisioned by the employment of a foreign worker, and allow the relevant state agencies to access documents concerning the worker's employment when asked. The law authorizes the authorities, under relevant circumstances, to demand that the employer make a security deposit to guarantee, among other things, the timely departure of the foreign worker, the protection of the worker's rights, and more. The law states that in order to employ a foreign worker, an employer must receive a certificate from a medical institution in the worker's country of origin attesting to the worker's good health; sign a written labor contract with the foreign worker; arrange medical insurance for the worker that meets the minimum requirements of the Minister of Health; and provide the foreign worker with appropriate accommodation. The responsibility for issuing regulations in keeping with these provisions is divided between the economy minister and the interior minister. The former is responsible for creating regulations with respect to the terms of employment and labor laws, and the latter is in charge of regulations regarding work permits, transfer of workers between employers etc.

## 2. The Entry into Israel Law, 1952

This law regulates the entry into Israel and the types of visas and residency permits. A few specific regulations have been issued for foreign workers in Israel:

1. The visa and the stay permit are limited to a particular sector, preventing the worker from being employed in other sectors without PIBA's approval.<sup>16</sup>
2. The visa and stay permit are conditional upon meeting the provisions of the Foreign Workers Law, 1991. As a rule, the law permits the extension of a foreign worker's stay up to five years and three months, except in the caregiving sector.
3. Specifically regarding the caregiving sector, two sets of regulations were enacted in 2014 by

<sup>16</sup> While the employment permit and the work license are limited to a specific sector, the foreign worker can change employers (in the same sector) in accordance with the law and relevant procedures. The option of changing employers has existed since 2006, following a ruling by the High Court of Justice that canceled the "binding arrangement," according to which the work permit issued to a foreign worker was valid only for the employer who had arranged for the worker to arrive in Israel. Up until this ruling, any breach of the arrangement, such as leaving the employer or being employed in an additional job, could result in the cancellation of the worker's permit and as a result, the worker could be liable for deportation (Raijman and Kushnirovich, 2012). The High Court of Justice stated in its ruling (HCJ 4542/02) that the binding arrangement is excessive, and that it infringes on the basic rights of foreign workers, their natural right to freedom and the human freedom of action, and therefore required the government to annul the binding arrangement.

force of the Entry to Israel Law, 1952, section 3A (C2), which empower the interior minister to issue regulations regarding change of employers in the caregiving sector. The two regulations are: Entry into Israel Regulations (Supervision of the Changes of Employment of Foreign Caregivers), 2014, as well as Entry into Israel Regulations (Determination of Geographical Areas for the Employment of Foreign Caregivers), 2014. The first serves as a means to supervise the number of times foreign workers in the caregiving sector change employers, while the second determines the geographical areas in which foreign workers in the caregiving sector can work.

### 3. The Law of Employment of Workers by Manpower Companies, 1996

This law regulates the actual employment of foreign workers by Manpower Companies. The law states that a Manpower Company which employs workers who are not residents of Israel is required to obtain a special permit from the Ministry of the Interior, and to meet special conditions stipulated by the minister, inter alia, depositing a monetary bond with PIBA in the amount stated in the regulations to ensure the fulfillment of the Manpower Company's duties to the workers it employs as set out in the law.

### 4. The Employment Service Law, 1959

This law regulates the recruitment of foreign workers by private agencies that have been certified by the Interior Minister. The minister has the power to make the permit conditional on the agency's provision of additional services to the foreign workers it has recruited after their arrival in Israel, as in the case of the caregivers and agricultural workers. A private recruitment agency licensed to recruit foreign workers is required to deposit a bond to guarantee the fulfillment of its obligations.

**In addition to these four laws, there are two areas that relate to the employment of foreign workers in which policy is determined by government resolutions and by procedures rather than in formal legislation (Zeira and Moshe, 2015):**

#### 1. Quotas for permits to employ foreign workers

In the construction and agriculture sectors there are quotas for employment permits for foreign workers. Setting or changing the quota is carried out via government resolutions. These resolutions are made pending changes in policy and economic needs as well as, in some cases, contractual obligations vis-à-vis employers' unions.

Between 2010-2015, the Israeli government set the following quotas for permits for employment of foreign workers in the construction and agriculture sectors:<sup>17</sup>

**Table 3: Quotas for permits for employing foreign workers in the construction and agriculture sectors, 2010-2015**

Sector	2010 <sup>18</sup>	2011 <sup>19</sup>	2012	2013	2014	2015
Construction	9,000	8,000	8,000	8,000	15,000	20,000
Agriculture	26,000	24,500	24,500	24,000 and 1,000 seasonal workers	24,999 and 500 seasonal workers	24,999 and 500 seasonal workers

## 2. Conditions or restrictions regarding permits, employers and contractor activities (manpower agencies and private recruitment agencies)

The regularly updated procedures and notices published by PIBA lay out special conditions regarding the employment or recruitment of foreign workers as per government resolutions, as well as provisions for the application of these resolutions or other policy decisions. These procedures and notices, which are stipulated by the Foreign Workers' Law, 1991 and the Law of Entry to Israel, 1952, apply to different aspect of foreign employment, for example: the manner in which employers and recruitment agencies can submit a request for a permit, or extend one; the transfer of foreign workers from one employer to another and between private recruitment agencies; the extension of residency permits; and more.<sup>20</sup>

## B. EMPLOYMENT OF FOREIGN WORKERS ACCORDING TO SECTOR

As previously stated, foreign workers are employed in the secondary labor market as semi-skilled laborers in three main sectors: caregiving, construction and agriculture. The following section briefly outlines the major trends and employment policies that pertain to foreign workers in these three sectors.

<sup>17</sup> Source: Data provided by the Population and Immigration Authority, November 9, 2015.

<sup>18</sup> October 1, 2009 to September 30, 2010.

<sup>19</sup> October 1, 2010 to June 30, 2011.

<sup>20</sup> For an overview of the procedures and notices, see: <http://www.piba.gov.il/Regulation/Pages/default.aspx>.

## 1. Caregiving

Private recruitment agencies are in charge of finding placements for foreign workers in the caregiving sector. As part of the procedure, these agencies are required to register the employment of a foreign caregiver with his disabled employer in the PIBA registry, provide assistance throughout the employment procedures and ensure that it is done properly. Under this system, the patients are the direct employers of the foreign workers, and they must carry out the duties of an employer in keeping with the labor legislation in Israel (Zeira and Moshe, 2015). The agencies must assist the employer in arranging medical insurance and national insurance policies for the worker, to provide him/her with proper accommodation within their house and to guarantee full-time employment. Each employer (the patients who hold the permit) must also be registered with an authorized private recruitment agency. According to PIBA, as of October 2015, 101 recruitment agencies were authorized to allocate foreign caregivers.<sup>21</sup> According to PIBA regulations, the agency may deal only with recruitment, placement and related services for foreign caregivers, and is forbidden to employ foreign or Israeli caregivers. The agencies are responsible for ensuring employment for their clients for the duration of their first year in Israel. According to PIBA procedures, the agency may charge the employers a one-time fee down payment of 2,000 NIS, including VAT, for the placement of a foreign worker, as well as monthly payments of up to 70 NIS, including VAT, for ongoing services. In the visa issued to a foreign caregiver, there is no mention of the name of the private recruitment agency in which the caregiver is registered, or of the employer for which he was recruited to work - the visa only states that the foreign worker must be employed in the caregiving sector and the geographical areas in which he or she is permitted to work. The foreign worker may change employers, as long as they have valid employment permits and are registered with a licensed agency, provided they handed in a written notice to the employer and the agency in advance. The recruitment of foreign caregivers is not capped by a quota, but rather is determined by the number of caregivers needed in Israel, and by additional criteria that are based on each private agencies' performance. The recruitment of new workers is ongoing, as is testified by the fact that this is the sector that employs the largest number of foreign workers in Israel in recent years (Zeira and Moshe, 2015; Raijman and Kushnirovich, 2012; Kemp, 2010).

<sup>21</sup> A list of agencies in the caregiving sector (valid up to October 2015): [http://www.piba.gov.il/Subject/ForeignWorkers/siod/PrivateOffices/Documents/siud\\_table\\_update011015.pdf](http://www.piba.gov.il/Subject/ForeignWorkers/siod/PrivateOffices/Documents/siud_table_update011015.pdf)

## 2. Agriculture

As in the caregiving sector, private recruitment agencies also operate in the agricultural sector and their role is to mediate between foreign workers and farmers who have valid permits for their employment. PIBA issues licenses to the agencies, and issues employment permits to the farmers according to the recommendations of the Ministry of Agriculture and Rural Development (Raijman and Kushnirovich, 2012). Employer-employee relations between the recruitment agencies and the foreign agricultural workers are forbidden. The farmer who holds the permit must directly employ a foreign worker, in accordance with the Foreign Workers Law, 1991 and according to the terms of the permit (Zeira and Moshe, 2015). As of August 2014, 15 private recruitment agencies operated in this sector<sup>22</sup> (PIBA, 2014). The private agencies provide services such as: representing the worker vis-à-vis state authorities (such as fulfilment of his/her rights in the National Insurance Institute of Israel); mediating between the worker and the direct employer in case of conflict, and more. Currently, the recruitment of foreign workers for the agriculture sector is carried out strictly in keeping with bilateral agreements between Israel and a number of countries (Section C below).

## 3. Construction

As opposed to the caregiving and agriculture sectors, in which the work recipients (the patient or the farmer, respectively) are the designated employers and are assisted by the recruitment agencies in the recruitment and placement stages, foreign workers in the construction sector have since 2005 been employed by Manpower companies who bear most of the employment duties and pay the workers' salaries. (Zeira and Moshe, 2015). In 2015, 33 licensed Manpower companies operated in the construction sector.<sup>23</sup> PIBA issues permits to these companies allowing them to employ foreign workers who are in Israel and who hold permits for work in the construction sector. They can also recruit and employ new foreign workers in accordance with bilateral agreements that apply to the construction industry (see section C below) and the existing quotas. These companies are subject to labor laws, like any other employer in Israel. Their responsibilities include various payments, such as payments to the National Insurance Institute of Israel, convalescence allowance, and sick pay. The company is also responsible for the payment of all fees and taxes connected

22 A list of private agencies in the agriculture sector (valid for August 2014): <http://piba.gov.il/PublicationAndTender/Publications/Documents/haklaut-offices.pdf>

23 A list of foreign worker corporations the construction sector (updated to 2015): <http://piba.gov.il/Subject/ForeignWorkers/ForeignWorkers/Documents/taagidim2015.pdf>.

to the employment of foreign workers. The de facto employers, the construction contractors, also have responsibilities towards the foreign workers according to the 'Employment through Manpower Contractors, 1996' law and the 'Foreign Workers (prohibition of unlawful employment and assurance of fair conditions), 1991' law (Zeira and Moshe, 2015).

## C. ORGANIZATIONS AND CENTRAL REGULARIZATIONS ON THE SUBJECT OF EMPLOYMENT OF FOREIGN WORKERS

Foreign employment is in the jurisdiction of several governmental authorities. PIBA, a branch of the Ministry of the Interior, was formed following a 2008 government decision<sup>24</sup> to address the need to centralize the coordination of the entry of foreign workers into Israel, as well as their registration and administration (Natan, 2009). PIBA was formed by merging the authorities of several different departments that were responsible for legal status determination and foreign worker law enforcement. Prior to PIBA's formation, these areas of responsibility had been divided between the Ministry of Industry, Trade and Labor (later renamed the Ministry of Economy and Industry), the Ministry of the Interior and the Ministry of Public Security. In the field of regularization, PIBA is responsible for issuing work permits for foreign workers, issuing visas to foreign workers, and issuing licenses to Manpower companies and private agencies. As to enforcement, PIBA is responsible for overseeing the legal provisions regarding the stay and employment of foreign workers, the reduction of the number of irregular workers, and the protection of documented foreign workers' rights. It must be noted that, alongside PIBA, the Ministry of Economy continues to play a role in the foreign labor sector, especially with regard to investigating foreign workers' complaints about violations of their rights and enforcing penalties where needed. As mentioned in section A above, the Israeli government updates annually the quotas for foreign workers in various sectors. This is sometimes done as part of broader economic policy planning. The quotas for each sector are based upon the demands of the sector and the recommendation of government ministries. Several Knesset committees also tackle matters relating to the employment of foreign workers, mainly the "Special Committee on the Problems of Foreign Workers." The committee was formed in the 14th Knesset, in the late 1990s, and discontinued during the 19th Knesset (2013-2015). This committee dealt with a range of issues relating to the employment of foreign workers, such as supervision, review of the government and enforcement authorities' proceedings, legislation and

<sup>24</sup> Government decision number 3434 from April 13th, 2008. <http://www.pmo.gov.il/Secretary/GovDecisions/2008/Pages/des3434.aspx>.

more.<sup>25</sup> The Labor, Wellness and Health, Interior and Protection of the Environment committees also deal with issues that pertain to foreign workers (Zeira and Moshe, 2015).

Starting in the 1990s, and following the growth of foreign worker employment in Israel, the government established various expert committees and interministerial committees that issued recommendations concerning recruitment and employment of foreign workers. The work of the committees reflected the dilemmas involved in making decisions regarding recruitment and foreign employment. Their recommendations were meant to assist the government in policymaking. Some of the committees were assigned to examine the regularization of employment in a particular sector. Other committees were established to devise an overall policy as well as across sectors. Several of the committees that the government established recommended a reduction of foreign workers in Israel while giving incentives to employ Israelis (Ben Shalom Committee, 1997; Buchris committee, 2001; Eckstein committee, 2007). Other noteworthy committees were the Rachlvesky committee (2002), that recommended establishing a governmental immigration authority. The recommendation ushered the creation of an immigration administration within Israel Police (which was later subsumed by PIBA). The Andoran committee (2004) resulted in a reform of the construction sector, following the establishment of special licensing mechanisms for manpower companies. Two committees examined the recruitment and employment of foreign workers in the caregiving sector: The Sovel committee (2006) recommended a change in the recruitment method of caregivers, so that their employment would be carried out by professional private agencies; the Shoshani committee, formed in 2013, recommended to review recruitment procedures for new foreign workers by private agencies in the caregiving sector. The committee's recommendations were approved by the interior minister. PIBA has recently started to implement them.

### Bilateral agreements

Much of the effort to regulate foreign employment relies on bilateral agreements between the State of Israel and the workers' countries of origin. Following the policy of the government of Israel in recent years, the recruitment and employment of foreign workers in all sectors except for caregiving<sup>26</sup> are

<sup>25</sup> "The Special Committee for the Execution of Provision of Accessibility to Government Information and the Principles of its Transparency to the Public" replaced it as of the 20th Knesset.

<sup>26</sup> It should be noted that an agreement concerning a limited pilot program for the recruitment and designated training of caregiving workers was signed recently.

done through bilateral agreements. The principles of these agreements are based on a transparent and controlled process aimed at promoting foreign workers' rights throughout the processes of recruitment and employment, including the prevention of excessive brokerage and commission fees by private actors both in countries of origin and in Israel, and ensuring the arrival of workers with the appropriate vocational training. Between 2005-2013, the government made several decisions to enhance the supervision on recruitment within the framework of bilateral agreements,<sup>27</sup> whereby Israeli private agencies are prevented from communicating directly with private agencies in the workers' countries of origin. The bilateral agreements stipulate mechanisms for recruitment. In the construction sector, the recruitment mechanism includes professional selection examinations. The workers arriving in Israel participate in an orientation session where they are informed of their rights. They also receive an explanation regarding their employment contract and a general introduction to life in Israel. The employment is carried out via a unified employment contract, which also stipulates the maximum payments to be collected from the worker (Zeira and Moshe, 2015). The workers also receive a leaflet detailing their rights and contact details for a hotline - a call center they can contact to receive information or submit complaints. The hotline was launched in July 2012 and is operated by the Center for International Migration and Integration (CIMI) for PIBA. The hotline registers the appeals and complaints that are made on the phone and by other means of communication. PIBA then channels these appeals and complaints to the different enforcement bodies. With the help of interpreters in the relevant languages, the hotline follows up on the appeals, either in search of additional information or to notify the worker about the results of his or her complaint.

Today, Moldovan, Bulgarian and Romanian workers are employed in the construction sector, and Thai workers in the agriculture sector, thanks to bilateral agreements with their respective countries.<sup>28</sup> An agreement with Sri Lanka accounts for seasonal workers in agriculture only. Since

27 See: Government decision number 4408 (KM/263) from March 15th, 2015: Foreign Workers in the agriculture sector - <http://www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4408.aspx> ; government decision 4194, 29.1.12: Foreign Workers - And the encouragement of the employment of Israelis. <http://www.pmo.gov.il/Secretary/GovDecisions/2012/Pages/des4194.aspx>; government decision 3453, 10.7.11: The encouragement of the employment of Israelis and quotas for foreign workers in the construction sector and the regulation of entry of foreign workers in the caregiving sector. <http://www.pmo.gov.il/Secretary/GovDecisions/2011/Pages/des3453.aspx>; government decision 1274, 24.1.10: The government policy regarding foreign workers, continuation - discussion. <http://www.pmo.gov.il/Secretary/GovDecisions/2010/Pages/des1274.aspx>; government decision 752, 14.9.09: Employment of foreign workers in the agriculture sector. <http://www.pmo.gov.il/Secretary/GovDecisions/2009/Pages/des752.aspx>; government decision 3996, 24.8.08: The government policy regarding non-Israeli workers and the increase of employment opportunities for Israelis. <http://www.pmo.gov.il/Secretary/GovDecisions/2008/Pages/des3996.aspx>; government decision 4024, 31.7.05: Permits for the employment of foreign workers. <http://www.pmo.gov.il/Secretary/GovDecisions/2005/Pages/des4024.aspx>.

28 Negotiations are also currently underway with Ukraine and China.

the signing of the agreements, the recruitment of foreign workers in these sectors has been done strictly in the confines of the bilateral agreements. As mentioned earlier, a pilot program for the recruitment and employment of caregivers from Nepal was launched following the signing of a bilateral agreement. Negotiations are currently underway with Moldova and Sri Lanka ahead of additional agreements for the caregiving sector.

The first bilateral agreement dealt with the recruitment of foreign workers for the agriculture sector. Israel and Thailand signed it at the end of 2010 (TIC agreement), leading to the arrival of 12,600 Thai agricultural workers in the four years that followed. During the same period, around 460 seasonal agricultural workers arrived via the bilateral agreement with Sri Lanka. A bilateral agreement with Bulgaria was signed at the end of 2011; a similar agreement with Moldova was signed in 2012; and with Romania in July 2014. According to PIBA figures, as of the end of September 2015, the total number of workers who arrived in Israel in the framework of the bilateral agreements with Moldova, Bulgaria and Romania stood at 2,529. Currently, negotiations are taking place with China and Ukraine, with the intention of signing bilateral agreements for the construction sector.

Research on the bilateral agreements on the employment of foreign workers in the agriculture and construction sectors found that they have had a significant impact on the process of recruiting foreign workers for these sectors. State and international agencies took charge at the expense of private companies, leading to a drop in the recruitment fees, some of which reached tens of thousands of dollars, as they were no longer collected from the foreign workers in exchange for assisting their request to work in Israel. Nevertheless, research (Raijman and Kushnirovich, 2014) has shown, backed up by complaints received by the hotline, violations of workers' rights in the agriculture and construction sectors such as non-payment for overtime and sick days, or non-provision of appropriate accommodations, continue. In 2014, the hotline received 1,372 appeals and complaints from foreign workers who had arrived in Israel in the framework of bilateral agreements. Of these, 32% of the complaints pertained to salary issues, and 25% to the conduct of the employer or the employment agencies (including the provided accommodations). The number of appeals and complaints increased in 2015, with the arrival of greater numbers of foreign workers under the bilateral agreements, reaching 1,557. Of these, 33% were related to salary issues, and 33% related to the conduct of the employer or the manpower company. Examples of other issues that workers raised with the hotline were: switching employers, absence of work, and return to the country of origin.

## 1.4 THE FOREIGN WORKFORCE IN ISRAEL: SUMMARY AND FORECAST

Since the beginning of the 1990s there has been a significant increase in the number of foreign workers entering Israel, and some of the main economic sectors have developed a dependence on this foreign workforce. The entry of foreign workers stems from the fact that Israel is developed enough to draw workers from developing countries, as well as from the liberalization of the labor market in Israel (DellaPergola, 2012). The foreign workforce in Israel includes several populations: regular and irregular foreign workers, as well as Palestinian and Jordanian workers. As of November 2015, foreign citizens residing in Israel include some 77,000 regular foreign workers, some 16,200 irregular foreign workers, and some 81,600 regular and irregular Palestinian and Jordanian workers. The total number of foreign workers in Israel from these three populations exceeds 174,000. In addition to this number, there are an estimated 91,000 tourists who overstayed their visas, as well as some 44,500 infiltrators. It is estimated that a considerable number of them work in Israel.

The employment of regular foreign workers in Israel is sectoral. They are employed in three main sectors: caregiving, agriculture and construction (the additional fourth sector being that of experts). Each of the sectors has its unique recruitment and employment mechanisms. In the caregiving and agriculture sectors, licensed private recruitment agencies designated to each of the sectors are involved in the recruitment of the workers for each of the sectors (in agriculture, the private agencies receive the worker after his recruitment is carried out in the framework of a bilateral agreement) and they oversee their employment. In the agriculture sector, the employer is the farmer, and in the caregiving sector, the employer is the disabled patient. In the construction sector, foreign workers are employed by manpower corporations who outsource them to registered construction contractors. Over the years, a dramatic shift has occurred between the sectors; the construction sector, which for many years was the largest, significantly shrunk and became the third largest. At the same time, the caregiving sector, which is not subject to quotas, surged and became the largest employment sector of foreign workers in Israel.

In Israel, like in many developed countries, the employment of foreign workers plays a significant economic and social role while at the same time highlighting significant societal and cultural issues (DellaPergola, 2012). Moreover, it may influence the existing patterns of inequality (Raijman, 2009).

The mass recruitment of foreign workers created socially vulnerable groups and increased the need for close supervision on the protection of workers' rights (Raijman, 2009; Kemp and Raijman, 2008; Avinery et al., 2009). The State Comptroller has recently related to this issue in his latest report (State Comptroller, 2015).

The increased integration of foreign workers into the Israeli economy was accompanied by an increased regulation of the field that attempted to maintain a balance between the country's need, the employers' needs and the need to maintain the foreign workers' rights. Among the regulation mechanisms, the bilateral agreements stand out. They led to a reduction in violations of foreign workers' rights, regulated recruitment processes, and helped raise the foreign workers' awareness of their rights. The positive effects of these agreements prompted the government to try to expand and extend their validity to all of the sectors that employ foreign workers, and recruit and employ as many workers as possible within this framework.

In 2016, PIBA has faced a few challenges regarding the employment of foreign workers. Once pending legislation is completed, PIBA will have to enact a "deposit" arrangement for infiltrators residing in Israel, for foreign workers in the caregiving sector, and possibly for those in the agriculture sector as well. The purpose of the deposit would be to put aside the sums that Israeli employers are required to deposit as severance pay and pensions for their employees, and to repay those sums (plus interest) to the workers, including the infiltrators, upon their departure from Israel. During 2016, PIBA will also endeavor to promote regulated recruitment of caregivers as part of transparent bilateral agreements, while overseeing and expanding existing pilot programs.

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# 02.

## FINDINGS

Since the beginning of the 1990s, and in correlation with the beginning of labor migration into Israel, significant changes have taken place with regard to the employment of foreign workers in these sectors: the construction sector has shrunk considerably and the caregiving sector has expanded. The number of workers employed in the agriculture sector has remained relatively stable over the years. This section intends to review **current trends** in labor migration into Israel. The first part introduces data from the sectoral divisions of regular and irregular foreign workers over the past five years (2010-2015). The second, third and fourth sections will give a snapshot of the state of affairs in 2015. This picture describes the populations of both regular and irregular foreign workers, and analyzes them according to country of origin, age, legal status, gender and length of stay in Israel.

## 2.1 FOREIGN WORKERS - BREAKDOWN BY SECTORS 2010-2015

### 1. REGULAR FOREIGN WORKERS

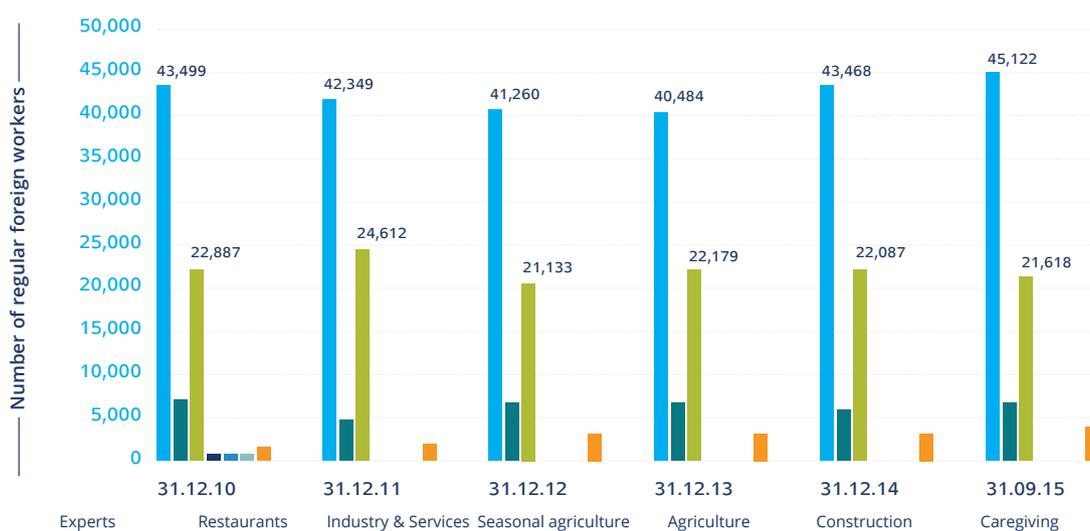
Chart 1<sup>29</sup> on the following page, shows sectoral analysis of regular foreign workers in Israel between 2010-2015.

As can be seen in Chart 1 on the following page, the sector that employs the largest number of foreign workers is the caregiving sector. This has been the trend for the last five years. The peak was in 2015, with 45,122 regular caregivers. The second-largest sector from 2010-2015 has been the agriculture sector, which employs half as many foreign workers as the caregiving sector employs. Following the quotas decided by the government (see Table 3 in the beginning of the review), the number of foreign workers in the agriculture sector over the past five years has been around 20,000, while during the peak year, 2011, the number of regular foreign workers in the

<sup>29</sup> Due to graphical constraints, the absolute number of workers per year is available in this chart only for the two main sectors: caregiving, and agriculture. for the number of workers in the other sectors, please see Table A in the appendixes section.

agriculture sector exceeded 24,000. The construction sector ranks third in size, and the number of regular foreign workers it employs has fluctuated between 5,200 and 7,000 over the past five years. There was slight fluctuation in this sector between 2010-2015, and the number of foreign construction workers meandered from year to year. Overall, the trend shows an increase in the number of regular foreign workers working in Israel since 2012.

**Chart 1 // Number of regular foreign workers - Segmented by sector, 2010-2015**

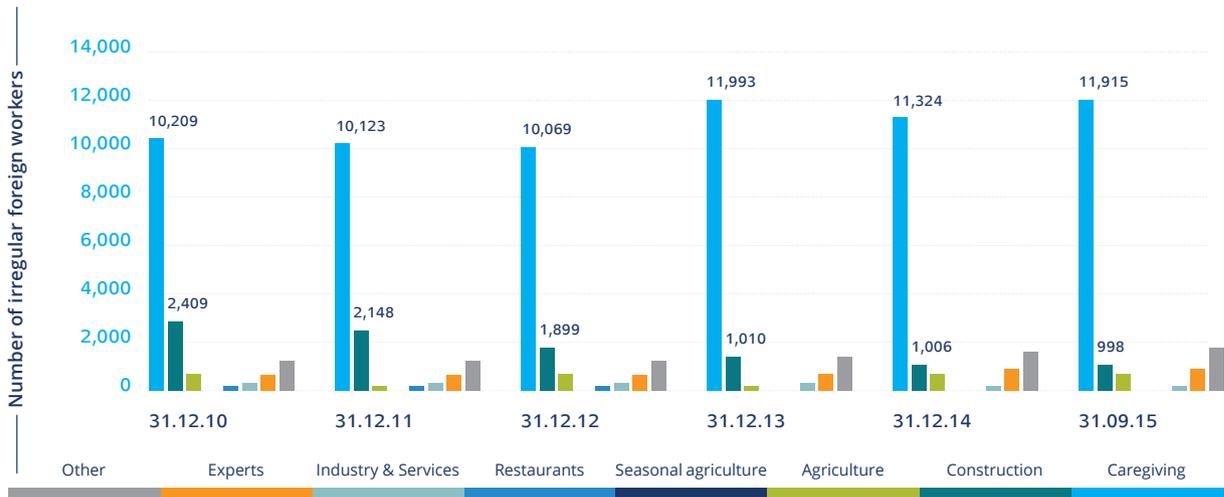


\* The restaurants sector was canceled in 2013, and foreign workers who are chefs were moved to the expert sector. The industry and services sector was canceled in 2014.

## 2. IRREGULAR FOREIGN WORKERS

The sectoral division of irregular foreign workers is a function of the permit they held during their legal stay. Through this prism, it becomes evident that the number of irregular foreign workers who arrived to Israel in order to work in the caregiving sector is far superior to other sectors (See Chart 2 in the following page<sup>30</sup>). A comparison between the four main employment sectors indicates that the second-largest sector in which foreign workers overstayed their permit to work in Israel and are irregularly employed is the construction sector.

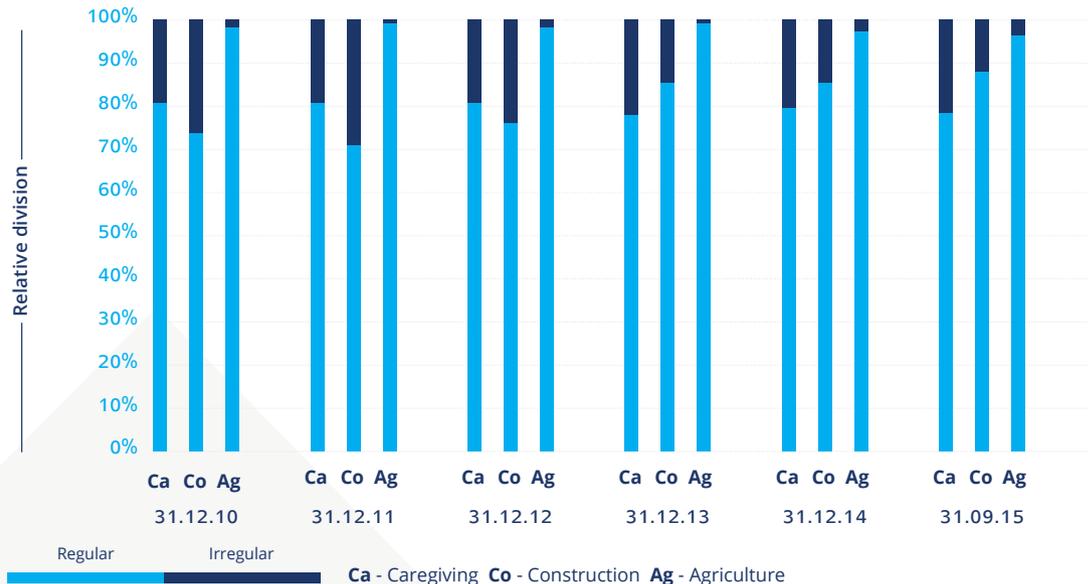
**Chart 2 // Number of irregular foreign workers - Segmented by sector, 2010-2015**



1. "Other" sector: Irregular foreign workers who are not bound to a work permit in a particular sector.  
 2. As mentioned above, the sectoral division of the irregular foreign workers is a function of the permit they held during their legal stay.

Chart 3 below presents the relative division of foreign workers in the three main sectors - caregiving, construction and agriculture - and indicates that the percentage of the regular and irregular foreign workers in the caregiving sector remained at around 20% between 2010-2015; it fluctuates in the construction sector, where the percentage of irregular foreign workers shifted between 13%-29% during those years; and remains minimal in the agriculture sector.

**Chart 3 // Relative division of regular and irregular foreign workers - Segmented by sectors, 2010-2015**

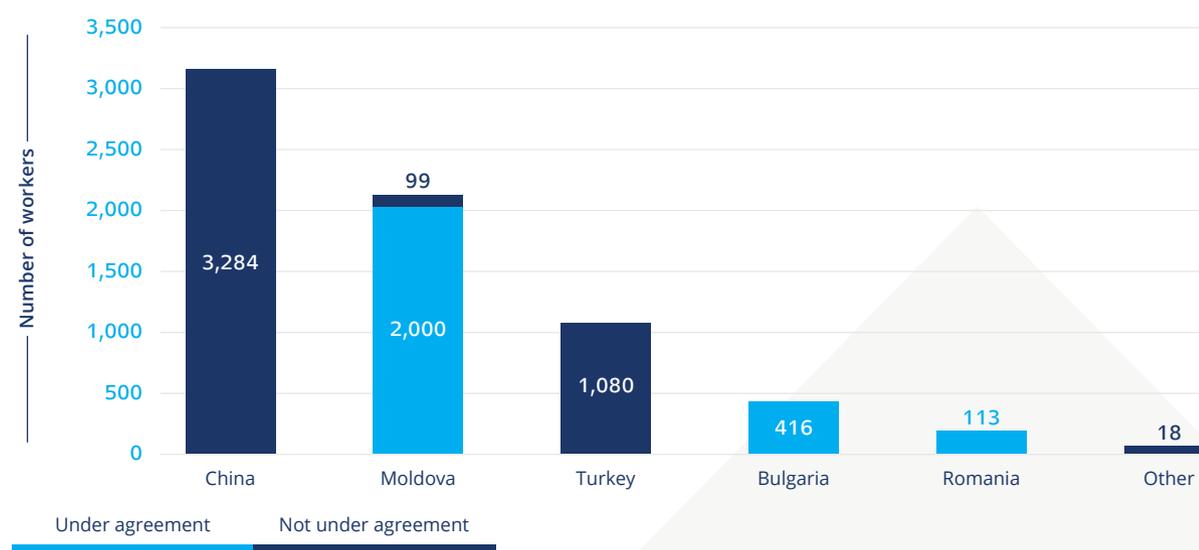


## 2.2 FOREIGN WORKERS – BREAKDOWN BY COUNTRY OF ORIGIN: STATE OF AFFAIRS FOR 2015

### 1. REGULAR FOREIGN WORKERS

A unique composition of countries of origin characterizes each of the three main sectors that employ foreign workers. One of the reasons for this is the signing of bilateral agreements on the recruitment and employment of foreign workers between the Israeli government and a few other governments: The Moldovan, Bulgarian and Romanian in the construction sector; and Thai in the agricultural sector. The origin of most of the workers in the construction sector is China (3,284 workers) and Moldova (2,099 workers),<sup>31</sup> and the origin of most workers in the agriculture sector is Thailand (21,034 workers).<sup>32</sup> **The caregiving sector exhibits a larger geographical variety of countries of origin that includes a majority from the Philippines (15,200 workers), followed by India (9,998 workers), Moldova (7,765 workers), Sri Lanka (5,061 workers) and Nepal (3,052 workers).** (See charts 4<sup>33</sup>, 5<sup>34</sup> and 6 below.)

**Chart 4 // Regular foreign workers in the construction sector – Segmented by country of origin and whether or not employed within a bilateral agreement, September 2015**



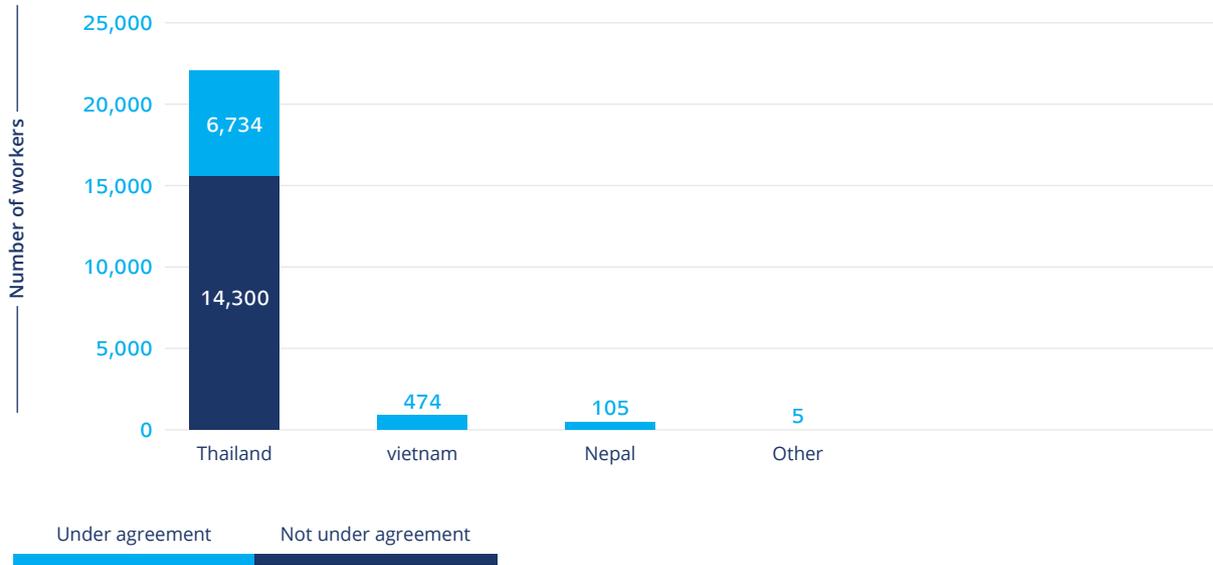
31 From Moldova, 2,000 workers were recruited within the framework of the bilateral agreement between the governments of Israel and Moldova. See Chart 4.

32 From Thailand, 14,300 workers were recruited within the framework of the bilateral agreement between the governments of Israel and Thailand. The rest are veteran workers who worked in Israel prior to the signing of the agreement at the end of 2010. See Chart 5.

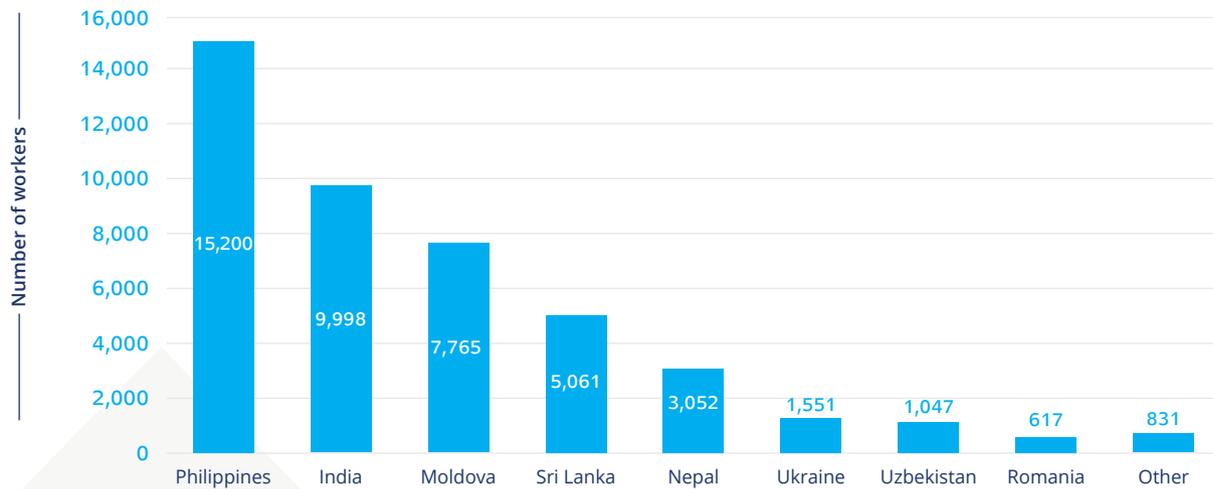
33 As can be seen in Chart 4 above, and as previously mentioned, three bilateral agreements pertain to the construction sector: With Bulgaria (at the end of 2011); with Moldova (in 2012); and with Romania (in July 2014).

34 The recruitment of foreign workers from Nepal and Vietnam to work in Israel began prior to the signing of a bilateral agreement with Thailand. Since the signing of the agreement at the end of 2010, the recruitment of foreign workers to the agriculture sector has been restricted to Thailand.

**Chart 5 // Regular foreign workers in the agriculture sector - Segmented by country of origin and whether or not employed within a bilateral agreement, September 2015**



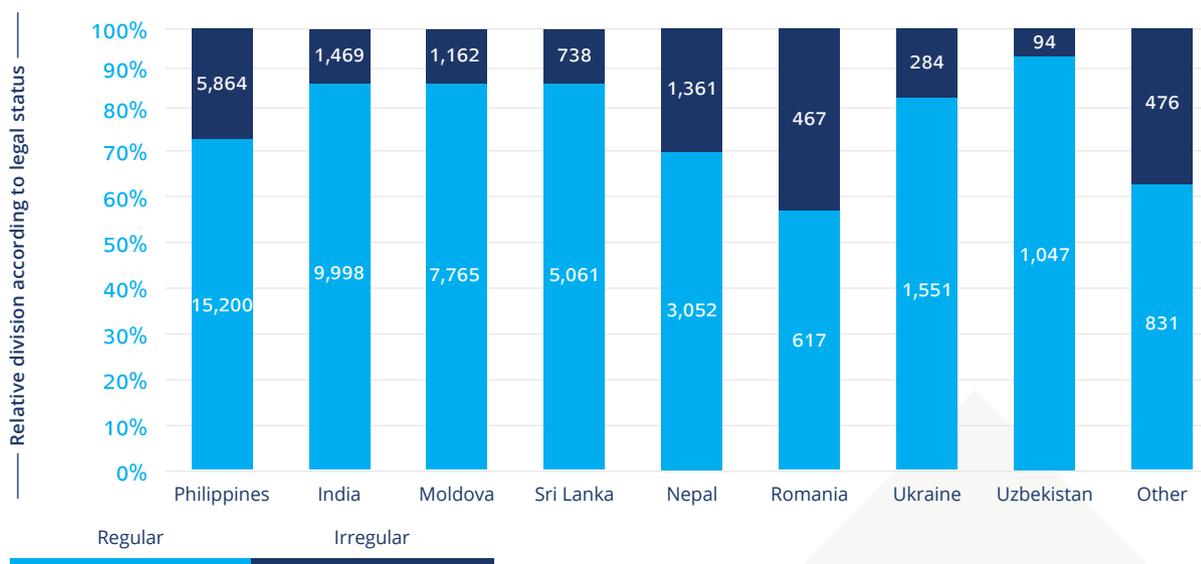
**Chart 6 // Regular foreign workers in the caregiving sector - Segmented by country of origin, September 2015**



## 2. IRREGULAR FOREIGN WORKERS

The geographical composition of countries of origin of the irregular foreign workers is similar to that of the regular foreign workers. Nevertheless, when segmenting the legal status of foreign workers in Israel according to the different countries of origin and according to the three sectors, it appears that **in the caregiving sector, a significant number of irregular foreign workers hail from three countries of origin:** Around 28% of the caregiving workers who arrived from the **Philippines** (5,864 workers), around 31% of the caregiving workers who arrived from **Nepal** (1,361 workers), and 76% of the caregiving workers who arrived from **Romania** (476 workers) are irregular foreign workers. (See Chart 7 below.)

**Chart 7 // Foreign workers in the caregiving sector - Segmented by countries of origin and legal status, September 2015**



### 2.3 FOREIGN WORKERS - BREAKDOWN BY AGE, GENDER AND PERIOD OF STAY IN ISRAEL: STATE OF AFFAIRS FOR 2015

As a rule, foreign workers are permitted to work in Israel for a fixed period, at the end of which they are required to leave the country. The stay can be extended up to five years and three months from the date of entry into Israel. There are, however, exceptions to this rule. In the caregiving sector, a foreign worker who is employed by a single patient may ask for an extension beyond that period. Likewise, and over the years, the ministers of the interior, finance and economy reached joint

decisions regarding sweeping extensions of foreign workers' work permits in this sector, even beyond the allotted period.<sup>35</sup> The data in this section reflects the numbers of regular and irregular foreign workers divided into three groups of different lengths of stay (up to three years; between three and six years; more than six years) and into six age groups (up to 30; 31-40; 41-50; 51-60 and above 61). The data is presented separately for women and men.

### 1. Regular foreign workers

Table 4 and Charts 8 and 9 below lay out the number of regular foreign workers in Israel in 2015 segmented according to age groups, gender and length of stay in Israel. What can be inferred from them is that amongst both men and women, the typical foreign worker is between 31 and 40 years old who has lived in Israel for up to three years. Amongst men, the second largest group is that of young foreign workers aged up to 30 years and employed in Israel for up to four years (See Chart 8 below). Amongst women, the picture is different: **Female foreign workers, who are usually employed in the caregiving sector, stay and work in Israel for longer periods than their male counterparts.** In the age group 31-40, female foreign workers who are employed in Israel for a period longer than six years constitute the second largest group (the first group is, as mentioned earlier, women who work in Israel for up to three years). In the age groups of 41-50 and 51-60, those who are employed for a period longer than six years constitute the largest group (see Chart 9 below).

**Table 4: Regular foreign workers (men and women) – Segmented by length of stay in Israel, September 2015**

Age Seniority	Men				Women				Unknown gender	
	Up to 3 Years	3-6 years	Over 6 years	Total	Up to 3 years	3-6 years	Over 6 years	Total	Total	Total number
Up to 30	7,585	2,592	280	10,457	3,561	894	328	4,783	223	15,463
31-40	11,300	4,727	2,031	18,058	6,160	3,322	4,725	14,207	852	33,117
41-50	2,458	1,741	3,243	7,442	4,436	3,174	5,202	12,812	747	21,001
51-60	413	173	691	1,277	1,179	1,536	2,640	5,355	244	6,876
61+	66	35	34	135	24	39	271	334	20	489
Total	21,822	9,268	6,279	37,369	15,360	8,965	13,166	37,491	2,086	76,946

<sup>35</sup> See, for example, the circular from the head of the Authority 11/15, 17.6.2015 - an all embracing extension of work permits (B/1) for a further period after the 63 months for foreign workers in the construction sector. [http://www.piba.gov.il/FormsAndRegulations/Notice/Documents/1115\\_extending.pdf](http://www.piba.gov.il/FormsAndRegulations/Notice/Documents/1115_extending.pdf)

Chart 8 // Regular foreign workers (men) - Segmented by age group and length of stay in Israel, September 2015

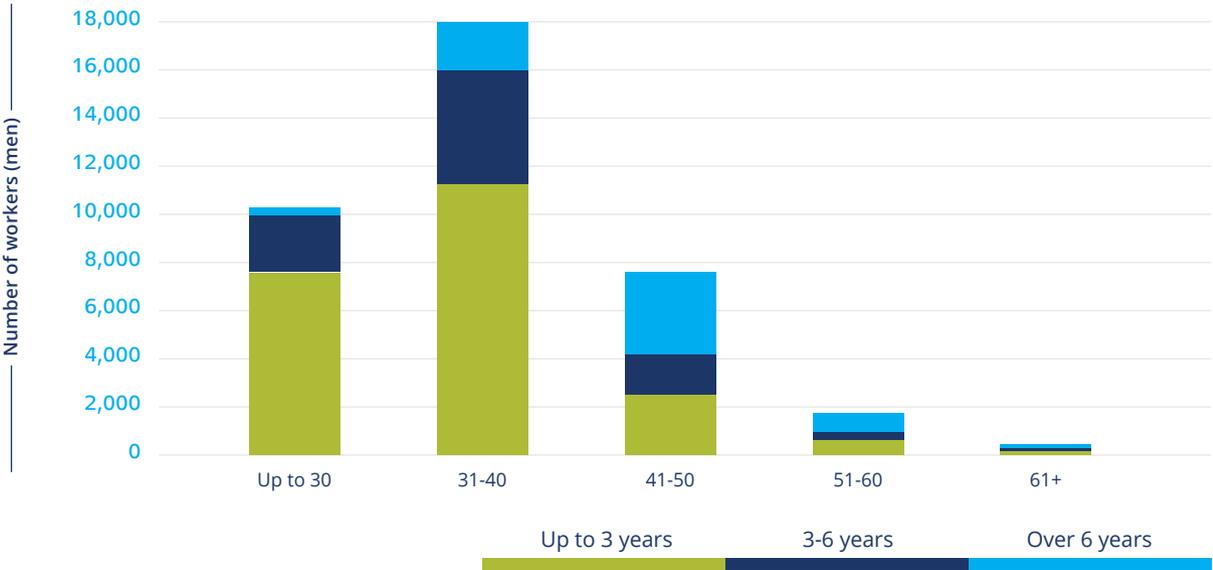
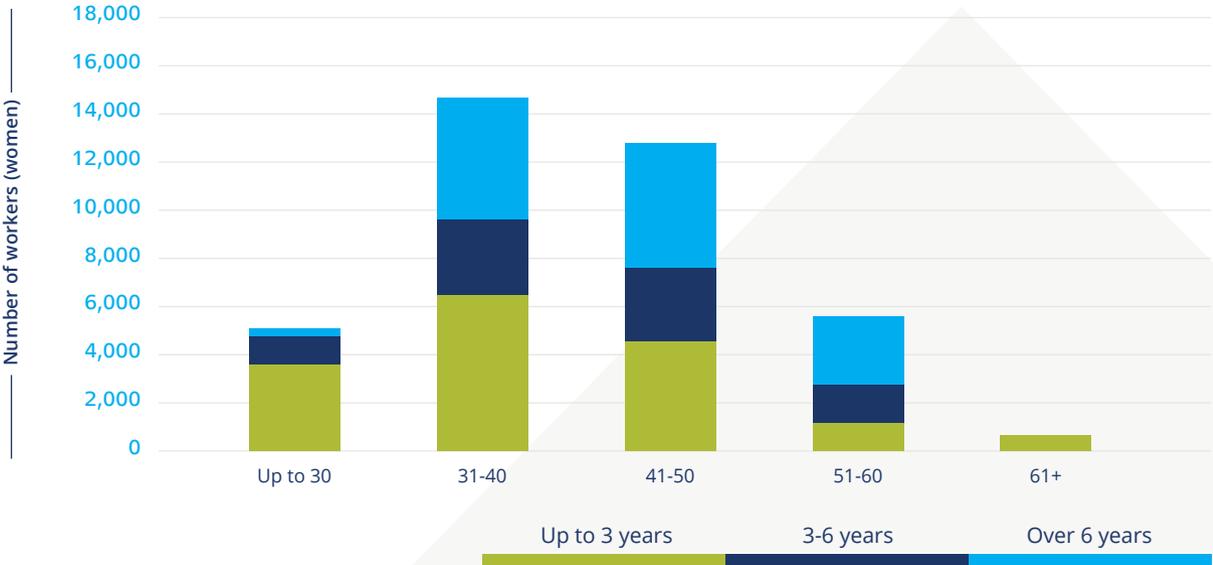
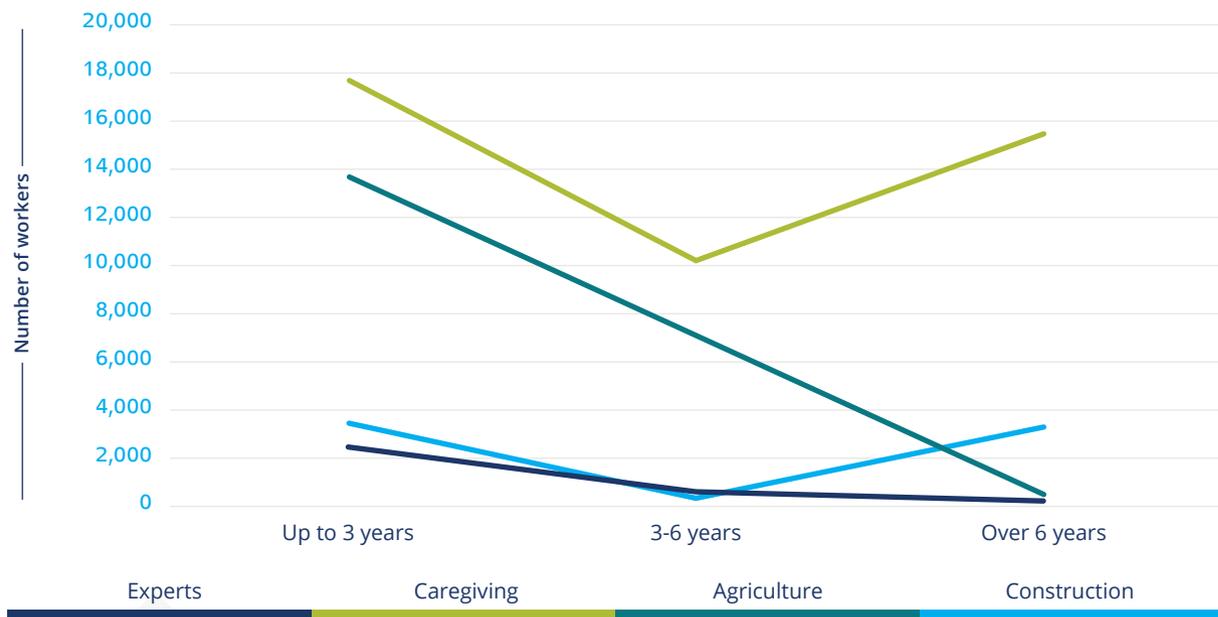


Chart 9 // Regular foreign workers in the caregiving sector - Segmented by countries of origin and legal status, September 2015



The gaps between men and women, in relation to the length of stay in Israel, are evident in the differences in the duration of stay between sectors characterized as “masculine” (construction and agriculture), and the one characterized as “feminine” (caregiving). As seen in Chart 10 below, **the caregiving sector, which employs mainly women, and is characterized by a need for continued employment, is the sector that has the largest number of workers who are employed for periods that are longer than six years.** In the agriculture and construction sectors, which employ mainly men, a relatively lower number of workers are employed for a period longer than six years. Two additional patterns arise from Chart 10. One of them appears in the agriculture and expert sectors and indicates that a decline in the number of foreign workers is plotted against longer periods of stay. The other indicates a decline in the category of 3-6 years of stay amongst workers in the caregiving and construction sectors. The reason for this lies in the unique circumstances in each sector.<sup>36</sup>

**Chart 10 // Number of regular foreign workers - Segmented by four employment sectors and duration of stay in Israel, September 2015**



<sup>36</sup> The recruitment of foreign workers to the construction sector and within the bilateral agreements started in May 2012. Most of the workers entered Israel throughout 2014 and 2015 in a concentrated fashion. Therefore, a significant number of these workers belong to the 'up to three years' category. Three to six years ago, the recruitment of new workers faced difficulties. As a result, it was decided to allow a sweeping extension of stay beyond 63 months. Workers who hold this kind of permit belong to the group that stay for longer than six years. In the caregiving sector, foreign workers must usually leave after five years, and this causes a natural turnover. Still, many workers are employed by a single patient, and as mentioned before, they have an option to stay longer than five years without a time limitation. These workers belong to the group that has stayed for longer than six years.

## 2. Irregular foreign workers

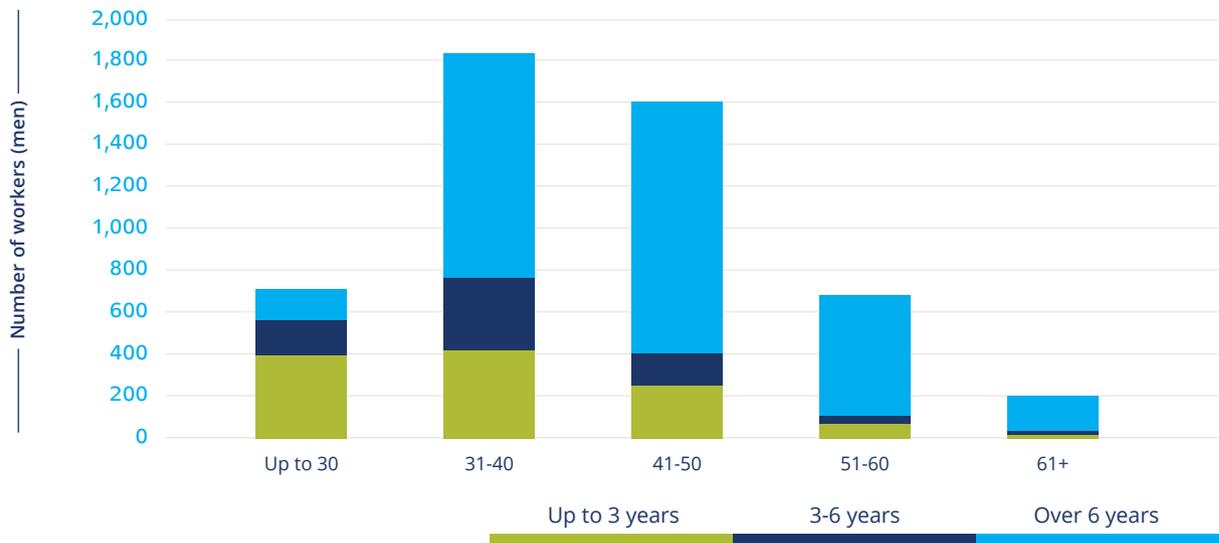
The status of a foreign worker becomes irregular if he/she does not have a valid work license, or does not work within the framework of a valid work permit. The length of stay in the country was found to have a correlation with the legal status of the worker - that is, with the validity of the worker's work license and the validity of the employment permit held by the employer. **Namely, the longer the period of stay, the higher the chance those foreign workers will lose their regular status.**

**The data also indicates that the number of female irregular foreign workers in Israel is more than twice the number of male irregular foreign workers.** The reason lies in the fact that in the caregiving sector, which employs the largest number of foreign workers, most of the workers are women. Table 5 and Charts 9 and 11 below present the number of irregular foreign workers in Israel in 2015, segmented according to age groups, gender, and length of stay in Israel. The numbers indicate that only in the youngest age group of 'up to 30' are most of the irregular foreign workers employed in Israel for a period of 'up to three years.' From the age of 31, the employment of irregular foreign workers becomes long-term, in relation to both women and men, with most of them being irregularly employed for a period longer than six years (See Charts 11 and 12 below).

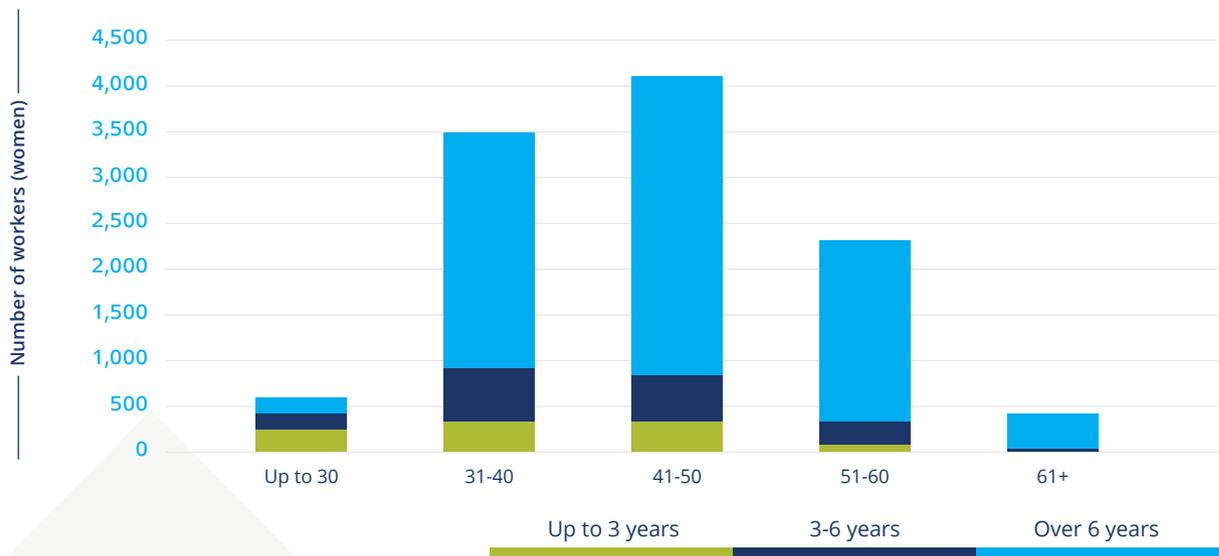
**Table 5: Irregular foreign workers (men and women) - Segmented by length of stay in Israel, September 2015**

Age Seniority	Men				Women				Unknown gender	Total number
	Up to 3 years	3 - 6 years	Over 6 years	Total	Up to 3 years	3 - 6 years	Over 6 years	Total	Total	
Up to 30	395	161	140	696	227	115	192	534	12	1,242
31-40	424	317	1,082	1,823	363	467	2,689	3,519	145	5,487
41-50	236	172	1,194	1,602	282	488	3,291	4,061	205	5,868
51-60	75	31	558	664	82	238	1,938	2,258	103	3,025
61+	8	6	181	195	9	13	363	385	32	612
Total	1,138	687	3,155	4,980	963	1,321	8,473	10,757	497	16,234

**Chart 11 // Irregular foreign workers (men) - Segmented by age group and length of stay in Israel, September 2015**

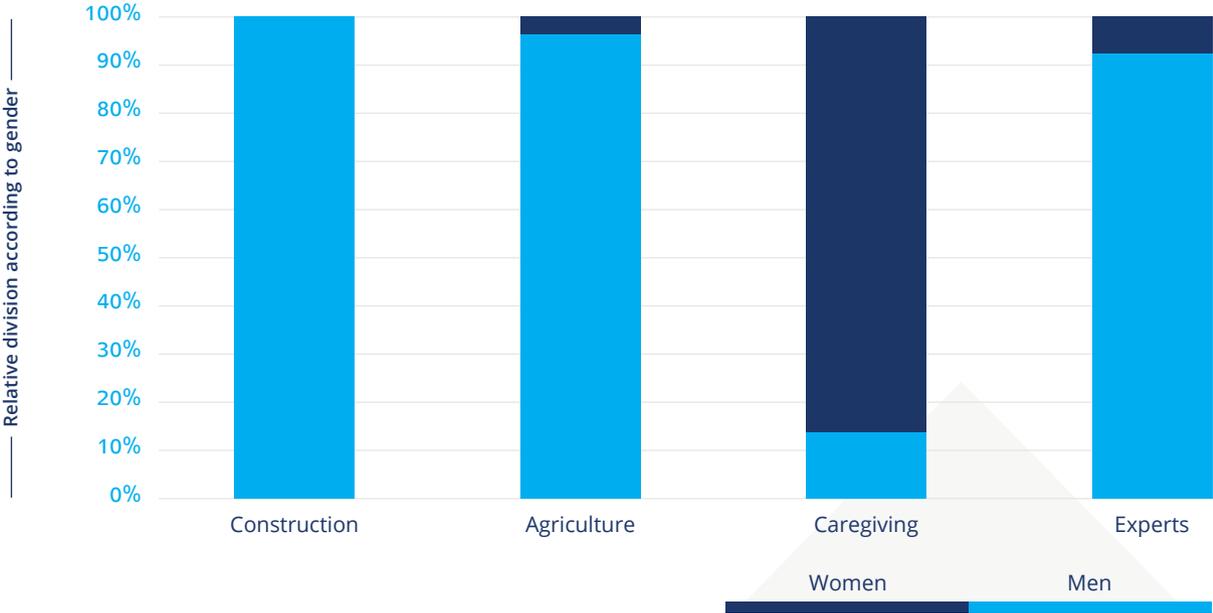


**Chart 12 // Irregular foreign workers (women) - Segmented by age group and length of stay in Israel, September 2015**

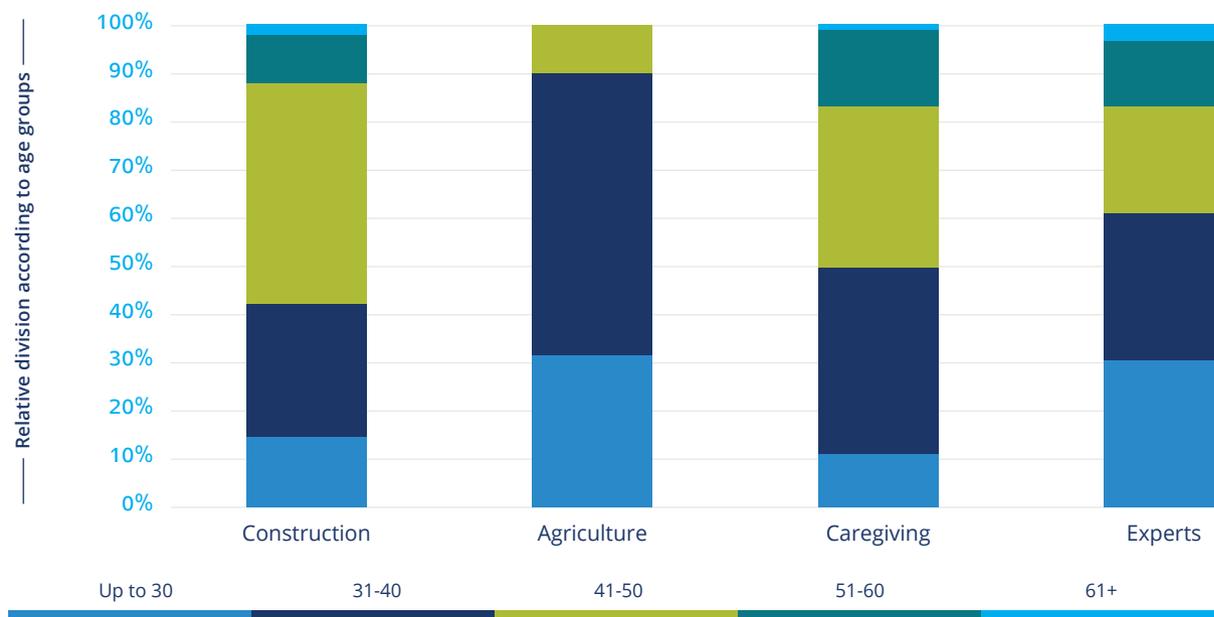


As a summary of the intra-sectoral analysis, Charts 13 and 14 below break down gender and age group in the four main sectors, while relating to the whole population of foreign workers - both regular and irregular. From the data shown in Chart 13, it appears that the caregiving sector is the only one that employs mainly women, while the majority of workers in the agriculture and expert sectors are men. The construction sector employs only men. From the data shown in Chart 14, it appears that in three sectors - caregiving, agriculture and expert - most of the foreign workers, both regular and irregular, are aged 31-40. The construction sector is different, in that the most common age group is an older one: 41-50.

**Chart 13 // Division according to gender - Segmented by gender and working sector, September 2015**



**Chart 14 // Division of age - Segmented by working sector and age groups, September 2015**



Charts 15 to 18 on the following pages lay out the division of age groups, according to the status of the foreign worker (regular/irregular) in each of the four sectors - construction, agriculture, caregiving and expert. These charts underscore a trend in the construction, agriculture and caregiving sectors, whereby the percentage of irregular workers is higher in the 51-60 and 61 and above age groups than in the younger groups. This trend is especially prominent in the construction sector. In the expert sector, the highest percentage of irregular workers is in the 41-50 age group.

Chart 15 // Foreign workers in the construction sector - Segmented by age group and legal status, September 2015

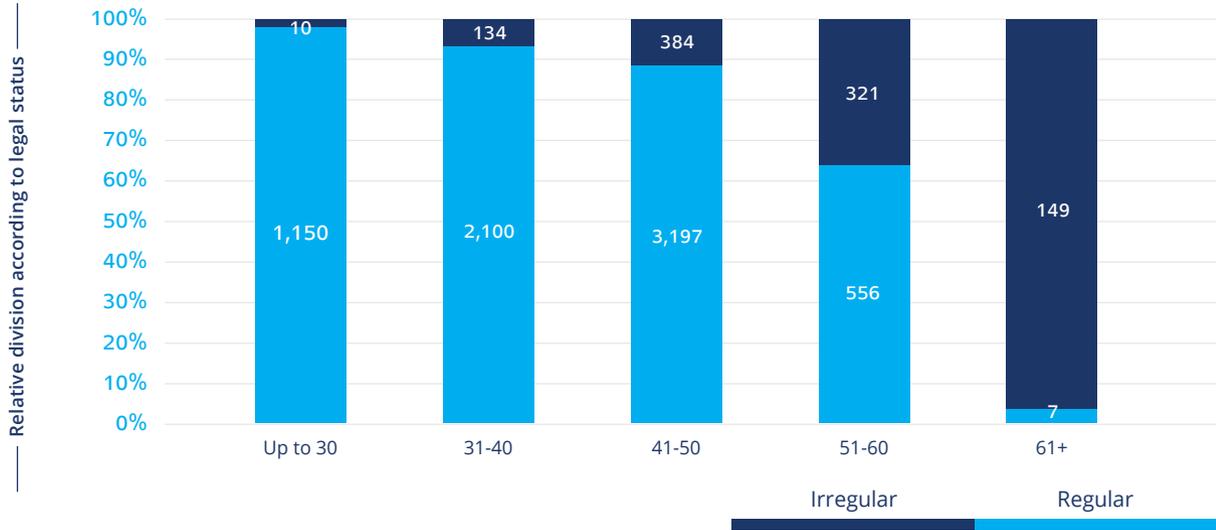
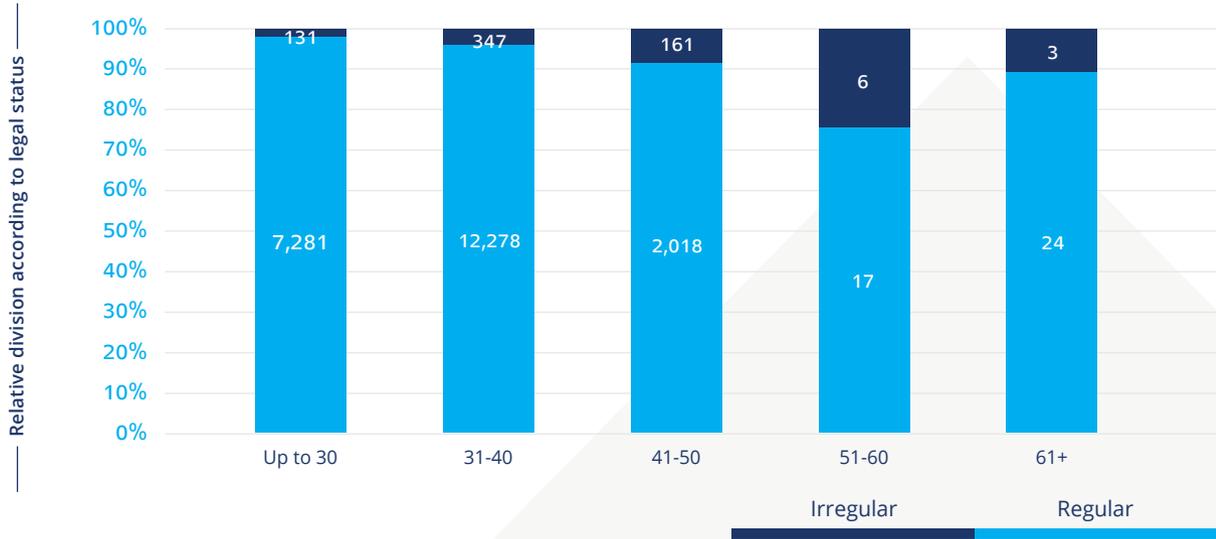
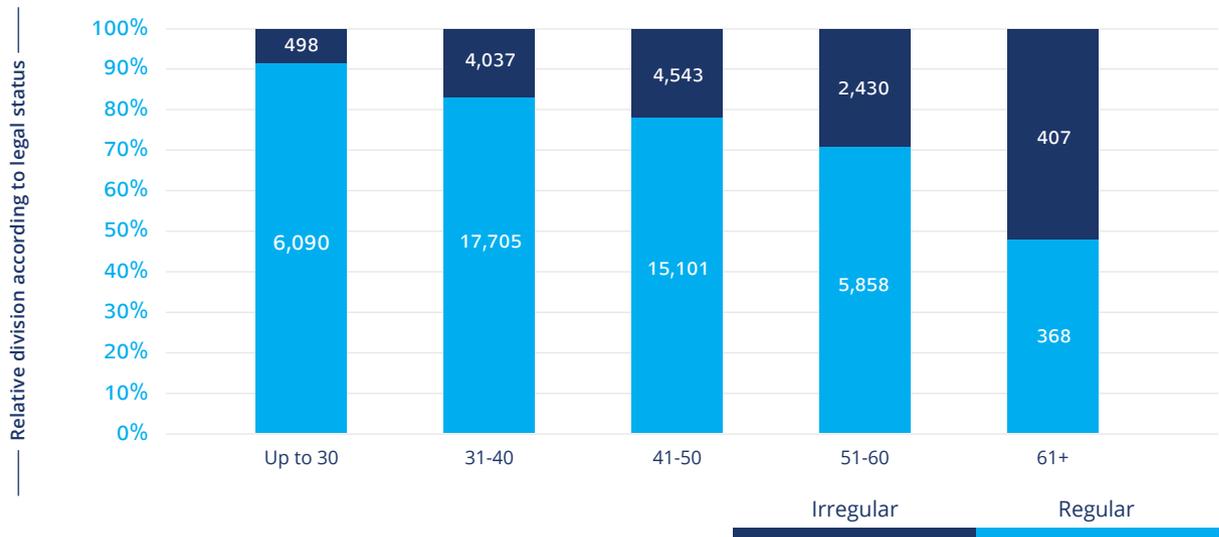


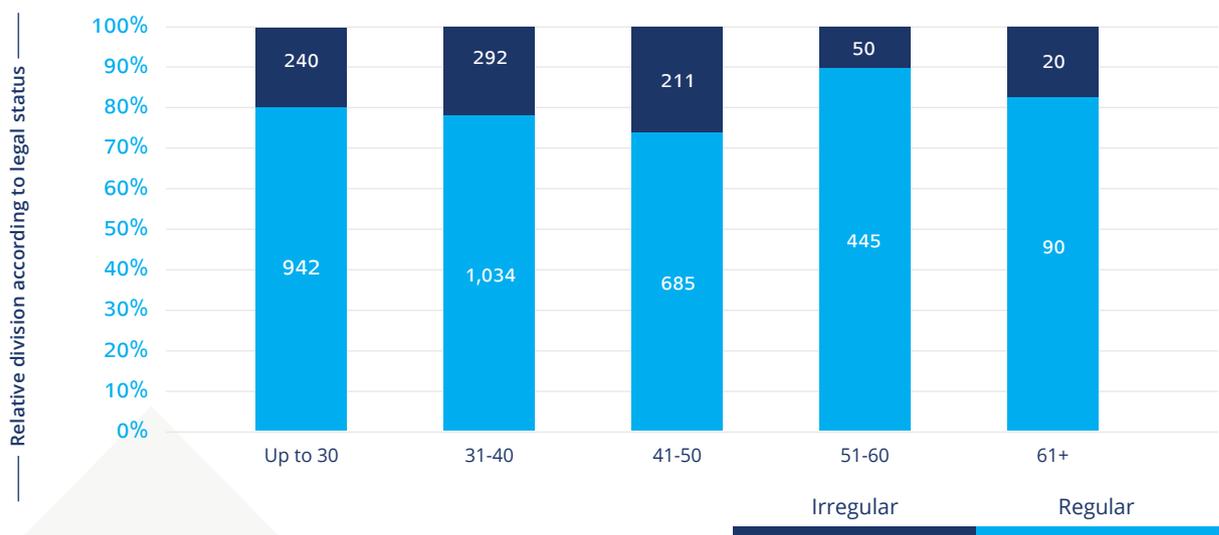
Chart 16 // Foreign workers in the agriculture sector - Segmented by age group and legal status, September 2015



**Chart 17 // Division of legal status among foreign workers in the caregiving sector - Segmented by age groups, September 2015**



**Chart 18 // Division of legal status among foreign workers in the expert sector - Segmented by age groups, September 2015**



## 2.4 FOREIGN WORKERS – A VIEW OF ALL SECTORS, BY STATUS, GENDER AND LENGTH OF STAY IN ISRAEL: STATE OF AFFAIRS FOR 2015

Charts 19 and 20 below provide a summary of the state of affairs of the number of foreign workers from a cross-sectoral view and breakdown by status, gender and length of stay, as of 2015. It is indicated that **amongst men, the number of regular foreign workers declines as the length of stay becomes lasts**. In the period of stay of up to three years, 21,822 regular foreign workers worked in Israel; 9,268 workers in the period of stay between three and six years; and in the period of stay above six years, 6,279 regular foreign workers worked in Israel. Amongst the irregular foreign workers, there is a noticeable decline in the number of workers at the three-to-six year period of stay. In the longer than six-year period of stay, the number of workers leaps significantly and constitutes the highest rate of irregular foreign workers amongst the different stay groups (see Chart 19). As mentioned above, the reason lies in the fact that in the majority of cases in which regular foreign workers became irregular, it occurred because they outstayed their permits. **Amongst women, the picture is different. There is no direct correlation between the number of regular foreign workers and the length of stay in the country**. The largest group, in terms of length of stay, amongst the female regular foreign workers is the group of up to three years, in which there are 15,360 workers. In the group of three-to-six years of stay, there is a decline in the number of female regular foreign workers (8,965 workers), and this is followed by a leap in those employed for longer than six years - a group of 13,166 workers. Amongst the female irregular foreign workers, the number of workers increases together with the length of stay, and the majority of these female workers are employed in Israel for a period of more than six years (see Chart 20).

Chart 19 // Regular and irregular foreign workers (men) - Segmented by legal status and duration of stay in Israel, September 2015

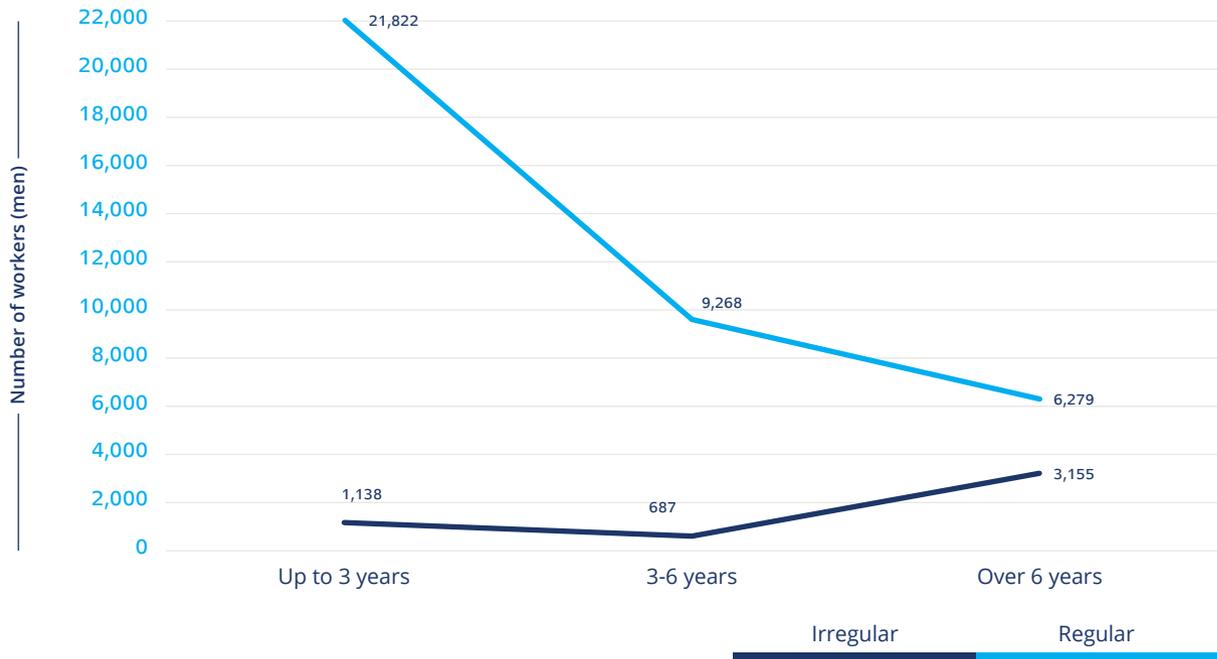
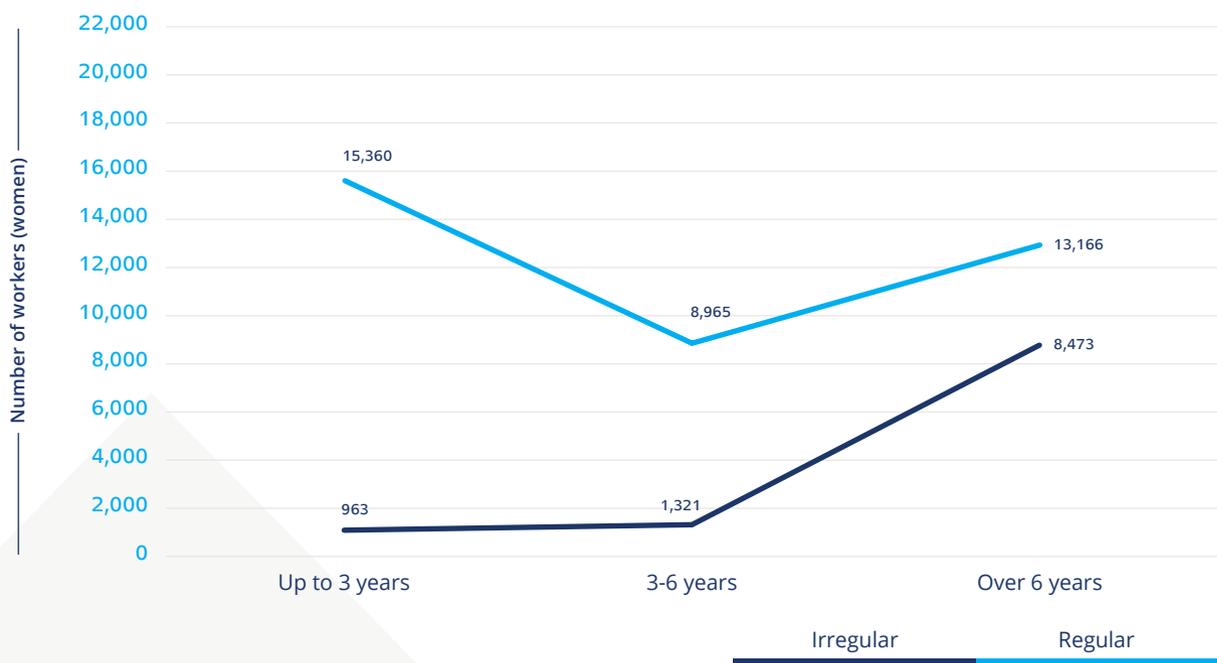


Chart 20 // Regular and irregular foreign workers (women) - Segmented by legal status and duration of stay in Israel, September 2015



## 2.5 SUMMARY OF FINDINGS

This section will review current trends in the phenomenon of labor migration in Israel. The data presented in this section indicates how the phenomenon is reflected in sectoral and cross-sectoral aspects. The sector that employs the largest number of foreign workers is the caregiving sector. This trend continued between 2010 and 2015. The agriculture sector is the second largest in size, containing half of the number of foreign workers employed in the caregiving sector; and the third sector is the construction sector. An overall sectoral view shows that, since 2012, the number of regular foreign workers working in Israel has gone steadily up.

A unique composition of countries of origin characterizes each of the three main sectors that employ foreign workers. The caregiving sector presents a wider geographical range of countries of origin, which includes most commonly the Philippines, and then India, Moldova and other countries.

In an intra-sectoral analysis and breakdown by gender and age groups, it appears that the caregiving sector is the only sector employing a majority of women, whereas the other two sectors - construction and agriculture – employ mostly male foreign workers. In the caregiving and agriculture sectors, most of the workers are in the age range of 31-40. In the construction sector, most of the foreign workers are older, in the age range of 41-50.

From a cross-sectoral angle, it was found that for both women and men, foreign workers who stay in Israel for a period of up to three years form the largest group. The findings also indicate that female foreign workers, who are usually employed in the caregiving sector, which inherently requires long-term employment, stay and work in Israel for longer periods than men. Among men, the number of regular foreign workers declines the longer the stay is. Among women, the situation is different. There is no direct relation between the number of regular foreign workers and the length of stay in the country.

With regard to irregular foreign workers, it appears they stay in Israel for longer periods of time than regular workers. This is because a foreign worker's status becomes irregular most often after they have overstayed their visas. There is also an indication that the number of female irregular

foreign workers in Israel is more than twice the number of male irregular foreign workers. The reason for this lies in the fact that in the caregiving sector, which employs the largest number of foreign workers, most of the workers are women.

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# 03.

## SUMMARY

Since the 1990s, there has been a significant increase in the number of foreign workers entering Israel, and a dependency on this foreign workforce has developed in the caregiving, agriculture and construction sectors. The employment of regular foreign workers in Israel is by sector. Each sector has its own unique recruitment and employment mechanism.

The foreign workforce in Israel is made up of several populations: regular and irregular foreign workers, as well as Palestinian and Jordanian workers. In November 2015, foreign citizens who are working in Israel included around 77,000 regular foreign workers, around 16,200 irregular foreign workers, and around 81,600 Palestinian and Jordanian workers. The total number of foreign citizens who work in Israel, which includes these three populations, exceeds 174,000. In addition to this figure, there are an estimated 91,000 tourists who overstayed their visas, as well as around 44,500 infiltrators. It is estimated that a considerable number of these individuals work in Israel. The sector that employs the largest number of foreign workers is the caregiving sector. This trend continued between 2010 and 2015. The second largest sector throughout this period has been the agriculture sector, which employs half the number of foreign workers. The third sector is the construction sector, and the smallest one is the expert sector. Over the years, a dramatic change has taken place from a sectoral standpoint, in which the construction sector, which was once the largest, has shrunk significantly. Overall, since 2012 there has been a noticeable rise in the number of regular foreign workers in Israel.

A unique composition of countries of origin characterizes each of the three main sectors that employ foreign workers. The origin of most workers in the construction sector is China or Moldova; in the agriculture sector, most of the workers are from Thailand; the caregiving sector presents

a larger variety of countries of origin, of which the Philippines is the most common, followed by India, Moldova and additional countries.

Caregiving is the only sector that employs mostly women. In the agriculture sector, foreign workers are overwhelmingly masculine and the construction sector employs only men.

With regard to age, most of the foreign workers in the caregiving and agriculture sectors are in the age range of 30-40, while the construction sector employs older foreign workers, in the age range of 41-50. In terms of the length of stay in the country, most foreign workers stay in Israel for up to three years.

The increased integration of foreign workers into the Israeli economy was accompanied by an increased regulation of the field that attempted to maintain a balance between the country's need, the employers' needs and the need to maintain the foreign workers' rights. Among the regulation mechanisms, the bilateral agreements stand out. They led to a reduction in violations of foreign workers' rights, regulated recruitment processes, and helped raise the foreign workers' awareness of their rights. Israel signed similar bilateral agreements with Thailand (in 2010, for the agriculture sector), Bulgaria (in 2011) and Moldova (in 2012); and for the construction sector with Romania (in 2014).

The trend in the agriculture sector is that the number of foreign workers decreases when plotted against the length of stay. This trend coincides with an employment scheme that is coordinated through a framework of a bilateral agreement in which workers do not continue their stay in the host country beyond the period defined by the agreement.

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# 04.

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# 05.

## APPENDIXES

**Table A: Regular foreign workers in Israel – Segmented by sector, 2010-2015**

Date	Regular foreign workers							Total
	Caregiving <sup>37</sup>	Construction	Agriculture	Seasonal agriculture	Industry and services <sup>38</sup>	Restaurants <sup>39</sup>	Experts	Total
31.12.10	43,499	6,901	22,887	296	360	193	1,682	75,818
31.12.11	42,349	5,201	24,612	84	176	62	2,294	74,778
31.12.12	41,260	5,900	21,133	0	112	9	2,867	71,281
31.12.13	40,484	5,732	22,179	79	42	0	2,836	71,352
31.12.14	43,468	6,106	22,087	64	0	0	2,842	74,567
30.9.15	45,122	7,010	21,618	0	0	0	3,196	76,946

**Table B: Irregular foreign workers in Israel – Segmented by sector, 2010-2015**

Date	Irregular foreign workers								Total
	Caregiving	Construction	Agriculture	Seasonal agriculture	Restaurants	Industry and services	Experts	Other	Total
31.12.10	10,209	2,409	369	-	46	180	490	1,092	14,795
31.12.11	10,123	2,148	154	10	60	194	487	942	14,118
31.12.12	10,069	1,899	359	25	68	168	555	966	14,109
31.12.13	11,993	1,010	167	22	46	161	624	1,343	15,366
31.12.14	11,324	1,006	531	15	28	143	757	1,511	15,315
30.9.15	11,915	998	648	12	26	129	813	1,693	16,234

37 It has to be noted that the comparison between items of data relating to the caregiving sector in 2015 and the same items in the other years is not up to scratch, due to the changes in definitions made by the Population, Immigration and Border Authority, in 2015. To see the nature of the changes, please refer to the appendixes section, Table C.

38 As previously mentioned, the industry and services sector was canceled in 2014.

39 As previously mentioned, the restaurant sector was canceled in 2013. Foreign workers who are chefs were moved to the expert sector.

**Table C: The definition of a foreign worker in the caregiving sector – old definition (until 2015), and new definition (as from 2015)**

Legal status	Old definition (until 2015)	New definition (as from 2015)
<b>Regular foreign worker</b>	Holder of a B/1 or B/2 valid license + falls under a valid permit + active employer, or the employer passed away in the last 30 days.	<p><b>Three possible categories:</b></p> <p><b>a. Employed</b></p> <ol style="list-style-type: none"> <li>1. The worker has a valid B/1 license</li> <li>2. The worker is associated with an active employer + the employer holds a valid and active permit (i.e., not frozen)</li> </ol> <p>or:</p> <p><b>b. Not employed but can be assigned</b></p> <p>A worker who has stayed less than 51 months in the country, and at least one of the following conditions applies to him/her: a 90-day period has not passed since the fulfillment of at least one of the conditions:</p> <ol style="list-style-type: none"> <li>1. The validity of the B/1 license expired</li> <li>2. The validity of the employer's permit expired, or the permit was frozen</li> <li>3. The worker was informed of the end of employment</li> <li>4. The employer passed away</li> </ol> <p>or:</p> <p><b>C. Not employed, and cannot be assigned (in a period of getting organized)</b></p> <p>A worker who has completed a stay of 51 months in the country and is not employed by someone who holds a permit and to whom s/he is assigned, and at least one of the following conditions are valid in relation to him/her and a 60-day period has not passed since the fulfillment of one of the conditions:</p> <ol style="list-style-type: none"> <li>1. The validity of the B/1 license has expired</li> <li>2. The validity of the employer's permit has expired, or the permit has been frozen</li> <li>3. The worker was given notice</li> <li>4. The employer passed away</li> </ol>
<b>Irregular foreign worker</b>	Foreign workers who in the past were regular, but at the moment meet none of the criteria.	A work that meets at least one definition from categories A, B or C, above.

**Table D: Secondary Legislation: Regulations regarding foreign workers**

1	Foreign workers' regulations (application fee and annual fee), 2004
2	Foreign workers' regulations (prohibition of employment outside the law, and guaranteeing fair conditions) (appropriate accommodations), 2000
3	Worker Regulations (prohibition of illegal employment and guaranteeing fair conditions) (additional documents), 2000
4	Foreign workers' regulations (prohibition of illegal employment and guaranteeing fair conditions) (the rate of deduction from the salary for medical insurance fees), 2001
5	Foreign workers' regulations (prohibition of employment outside the law, and guaranteeing fair conditions) (the rate of deductions from the salary for appropriate accommodations), 2000
6	Foreign workers' regulations (reporting to the department of payments), 2000
7	Foreign workers' regulations (permit fees), 2006
8	Foreign workers' regulations (transfer of a foreign worker between employers who are employment agencies in the construction sector), 2006
9	Foreign workers' regulations (exemptions for employers of foreign experts), 2007
10	Foreign workers' regulations (deposit in a bank account), 2008
11	Foreign workers' decree (prohibition of employment outside the law and guaranteeing fair conditions) (basket of health services for the worker), 2001
12	Entry into Israel Regulations, 1974
13	Entry into Israel Regulations (means of controlling the entry of foreign workers in the caregiving sector), 2014
14	Entry into Israel Regulations (exemption from permit for visa issuing and stay permit for types of foreign workers), 2013
15	Entry into Israel Regulations (determining geographical areas for the employment of foreign workers in the caregiving sector), 2014
16	Entry into Israel Regulations (license extension to a foreign worker who is employed in giving caregiving), 2004
17	Entry to Israel decree (exemption from receiving consent for issuing visa and stay license to a foreign worker), 2004
18	Entry to Israel decree (exemption from receiving a permit for issuing visa and stay license to a foreign worker), 2010
19	Entry to Israel decree (exemption from receiving a permit for issuing visa and stay license to a foreign worker, in accordance with an agreement with the New Zealand government), 2011
20	Employment of workers by employment agencies regulation (application for a license), 1996
21	The law of employment of workers by employment agencies/contractors (guarantee), 1996
22	The Employment Service Regulations (guarantee), 2010
23	The Employment Service Regulations (payments from work applicant regarding work brokerage), 2006
24	Administrative offense regulations (administrative fine for foreign workers), 1992

