Democracy & Workers' Rights Center-Palestine
مركز الديمقراطية وحقوق العاملين -فلسطين
WORKERS' RIGHTS ARE HUMAN RIGHTS

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Facts and figures about the Palestinian labor market

Female and male Palestinian workers suffer from deteriorating political, social and economic conditions and their effects on the Palestinian labor market. In 2018, PCBS indicated that unemployment rates reached 18% in the West Bank, while in the Gaza Strip it soared to 52%. Women's unemployment rate was double men's, at 51% for women compared to 25% for men. When it comes to workers' fundamental rights in the private sector, 50% of workers do not have written work contracts, only 25% of them obtained severance pay, and 57% of female workers are deprived from their right to a paid maternity leave. Furthermore, 30% of wage workers in the private sector did not obtain the minimum wage of 1450 NIS (about 405 USD).

Since February 2019, governmental employees in West Bank and Gaza Strip are only paid a fraction of their salaries (40 to 60%) due to severe fiscal crisis faced by the Palestinian Authority. This crisis is due to the unilateral decision of the Israeli government to deduct 138 million USD from the clearance revenue, which led the PA to refuse any transfers of the diminished clearance. The decrease in salaries payments, as well other austerity measures announced by the government, are likely to have negative effects on the local economy as a whole.

New Law on Occupational Safety and Health Committees and Supervisors in Palestine

A new Law by Decree regarding Occupational Safety and Health Committees and Supervisors in Establishments was approved in 2019. If enforced, this law should contribute to a significant improvement of abidance with occupational safety and health rights, regulations and standards in Palestinian workplaces. Employers will have the obligation to hire or assign specific personnel as occupational safety and health supervisors, who will be in charge of ensuring OHS standards are applied. The duties of supervisors shall include taking individual & collective protection measures, investigating work accidents, injuries and occupational diseases and reporting about them, inspecting machinery and equipment, preparing awareness and guidance materials for the workplace, providing training on OHS in the workplace, and informing the Labor Ministry of any obstacles faced. In addition, OHS committees must be formed in establishments with 40 employees and more, which will strengthen the role of workers' representatives. Regarding this matter, labor inspectors shall be responsible for monitoring the implementation of the law, undertake inspection of occupational safety and health conditions, and submit legal and technical recommendations.

Statute of limitations for labor cases in Gaza increased from one to three years

After many years of advocacy for its modification, the statute of limitations for filing labor claims in courts in the Gaza Strip has been amended from one year to three years. Since the adoption of a civil law by the de-facto authority in Gaza, the statute of limitations had been reduced to one year, which led to loss of rights for former periods of employment for many private sector workers, as they did not realize that they should file complaints immediately to obtain unpaid wages or severance pay and other rights denied by the employer. However, this amendment does not provide equal treatment for Gaza's workers, as in the West Bank the statute of limitations remains 15 years. *For more information, please read DWRC statement*

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Palestinian Courts Uphold the Right to Severance Pay of Former Ministry Employees Employed Through Labor Law Contracts

Six employees at a ministry had been working on fixed-term contracts that had been renewed for a period that exceeds the two years permitted under articles 25 and 26 of the Palestinian Labor Law, after which the law considers that contracts have become open-ended. Their contracts also included a condition that deprives them from obtaining severance pay upon termination of their services, by stipulating that severance pay was paid as part of monthly salaries. The ministry had ended their services on grounds of the completion of the projects through which they had been employed.

Being out of a job and denied any end of service indemnities, the employees had submitted a complaint to DWRC in 2016, and their cases had to be filed with a court, because of the Palestinian Authority policy to leave the matter to courts for any labor disputes concerning employees' work contracts. The lawyer contracted by DWRC for their cases has been able to obtain court decisions in three cases so far. Court decisions were obtained that affirmed the right of two employees to obtain their severance pay, although the ministry has appealed against them. The appeals' court issued a decision for a third female employee, (A.K.), through which she also obtained a number of other rights.

In its decision concerning (A.K.)'s rights, the appeals' court stated that the work contract has been made between the ministry and (A.K.), therefore, the ministry is responsible for the provision of rights in line with the Palestinian Labor Law, and not any other party as the ministry's lawyer had tried to argue. The court decision granted the employee compensation for various rights that had been violated, including annual leaves (the work contract stipulated 2 days less per year than the legal minimum of 14 days), month notice for dismissal, severance pay and indemnities for arbitrary dismissal.

The Federation of Local Authorities' Workers' Unions in Hebron governorate holds its establishing conference

Thirteen municipal workers' unions and one workers' committee in the Hebron governorate established a Federation of Local Authorities' Workers' Unions in Hebron 04/04/2019. During the conference, delegates from member unions discussed and approved the internal statute of the federation. They adopted resolutions to form a women's committee and an occupational safety and health committee. They formed an executive council of 36 members, 11 of them women, and elected 11 general secretariat members, including 1 woman. The federation represents 683 workers, and seeks to influence policies that affect municipal workers' rights and participate in related social dialogue, in particular regarding the amendment of the regulation for local authorities' employees.

Achievements of DWRC's Legal Aid and Human Rights Unit in the 1st quarter of 2019

During the first quarter of 2019, the Legal Aid and Human Rights Unit provided 214 free legal consultations benefiting 523 female and male workers, 24.4% of them women. So far, 12 workers, who obtained consultations, were able to negotiate with their employers and obtain their rights, including indemnities equivalent to 166,668.99 USD. The Legal Unit also provided consultations to employers and institutions to improve compliance with the Palestinian Labor Law. 60% of these employers took further steps and measures to abide with the law. The Unit also adopted 21 cases of labor rights violations, among them 7 cases were solved.

31 trainers on occupational safety and health formed in the Gaza Strip

DWRC trained 31 female and male workers, unionists, representatives of OHS committees, lawyers, representatives of private sector and the Labor Ministry as educators on occupational safety and health, through a five-day TOT course. Trainees improved their knowledge and skills on national regulations and legislations of OHS, how to monitor violations of rights and develop intervention plans to improve compliance with OHS standards, and how to educate others on all matters related occupational safety and health. They have already started raising awareness and building capacities of colleagues on this issue.