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# Annual Report

## 2020

The situation of workers' occupational safety  
and health rights in Palestine

Issued by the Democracy and Workers' Right Centre in  
Palestine

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## Table of Content

Executive Summary	3
Introduction	5
The Report's Methodology	6
The legal framework for occupational safety and health in Palestine & latest updates	7
<b>Chapter 1: Covid-19, its impact, and challenges in protecting workers' health in workplaces</b>	<b>9</b>
<b>Chapter 2: Violations of rights related to the work environment</b>	<b>11</b>
2.1. Lack of provision of occupational safety procedures and requirements in the work environment	11
2.2. Lack of first aid kits and fire extinguishers	12
2.3. Non-provision of primary and periodic medical examinations	13
<b>Chapter 3: Violations of rights related to work injuries</b>	<b>15</b>
3.1. Non-provision of insurance against work injuries	15
3.2. Violation of the right to a paid leave to recover from a work injury	18
3.3. Violation of the right to compensations for work injuries	20
3.4. The "Nuseirat Fire" incident, and measures taken by competent authorities post-incident	21
<b>Chapter 4: Causes of continuous violations of occupational safety and health rights in 2020</b>	<b>23</b>
<b>Conclusions and Recommendations</b>	<b>27</b>

## Executive Summary

Compared to previous years, violations of labor rights guaranteed by the Palestinian Labor Law No. 7 of the year 2000 have increased due to many factors, including the outbreak of Covid-19 among Palestinian society in general, and at workplaces in particular. Due to the Covid-19 pandemic, official bodies represented by the Labor and Health Ministries, employers, and workers and their representatives faced many challenges. Moreover, official bodies developed several plans aiming to protect workers' health and ensure the continuity of the production process. These plans include the importance of adopting and implement special standards to protect workers from the spread of Covid-19 at work and re-organizing work, despite the lack of any prior experience in dealing with pandemics, and the lack of a legal framework to rely on.

The Ministry of Health adopted the guidelines issued by the World Health Organization on how to deal with the spread of Covid-19 to apply them in the Palestinian territories. In addition, the Labor Ministry followed up on the International Labor Organization's publications on how to deal with the pandemic in the work environment and reduce infections among workers, and how to safely return to work.

The Democracy and Workers' Rights Center, in cooperation with the Ministry of Labor, implemented urgent field visits to dozens of workplaces to monitor the situation of workers during the outbreak of Covid-19, provide consultations, improve workers' knowledge about the hazards of Covid-19, provide facial masks & gloves, and provide guidelines about mechanisms to prevent the infection of Covid-19 at work.

On March 5th, 2020, the Gaza Strip witnessed one of the worst work accident in years, known as the "Nuseirat Fire", which led to the death of 25 citizens, the injury of 49 persons, and huge financial losses. According to investigations, the fire was a result of non-compliance with safety measures. None of the dead or injured received compensations as guaranteed by the labor law. As a result of the accident, a central safety committee managed by the Civil Defense was formed to follow-up on occupational safety and health issues, while these issues had been handled by the Ministry of Labor previously. Since its establishment, the committee has been working on developing regulations related to safety measures in petrol and gas stations.

Occupational safety and health rights are among the rights facing highest levels of violations, due to the absence of an adequate and comprehensive system, and widespread lack of compliance in workplaces with the occupational safety and health standards and directives issued by the Cabinet and the Labor Minister as by-laws to Palestinian Labor Law No. (7) of the Year 2000.

While workers continue to be exposed to violations of their occupational safety and health rights by employers, they also share some responsibility for poor conditions in workplaces, especially when they fail to use safety tools and equipment, and abstain from complying with instructions issued by employers. There is also a lack of awareness among workers about the importance of using safety and health equipment for protection from work injuries and occupational disease. In 2020, the situation become more challenging due to the outbreak of Covid-19, as the need to impose occupational safety and health standards increased to prevent the spread of the pandemic.

The absence of legal coverage for workers infected by Covid-19 has been a major issue faced during

the year. Furthermore, it is important to mention the lack of means and capacities in the Gaza Strip to fulfill additional requirements for protective means, and the lack of disinfection tools, masks, and gloves, whose prices doubled and which were being sold in the black market. As a result, neither workers nor employers were able to provide these safety tools during the first month of the outbreak of Covid-19.

In the Gaza Strip, the provision of occupational safety and health requirements was hampered by continuous power shortages, the economic blockade, and restrictions on entry of necessary materials by the Israeli occupation, under the pretext that they constitute a threat to security.

Combining a quantitative and qualitative approach, this report provides an analysis of data collected through the number of complaints and consultations submitted to relevant parties that cooperated with the Democracy and Workers' Rights Center in preparing this report. Qualitatively, the report analyses violations of OSH cases, the opinions of those concerned, reaching reasons behind the occurrence of these violations, mechanisms for dealing with such violations, and recommendations.

In order to monitor violations of occupational safety and health during 2020, DWRC developed and filled a questionnaire that covers labor rights concerning occupational safety and health, safety standards at work stipulated by the law, and areas of OSH violations.

## **Introduction:**

The Palestinian Labor Law No. 7 of the year 2000 and its by-laws are the main legislations protecting workers' rights. However, the law's implementation necessitates monitoring bodies ensuring employers' abidance with its dispositions, as well as a strong and independent trade union movement advocating for its implementation, so that workers can benefit from its provisions. Additionally, implementing the law requires workers' awareness of their rights and mechanisms to claim them. Furthermore, an independent labor judiciary is needed to adjudicate labor disputes. The respect of the law and the commitment by employers is also indispensable to create a work environment free of hazards and threats to workers' lives.

The rights set out in the provisions of the Palestinian Labor Law remain among the most advanced within the Arab States. They are in conformity with international and Arab standards, in particular with regard to occupational safety and health standards and the requirements set forth in order to create a safe working environment, free from work hazards, in order to preserve the lives of workers and to limit their exposure to occupational injuries and other occupational diseases.

The pursuit of a safe work environment contributes to the stability and continuity of the production process. Thus, ensuring a safe work environment is in the interest of the society as a whole, as it promotes the principles of sustainable development and positively affects the development of the economic and social system affecting the workers and the employer, and guarantees the respect for the dignity and humanity of the worker as a productive person.

However, the data and reports on the situation of workers' rights in relation to occupational safety and health in Palestine during 2020 indicate that workers are subjected to serious violations of their rights, to an extent, which puts their lives at risk. Workers' lives are affected through direct exposure to fatal work injuries, or injuries, which cause significant disabilities that prevent them from continued employment and from providing a living to their families, or through indirect exposure, such as injuries related to occupational diseases. The consequences are often catastrophic for the worker, the employer and the State, as occupational diseases deprive workers from the opportunity to remain in the labor market, in addition to depriving employers from skilled workers. Furthermore, the cost of treating and rehabilitating injured workers adds to the Ministry of Social Development's burdens and costs, due to the absence of a social protection and social security laws. Such laws usually guarantee a continuous monthly wage for workers in the event of work injuries and occupational diseases, and oblige employers to contribute to compulsory funds under the supervision of the government or other bodies as defined by law.

The Covid-19 pandemic increased risks at work affecting the overall work environment, especially due to lack of workers and employers' awareness, as workers returned to work without the provision of a safety guideline.

The occupational safety and health system in Palestine must be reviewed in general; a specialized chapter should be added to the law addressing emergency situations, the spread of diseases and pandemics, related compensations, and how to include diseases and pandemics in work injuries or occupational diseases, amending the schedule of occupational diseases to ensure compensations

for workers injured or deceased as a result of pandemics, in addition to addressing violations at work and activating sanctions addressed by the law. To achieve this, we need to activate the labor inspection system, in addition to adopting a zero-tolerance policy against those, who violate their employees' rights and put their lives at risk.

## **The report's methodology:**

The report relied on a quantitative and qualitative analytical approach by analyzing the data in terms of its nature, quantity, temporal and geographical context. The source of data was several relevant official authorities, trade unions, and workers' committees in various sectors considered as "high-risk & medium-risk sectors". A survey for monitoring and documenting violations of occupational safety and health rights and standards was prepared covering provisions of the Palestinian Labor Law. This survey has been distributed to a selected sample of trade unions, union activists and a number of workers working in the West Bank and the Gaza Strip, and the collected data was analyzed. We also collected data from reports of competent authorities, including the Ministry of Labor, and non-governmental entities, such as the reports of insurance companies working in Palestine.

These statistics and findings were supported by a number of factual cases of workers, whose occupational safety and health rights were violated in 2020. These cases were monitored directly by DWRC through legal consultations provided by the Legal Aid and Human Rights Unit, or through workshops, awareness meetings, and training courses implemented by DWRC in the West Bank and the Gaza Strip in 2020, addressing occupational safety and health. We also monitored cases through the meetings of the National Committee for Occupational Safety and Health (NCOSH) in Gaza, which is chaired by the Ministry of Labor, and includes ministries, trade unions, DWRC, relevant organizations, and municipalities working in the sector of OSH.

DWRC also implemented a large number of field visits in 2020 to workplaces from various sectors, especially during the spread of Covid-19 pandemic, to monitor the situation of workers, monitor to which extent do employers fulfill safety and protection procedures, to raise workers' awareness of hazards related to the pandemic, document violations related to the Covid-19 pandemic, and discuss with employers the need to provide protection to workers. During the visits, DWRC disseminated safety tools, including masks and gloves, and provided guidelines addressing protection procedures from the pandemic and how to minimize its spread among workers.

## **Temporal and geographical scope**

The report covers the West Bank and the Gaza Strip during the year 2020. The report's data was collected from some trade unions involved in its preparation, a random sample of male and female workers from various sectors in the West Bank and the Gaza Strip, as well as the Labor Ministry's report of 2020 in the West Bank. We did not have access to the Labor Ministry's report in the Gaza Strip.

It should be noted that there have been difficulties in expanding the data collection process and the distribution of the survey to all relevant stakeholders. The most noted reasons are the persistence of the Palestinian political division, the plurality of unions representing the same category of workers,

in addition to being controlled by political parties, the closure of a large number of workplaces due to the spread of Covid-19 pandemic and the imposition of strict health measures on establishments, which led to dismissing a large number of workers. Difficulties faced also included the closure of border crossings in the Gaza Strip and the inability to reach their employees, who were dismissed, and the difficulty of moving within the governorates of the West Bank due to checkpoints. We have also noticed that there is a weakness in the databases and the documentation process of relevant parties, especially in relation to trade unions' role in documenting and classifying cases according to violation of rights, in addition to workers' fear to submit a complaint to these unions about violations of their rights at work.

### **The legal framework for occupational safety and health in Palestine & latest updates**

The occupational safety and health system is one of the most important standards of decent and fair work guaranteed in human rights conventions, norms and standards, namely the right to life and access to affordable health care of adequate quality, in order to preserve human dignity. The State of Palestine has adhered to these conventions, norms and rights, and this international right has been given special attention by the Palestinian legislator through the elaboration and adoption of several legislation, notably the Palestinian Basic Law of 2003 and its amendments in 2005, in particular its second chapter addressing public rights and liberties, as well as the Palestinian Labor Law No. 7 of the Year 2000, which regulated, the main provisions, rules and standards related to the occupational safety standards in articles (90, 91, 92), leaving the details for the by-laws issued by the Council of Ministers, and the instructions issued by the Labor Minister.

Legislative policies for occupational safety and health aim primarily at protecting the elements of production from harm caused by accidents and injuries at work. Consequently, each State works on adopting numerous laws and regulations in order to ensure a safe working environment, free of occupational hazards and diseases, in order to contribute to a sustainable development process.

Aiming to strengthen the implementation of occupational safety and health regulations and standards in Palestine, a new law on occupational safety and health committees and supervisors was adopted in 2019, followed by two by-laws issued in 2020 including; by-law no. (9) for defining work sectors and levels of danger, and by-law no. (10) regulating accreditation and renewal fees for occupational safety and health committees, supervisors and training programs, which were published in the Palestinian Gazette in issue (172). Additional by-laws shall be issued to interpret the law for its implementation. The law seeks the provision of occupational safety & health supervisors or committees at establishments to monitor the implementation of occupational safety and health standards in line with related legislations, raise awareness among workers and employers about their roles and duties to reach a safe work environment, provide reports to the Labor Ministry about the situation of occupational safety and health at the establishments. These supervisors/committees will be the link between workers and employers on one hand, and the labor inspection department at the Ministry of Labor on the other hand.

The Palestinian Labor Law also requires establishments to have occupational safety and health regulations in place, and the expenses for providing these requirements have to be covered by the employer. The Labor Law had set many penalties if the regulations are violated by workers, and

a series of penalties for employers contravening occupational safety and health requirements and conditions in the establishments. Employer can be fined from a 100 to 300 Jordanian dinars for such contraventions. The Minister of Labor may also partially or completely close down an establishment in violation of safety and health conditions, and can shut down any machine.

Furthermore, the Palestinian Labor Law guarantees in its articles (116130-) the provision of insurance against work injuries, and details employers' responsibilities towards preserving workers' lives and reducing the effects of injuries and the occurrence of disabilities. The Law also establishes the appropriate mechanisms to be applied for workers to receive compensation for occupational injuries or diseases, the method for calculating compensations, and the role of official institutions, in particular the Ministry of Labor, in implementing the provisions of the Law.



## Chapter 1: Covid-19, its impact, and challenges in protecting workers' health in workplaces:

The declaration of the state of emergency in Palestine by the President on the 5th of March, 2020, the spread of Covid-19 in Palestine, and the announcement of a series of preventive health measures by the governmental committee in the Gaza Strip, affected work conditions and circumstances in workplaces.

This new global issue required a different approach, a serious global revision of safety and health procedures at work, and a labor movement capable of dealing with such circumstances. Many countries began imposing strict health measures, such as physical distancing; the continuous washing and disinfection of one's hands, and the obligation to wear a facemask. This has generally affected workers, especially those working in establishments that continued to operate during lockdowns including; (bakeries, gas stations, pharmacies, janitors, quarantine centers, moles, grocery stores, markets, dairy factories and various food plants).

Establishments have been affected by the pandemic and a decrease in the percentage of female and male workers was noticed. According to the data of the Palestinian Central Bureau of Statistics regarding the impact of the Covid-19 pandemic on the Palestinian labor market, 14% of workers were absent from their work in 2020 (i.e. about 138,000 workers) as a result to the pandemic, compared to 7% in 2019. The main reason for absence was the lockdown imposed by the government from 23/2020/03/ until 24/2020/05/. A decrease in the number of employed persons by 55 thousand in 2020 compared to 2019 was also noted, with a 13% decrease of the number of employed persons in the Gaza Strip compared to 3% in the West Bank<sup>1</sup>.

Following the declaration of the state of emergency, DWRC developed an urgent plan to raise awareness among workers and employers about the pandemic, and studied the legal aspects that shall apply to this new situation. Thus, DWRC prepared a poster on common symptoms of Covid-19, means of infection and prevention methods to reduce infection, supported by illustrations. DWRC also implemented dozens of field visits to several work sites in cooperation with the Ministries of Labor and Health, which continued to operate during the pandemic. Medical masks and gloves were distributed to workers in the Gaza Strip, as workplaces suffered from the lack of such supplies due to their scarcity in the local markets, and merchants' exploitation of citizens' needs by selling them at unreasonable prices, which resulted in the inability of workers and employers to purchase them. The supplies were scarce and expensive, and workers needed to change them more than once during the day. For these reasons, DWRC saw the need to intervene and help provide them to workplaces.

DWRC also implemented daily awareness sessions targeting workers from various sectors to inform them about the risks of Covid-19, disseminated awareness posters about prevention from Covid-19 at work, and distributed the World Health Organization's brochure. In addition, employers were guided to provide all preventive equipment at workplaces, including sanitizers & cleaning products, and were advised about a number of measures to mitigate risks: abolish the fingerprint attendance system, sterilize work tools, ensure distance between workers while on their breaks, ensure that food is brought from their homes, so workers would not have to rely on food from restaurants, ensure distance

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<sup>1</sup> Palestinian Central Bureau of Statistics: press release about the Labour Force Survey Results 2020: the Impact of the Coronavirus Pandemic on the Labour Market, 2020

between workers during their prayers and the use a separate carpet for each worker, regularly clean and sterilize toilets, as well as the prevention of intermingling of workers with clients, monitoring of workers showing symptoms of illness, and prohibiting them from coming to work and to test their workers to ensure that they are not infected with Covid-19.

DWRC implemented two online workshops in the Gaza Strip with the participation of DWRC's staff in Gaza & the West Bank, representatives of the Labor Inspection Department in Gaza, and representatives of the National Committee of Occupational Safety and Health. During the workshops, participants discussed the impact of Covid-19 on workers and its legal framework, and whether workers' infection by Covid-19 can be considered as an occupational disease or a work injury. Participants also analyzed whether the Palestinian Labor Law No. 7 of the year 2000 tackles such issues or not, and discussed how to protect the rights of infected workers and their families, and mechanisms to provide compensations in case a worker dies as a result of a Covid-19 infection.

The workshops concluded that there is a legal gap in the Palestinian Labor Law and that the law did not regulate the state of emergency. Moreover, the law does not consider Covid-19 as a work injury nor an occupational disease, since the by-law listing occupational diseases is exclusive and limited to mentioned diseases. Among the workshops' recommendations was the need to adopt ministerial decisions considering Covid-19 an occupational disease, especially for workers exposed to infection because of their work in the health sector.

DWRC issued a legal brief demanding the adoption of a legal vision designating Covid-19 as an occupational disease, the issuance of ministerial regulations governing this issue, and the amendment of Occupational Diseases' List in order to include Covid-19. This legal brief was submitted to the Ministry of Labor in Gaza, for the implementation of recommendations.

During the field visits implemented by DWRC since the outbreak of Covid-19, we focused on the need to provide all occupational safety and health conditions required by the Council of Ministers and the instructions issued by the Minister of Labor. We also focused on the need for a safe return to work of workers, whose work had been disrupted during lockdowns, the need to sterilize workplaces and provide protection guidelines to workers. DWRC also monitored the working conditions of sanitary workers working at the quarantine and isolation centers, such as the European Hospital in the Gaza Strip, which was the largest quarantine site in Gaza, with approximately 150 sanitary workers employed there. Following up on their working conditions showed that these workers were selected and trained in accordance with specific protocols about how to deal with patients, they were provided with clothing and tools to cope with the pandemic and to deal with the hazardous work-environment in order to protect themselves and prevent being infected. Despite such measures, dozens of sanitary workers got infected.

During DWRC's field visits implemented in cooperation with the Labor Ministry in Gaza, labor inspectors were unable to issue any warnings or undertake steps against employers, who are not complying with Covid-19 prevention measures, since there are no legal provisions to rely on. Thus, inspectors only provided counselling and guidance to workers.

There is no doubt that the Covid-19 pandemic continues to cast its shadow over workplaces in general, not only in Palestine but also throughout the world. DWRC follows-up on a daily basis on WHO health and medical guidelines and ILO requirements and preventive measures to deal with the disease in the working environment and reduce its prevalence among workers.

### 2.1. Lack of provision of occupational safety procedures and requirements in the work:

The Labor Law states in article (90): “based upon a proposal submitted by the Minister in coordination with the competent authorities, the Council of Ministers shall issue regulations governing the occupational safety and health and work environment. Such regulations shall in particular include the following:

1. Personal protection and prevention methods for workers from work hazards and occupational diseases.
2. The necessary health conditions that should be present at the workplaces [..]”

Accordingly, the Cabinet issued Decision No. 15 of the Year 2003 concerning the Regulation of Mandatory Health Conditions for Workplaces. The Cabinet’s Decision requires the maintenance and cleanliness of all the machines present in the workplace and used by workers, as well as the availability of drinking water, toilets, bathrooms and ablution areas. The facilities should be appropriate for both male and female workers, and these facilities should be kept clean and equipped with adequate ventilation and lighting. Moreover, the decision mandates special requirements for eating areas at work, which should be spacious, clean, pollution free, away from the machine(s)’ areas and equipped with adequate lighting and appropriate ventilation. In establishments, where workers’ clothes should be changed, the decision had set special standards for the changing rooms as well; the changing area should be clean and equipped with adequate lighting and ventilation systems, it should also be appropriate for both male and female workers.

In 2020, DWRC monitored numerous violations of occupational safety and health procedures in Palestine. Data was collected from several service and production sectors, which employ more than 85 workers from various enterprises and factories in the Gaza Strip (bakeries, restaurants, fishing, plastic factories, food factories, gas & petrol stations, private health sectors, plumbing workshops, and paint workshops). The data showed that violations occur due to non-compliance with safety procedures and requirements in many establishments, such as the absence of necessary equipment, working areas, and regulations related to safety. The responsibilities of the employer extend to any person present in the workplace or in the premises of the enterprise, even if he/she is not an employee at the establishment.

Of the 85 workers surveyed on the ground, all of them confirmed that there was no Occupational Safety and Health Committee at work, and more than 32% of them admitted to the lack of first aid kit or fire extinguishers at work. More than 40% of the surveyed workers did not have personal protection clothing, which should be provided by the employer, and 28% of them worked in facilities with no adequate lighting or ventilation systems. It was also noted that more than 50 workers out of 85 workers in a number of establishments have no rest or changing area.

Other violations were monitored, such as the absence of occupational safety and health guidelines at work, 40% indicated the lack of access to certain occupational vaccinations especially in sectors that requires certain vaccinations, and the fact that 45 of male and female workers have not received any occupational risk training before starting their work. Employers or institutions shall develop appropriate preventive plans, allocate a budget for occupational safety and health at work for the purpose of protecting workers’ health and reducing occupational risks, and the provision of safety tools at establishments.

Through follow-ups and field visits carried out by DWRC in cooperation with the Ministry of Labor in the West Bank and the Gaza Strip, which targeted dozens of work sites during 2020 (including carpenter workshops, metal workshops, public and private health sectors, food factories, plastic

factories, bakeries, and kindergarten), it was noted that employers were not committed to respecting occupational safety and health requirements regarding drinking water. They provide one gallon of water with a few plastic cups, which was hardly sufficient for workers throughout the working day. We also noted the lack of bathrooms and toilets, in addition to the lack of hygiene and running water in existing sanitary facilities, and the presence of noxious smells in the provided toilets, which may lead to spreading diseases to workers. It was also noted that workers were not provided a changing area, and that workers had to change their clothes in storage rooms. Employers also fail to provide a designated eating area, which leads workers to eat, while sitting behind the machines or in the corners of the work site, by laying the food on the floor. Some workers were even eating with dirty hands due to the lack of soap and water to wash their hands. Many workers complained that employers do not provide a rest hour to enable them to eat, and that they are only given a 15 minutes break to eat and pray.

During the field visits of DWRC, approximately 960 male and female workers were exposed to such violations. After the outbreak of the Covid-19 pandemic, and in cooperation with the Labor Ministry in Gaza, we increased the number of field visits and targeted workers aiming to raise their awareness, review their work conditions, and document violations related to occupational safety and health. We also provided safety guidelines related to Covid-19 prevention methods.

Sector	Job Description	Number of employees
Textile Factories	Textile	50 workers
Food Factories	Desserts, meat, ice cream, dairy products, bakeries, etc.	180 workers
Sanitary services in hospitals and clinics	Sanitary workers	80 workers
Municipalities	Sanitary workers	150 workers
Fishing Sector	Fishing	50 workers
Tourism, Restaurants and Hotels	Hospitality and tourism workers	150 workers
Agriculture sector	Agriculture workers	100 workers
NGOs and associations	Private sector employees	100 workers
Factories	Glass, iron, plastic, nylon	100 workers

## 2.2. Lack of first aid kits and fire extinguishers

In accordance with article 903/ of the Labor law, the Cabinet issued regulations requiring the employer to provide a first aid kit at work. The kit must contain all first-aid medical necessities, each work site should have one first aid box as a minimum, and the box should be away from dangerous zones at the worksite, yet close enough to be accessed easily in the case of an emergency, preferably near a water source. The box should have a Red Crescent drawn on it, or the words "FIRST AID" written in red on a white background. A person at the worksite, who has enough first aid knowledge, must supervise the box.

Through DWRC's legal consultations provided to workers during field visits to several workplaces in cooperation with the Labor Ministry in 2020, as part of a joint inspection campaign, and through the violations' survey prepared by DWRC's Legal Aid and Human Rights Unit, which was filled by approximately 150 female and male workers in the West Bank and the Gaza Strip, we found out that 78% of workplaces either did not have a first aid kit or that the box did not meet the requirements set by the Cabinet, as follows:

Sectors monitored	Job description	Number of workers without access to a First Aid Box
Plastic and nylon factories	Trade – Manufacturing	35 workers
Bakeries and food factories	Trade – Manufacturing	70 workers
Sanitation services	Sanitary workers at hospitals	35 workers
Municipalities	Janitors and sanitary workers	30 workers

(A.R.) a worker working at a bakery in the Gaza Strip, said that the employer does not provide a first aid box at the workplace which employs 22 workers, although it is needed especially after a number of workers were exposed to minor burns during work.

### 2.3. Non-provision of primary and periodic medical examinations

The Cabinet issued several decisions on the necessity of conducting a comprehensive preliminary medical examination for selected job candidates in order to ensure that he/she is fit and free of any disease that may increase or contribute to the occurrence of an occupational disease. The law had also stipulated clearly that no worker should be employed until the preliminary medical examination has been carried out.

The Cabinet also issued a regulation no. 24 for the year 2003, on periodical medical examinations for workers that should be carried out periodically depending on the nature of work. The aim of the regulation is to ensure that workers' health is not affected by various factors, particularly occupational diseases. The regulation requires the employer to keep a copy of the results of the periodical medical examination in the workers' file and to enable labor inspectors to see them upon request. If a periodical medical examination shows that a worker may be affected by an occupational disease, medical and laboratory testing must be carried out to ascertain the extent of the injury. Additionally, all the costs of the periodical medical examination should be borne by the employer.

Through the inspection campaign conducted in 2020, in cooperation with the Inspection department at the Labor Ministry in the West Bank and Gaza, in addition to the consultations and complaints recorded by DWRC, and the awareness meetings and workshops conducted by the DWRC to raise workers' awareness about their rights, we noted that a large number of workers have not undergone any primary or periodical medical examinations. Within the random sample taken from different production sectors (130 male and female workers), 85 of the workers weren't examined despite the possible serious effects of their work.

(Sh. G.), a worker who attended an awareness meeting about OSH in Gaza in April 2020, reported that she has been working as a sanitary worker at a hospital for five years, and that neither she nor her co-workers were required to undertake a primary or periodic medical examination despite the hazards of her job.

(S. J.) has worked at a nylon factory for the past seven years in the Northern Governorate in Gaza. The factory employs 11 workers. The employer has never provided any medical examinations, and workers lacked information about the obligation to provide such examinations. Many of the workers at the factory suffer from shortness of breath and they work without the appropriate face masks to protect them from the smell of nylon. (S.J.) believes that lack of awareness of their rights has encouraged employers to exploit them and put their lives at risk.

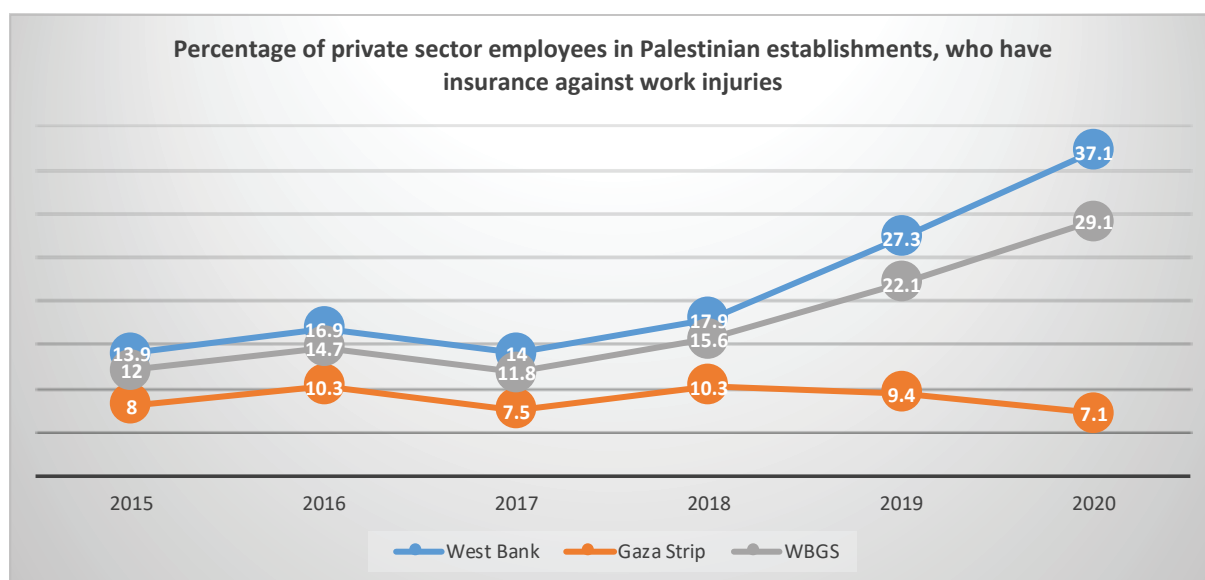
### 3.1. Non-provision of insurance against work injuries

The Palestinian Labor Law No.7 of the Year 2000, in its article (116), requires employers to insure their employees against work injuries with insurance companies licensed in Palestine, in order to ensure that workers receive compensation in the event of a work injury. The law also imposes sanctions on employers if they fail to provide insurance against work injuries to their employees, with a fine at least 300 dinars and it does not exceed 500 dinars.

However, the Democracy and Workers' Rights Center in Palestine, in cooperation with the Ministry of Labor, monitored non-compliance with the obligation to insure workers concerning 260 female and male workers. This monitoring process was part of their inspection campaign that included field visits to workplaces in the West Bank and the Gaza Strip. In addition, the Democracy and Workers' Rights Center monitored 50 additional cases of violations through its survey to monitor violations that was disseminated in several workplaces. The Legal Aid and Human Rights Unit at DWRC also received 40 complaints and requests for consultations related to non-provision of insurance against work injuries. Many of the cases concerning workers injured at work had to be filed in court against the employers directly, as they had failed to provide insurance for their employees.

According to national statistics issued by PCBS, the percentage of Palestinian workers working in the private sector, who obtain insurance against work injuries, increased to 29.1% in 2020. This increase is due to an improvement in the provision of insurance against work injuries in the West Bank, reaching 37.1% of workers, while in the Gaza Strip a decrease in the provision of insurance against work injuries was noticed, reaching 7.1% of workers. A continued increase in the West Bank was noted, while the percentage of workers obtaining insurance against work injuries in the Gaza Strip has fallen to the lowest level since 2015.

Statistics of the year 2020 should be read with caution due to the impact of Covid-19 on employment and the labor market, as the pandemic played a major role in leading to the loss of job opportunities especially among workers in informal employment, who are most vulnerable to violations of their fundamental rights.



Source: Palestinian Central Bureau of Statistics, 2016-2021. Palestinian Labor Force Survey: Annual Reports: 2015- 2020. Ramallah - Palestine.

<sup>2</sup> The Palestinian Central Bureau of Statistics, 2021. Labor force survey: annual report: 2020. Ramallah-Palestine.



Many employers do not provide insurance against work injuries for their employees. In addition, they may only insure a few of their employees with the insurance company, although these workers work in hazardous jobs and have a high risk to being exposed to work injuries. Many employers provide inaccurate information about the nature of work or/and workers' wages, aiming to pay lower amounts to insurance companies.

About 17 workers in a glass factory in the Gaza Strip have stated during an awareness meeting in 2020 that their employer had only insured 5 workers in his factory.

The Ministry of Labor's report on insurance against work injuries for the year 2020, indicated that the ministry visited 8219 establishments as follows;

Insurance against work injuries	Establishments according to economic activity											TOTAL	
	Uninsured	Insured	Agriculture	Mining	Industrial	Electricity	Construction	Trade, restaurants and hotels	Transportation & storage	Financing	services		Others
Total	2070	5697	134	40	1311	43	402	4261	59	104	1827	38	8219

Field visits showed that 5697 workers work at the targeted establishments. The number of workers who obtain insurance against work injuries reached 3627 workers, and workers who do not have insurance against injuries was 2070 workers.

In the Gaza Strip, the Ministry of Labor did not provide a report about registered violations related to occupational safety and health. The Ministry also did not issue its annual report for the year 2020 until the date of preparing this report. However, we noted that the Ministry of Labor in Gaza issued on its official website a statement by its Deputy Minister, Mr. Ehab Ah-Ghsein, published on 21/01/2021, presenting the achievements of the ministry for the year 2020 and its vision for the year 2021 regarding the ministry's work in relation to the employment sector, protecting workers' rights, the creation of a safe working environment, the cooperative work sector and the vocational training sector.

Mr. Al-Ghsein said at a press conference held at the headquarters of the Government Media Office that: "the Ministry continuously seeks to develop the system of decent and fair work, and monitors the implementation of a safe work environment especially after work accidents that occurred during the past two years leading to valuable human and material losses". He added: "the ministry implemented



three occupational safety and health campaigns, and (5090) inspection visits to monitor work conditions. During the visits, the ministry undertook (1100) legal procedures against employers violating the labor law and its provisions, followed-up on (342) cases of injuries, and calculated compensation for (65) work injuries, with an estimated financial value of (454816.8 NIS). In addition, the ministry has also developed a list with specific terms to ensure the implementation of Covid-19 protection procedures within establishments, and has trained its inspectors to safely inspect during the spread of the pandemic...".

Regarding the Ministry's vision for the current year, Al-Ghsein said: "in 2021, the ministry looks forward to provide qualitative shifts in the level of upgrading the economic sector and to improve the labor standards and requirements by strengthening the partnership between the three productive parties. It plans to strength the role of trade unions and employers and their participation in the decision-making process, in order to reduce the rate of work injuries, especially in the petrol & gas sector, and the construction sector. The ministry also seeks to strengthen decent work through fulfilling occupational safety and health standards in the labor market".

Insurance companies operating in Palestine did not provide DWRC with any reports addressing the extent of violations, work injuries, compensations paid to the injured, number of workers who do not have insurance against work injuries.

In the Gaza Strip, no statistics have been obtained from the Ministry of Labor on complaints concerning the number of workers, who do not receive insurance against work injuries, although there have been hundreds of recorded violations in various sectors against employers in this respect. No statistics were obtained regarding the number of measures taken by the ministry against employers, who had violated the obligation to insure their workers against injuries. However, several circumstances and considerations prevent the ministry from following-up on employers' compliance with the law due to the lack of inspectors to follow up on every workplace and to take legal action, as well as the deteriorating economic situation. In addition, the outbreak of Covid-19 lead to the closure of many workplaces due to prevention measures, a slowdown in demand for goods/services and thus production, closures at night in the Gaza Strip, and dismissal of hundreds of workers.

It is worth mentioning that many workers targeted in Gaza lack information about the importance of insurance against work injuries, and if their employers provide such insurance. Many workers also mix up between health insurance and insurance against work injuries. Through monitoring violations related to this issue, DWRC found that there is a significant number of workers, who do not have insurance against work injuries. Thus, when a worker is exposed to a work injury, he/she has no information whether his employer provides insurance or not. In many cases, the employer convinces the worker to sign a clearance indicating that he deserves no compensation, since he has no insurance against work injuries. Thus, the worker does not receive any compensation or agrees to a small amount of money, not knowing that he/she could submit a complaint in courts against the employer for non-provision of the right to an insurance against work injuries. This kind of violation is widespread in many hazardous workplaces, including: construction, public and private health sectors, beauty salons, kindergarten, smithy, paint, petrochemicals, and factories. A number of surveyed workers lay the responsibility on the Ministry of Labor, labor inspection, and weakness of trade unions in spreading awareness about workers' rights.

**Among a random sample consisting of 140 female and male workers working in various workplaces, we noted the following:**

Target Group	Number of workers uninsured against work injuries	The number of workers who were unaware whether they have insurance against work injuries or not	The number of workers who have insurance against work injuries
Bakeries (40 workers)	20	5	15
Beauty sector (25 female workers)	10	10	5
Municipalities workers (35 workers)	15	10	10
Factories (40 workers)	20	5	15

### **3.2. Violation of the right to a paid leave to recover from a work injury**

Article (119) of the Palestinian Labor Law stipulates that a worker, who has been injured or temporarily incapacitated, shall be entitled to 75% of his daily wage at the time of the injury, if the work injury prevents the worker from performing his or her work, for a period not exceeding 180 days, provided that the disability is temporary.

Every employer should realize that it is important to provide insurance against work injuries to workers, especially since the employer will be paying 75% of the worker's wage in case of an injury for up to 180 days, not forgetting to mention the employer's obligation to pay compensation in case of partial or permanent disability, according to a percentage estimated by the Ministry of Labor. This would not be the case if the employer did provide an insurance against work injuries in the first place, because in this situation the insurance company will be responsible for paying the wages or/and compensations.

Through monitoring violations of the right to a paid leave to recover from a work injury during the year 2020, a random sample of 20 workers out of 30, who submitted complaints to DWRC in the West Bank and Gaza or to the Labor Ministry, stated that they did not receive a paid leave during the recovery period, although they requested payment of their wages from their employers and the insurance companies at the time of the injury. This happened despite the fact that this paid leave is included in the official forms of the Labor Ministry and is signed and stamped by the treating doctor at the hospital. The employers and insurance companies of these workers refused to abide with the law, and postponed the payment until the completion of the injury file, calculation of entitlement by the Labor Ministry, and after determining the percentage of disability. As a result, these surveyed workers had to pay additional amounts of money.

Mukhaimar Al-Majdalawi, a lawyer specialized in labor cases in the Gaza Strip, indicates that he

requested insurance companies several times to pay 75% of the daily wage at the time of injury, so that the injured worker could provide a livelihood for himself and his family, but the companies and the employers refused to provide this right.

A number of lawyers had to submit demands to the Summary Court to oblige employers and insurance companies to release urgent payments for workers, such as is common practice under the road accidents law, which obliges the driver and the insurance company to make immediate payments to the injured party, without waiting for the accident's file to be completed. These lawyers believe that it is essential to amend the Palestinian Labor Law regarding this issue, through obliging employers and insurance companies to provide a payment right after the exposure to an injury, and before determining the disability percentage and compensations. Afterwards, these amounts can be deducted from the overall compensation amount, when it is finally determined.

The outbreak of Covid-19 highlighted an issue related to the right to a paid leave: whether to consider the infection by Covid-19 as entitling a worker to a sick leave, and how employers dealt with this issue in the West Bank and Gaza respectively.

With regard to legal provisions concerning sick leave, article (79) of the Labor Law stipulates: "Based upon a report from the Medical Committee, the worker shall be entitled to a fourteen days paid sick leave each year. The worker is also entitled to another fourteen days of sick leave, where he/she will be paid half of his/her wage." This means that sick leave under the provisions of the law is a leave not related to a work injury or an occupational disease, but to any disease that may affect a worker during work or outside the workplace.

The Palestinian Labor Law does not regulate the infection with diseases and pandemics, including Covid-19, and does not consider such an infection as a work injury nor an occupational disease. This is a clear gap within the law; thus the law needs to be reviewed and a special chapter on the state of emergency and a regulation on infectious diseases should be introduced. Moreover, the existing list on occupational diseases should be amended and Covid-19 should be added to the list.

Since Covid-19 is not considered as a work injury nor an occupational disease, and is a global pandemic, which makes determining whether the infection was caused at work or not impossible, we can invoke article (79) of the Labor Law. A worker infected by Covid-19 should be granted a paid sick leave if the worker obtains a medical report indicating that he or she has contracted the disease. The recommendation and protocols recommend that an infected person should remain in isolation at home or in a hospital until his/her recovery, which varies from 14 to 21 days, falling within the 14-day period stipulated in the article. It can therefore be argued that a worker's period of quarantine is a sick leave.

Through follow-ups, DWRC noticed that a number of employers in the West Bank did provide a sick leave (during quarantine) to workers, who were infected with Covid-19. However, in the Gaza Strip, employers did not consider the infection of Covid-19 as a sick leave, and amounts were deducted from infected workers, while they were in quarantine. Employers in Gaza consider Covid-19 as a global pandemic that does not meet the provisions for granting a sick leave. Employers consider that workers spend between (810- hours) at work daily, while spending the rest of the day with their families and communities, therefore there is no an evidence that the infection occurred at work or as a result to it.

### 3.3. Violation of the right to compensations for work injuries

The Palestinian Labor law in articles (120, 121 & 122) stipulates that a medical committee shall assess the percentage of disability resulting from a work injury under the provisions of the relevant applicable law or regulation at the time of its occurrence. The injured worker is the only person, who has the right to contest the decision estimating his/her disability percentage or the decision related to his/her return to work within thirty days from the date on which he/she is notified of such a decision. The law also explains the mechanism for calculating the amount of compensation that led to permanent partial or full disability, or that led to the death of the injured worker.

Once the worker receives and does not contest the estimated percentage of his/her disability according to the specialized medical committee's decision, the Ministry of Labor must calculate the amount of compensation in line with the law, so that the worker or his inheritors "in case of the death of the worker that was exposed to a work injury", can claim compensations from the employer or the insurance company.

Most of the time, this procedure does not go as smoothly. In 2020, among the 40 surveyed workers, who were exposed to work injuries and submitted complaints to DWRC in the West Bank and Gaza, or whose cases were followed up with the Ministry of Labor, a number of them stated that they were exposed to an injury and did not obtain compensations. Many employers put pressure on workers and negotiate settlements for very low amounts between (300 USD – 500 USD). Many of the surveyed workers believe that employers and insurance companies engage negotiations with injured workers or their heirs, and offer to pay (30-40%-) of the compensations' amount instead of going to court, since court procedures may take three years or more.

Some lawyers (Sameer Al-Madani & Tamer Abu Qweek) specialized in labor rights cases in the Gaza Strip, stated that according to the law, workers who suffer work injuries or their families must receive the total amount of work injury compensation, but some employers and insurance companies negotiate with the lawyers and the workers to pay less than half of the compensation's amounts immediately, knowing that filing a case in court would be exhausting for the injured worker due to long procedures that may reach two to three years, especially in the absence of specialized labor courts.

Usually, employers and insurance companies do not provide any amount of compensation from the date of the injury until the date for demanding the compensation or even longer. Therefore, workers or their families accept receiving half the compensation's amount or less and sign a clearance. In addition, some insurance companies provide compensations in post-dated checks, instead of paying immediately in cash, which prevents workers from investing the money in a project in case the injury prevents him/her from returning to work. It is worth mentioning that only 2 out of 10 injured workers obtain their compensations without heading to courts, while they obtain (50%-70%) of the compensations' amount.

**With regard to work injuries, the Ministry of Labor in the West Bank recorded (578) injuries in its 2020 report. The Ministry investigated (349) injuries and (10) fatal injuries. They were distributed as follows:**

Gender		Category				Total
Male	Female	Juvenile	Persons with disabilities	Children	Foreigners	
541	37	0	0	0	0	578

The Democracy and Workers' Rights Center in the Gaza Strip, through follow-ups with the Labor Ministry, states that in 2018 the work injury department at the ministry started calculating compensations for work injuries in line with the minimum wage, even if the worker does not obtain the minimum wage. If the worker's wage is higher than the minimum wage, the compensation will be calculated according to the actual wage. Insurance companies and employers did not take this decision into consideration, as they provide an amount of compensation according to the actual wage, even if it is less than the minimum wage, or according to what is stated in the insurance policy. In this case, the worker or his family should file a case in courts demanding the extra amount of compensation, but workers are often waiving their rights to a full compensation, because of their wish to return to work after healing from the injury.

In a complaint filed with the Legal Aid and Human Rights Unit at DWRC in Gaza in 2020, (SH. H.) states that the employer insured him for about 30 shekels less than the real wage he was receiving. This means that he will receive less than the compensation he deserves; he stated that he accepted such an unfair compensation, because of his need for money.

### **3.4. The “Nuseirat Fire” incident, and measures taken by the authorities post-incident:**

As a result of this tragic accident, which resulted in the death of a number of workers and citizens and injuries among others, a commission of inquiry was set up under the leadership of the Deputy Minister of State for Justice, Mr. Mohamed El-Nahal, to follow up on this fire and investigate its causes and consequences.

The Commission of Inquiry set up to follow up the incident said that: «the main problem is the explosion of a gas tank”, noting that the explosion was caused at Al-Bana bakery (the main cause of the accident) since the bakery's owner did not pay sufficient attention to the security and safety procedures set by the civil defense regulations. The owner had illegally kept a large amount of cooking gas (3.474 kg) at the time of the fire, ten times more than the amount allowed. The tank was manufactured on the basis to be a steady tank rather than a moving tank. Nonetheless, due the extreme weakness of the tank body and the continuous movement of the tank due to vibrations, the tank finally broke up and started to leak abruptly and rapidly, forming a gas cloud with a diameter of 30 meters causing the fire. One of the findings of the committee was also that the Civil Defense Security and Safety Service did not conduct sufficient inspections of hazards in facilities to ascertain the extent to which the owners of facilities complied with security, safety and fire risk prevention procedures. «One of the results was the negligence of the civil defense officer,» said Al-Nahal, «who, under his personal responsibility, allowed the Mashharawi Station to transport the tanks to the Al-Bana Bakery, although he knew that their presence at the site was contrary to civil defense regulations and posed a serious risk to the lives of people around the site». Al-Nahal continued by describing the neglect by the Civil Defense Officer, who is also a member of the National Technical Committee on Occupational Safety and Health. The Civil Defense officer had participated in a field visit to the Bana bakery on 25/2020/02/, but his report did not register the existence of (2.25 ton) of gas tanks in the bakery as a violation. The officer did not recommend taking the necessary action to remove the danger.

At a conference, the Commission added that the human and material losses of the fire were 25

martyrs, 49 wounded, 30 damaged shops, 40 damaged market stalls and 18 damaged vehicles. The Commission of Inquiry noted that there had been a failure by the municipality and Civil Defense not to grant permits, the low number of field visits, and that the fire itself revealed the lack of equipment for Civil Defense to carry out its tasks and stop it from spreading. The findings and recommendations of the report included: the final closure of the bakery, the final closure of the Mashharawi Gas Company and the necessary steps to transmit the «Mashharawi Gas Station» file to the competent judicial authorities for investigation and to take suitable legal action.

A follow-up of the legal measures taken to provide compensations to injured workers, or to the families that had lost their sons in the accident in question, showed that these cases have not been recorded as work injuries, and there has not been any type of compensation in accordance with the labor law nor its procedures. Instead, the government has paid a very small amount of compensation (Diya). These amounts were not commensurate to the level of the accident and the magnitude of the damage. The owner of the bakery responsible for the accident was among the deceased, in addition to women and children, who were present at the central market at the time of the incident.

Even if a worker wishes today to claim a compensation for a work injury, he will not be able to claim any compensation after two years from the date of the accident. This is due to article (124) of the Palestinian Labor Law, which stipulates that: "Unless the delay is the result of the instability of the injury or due to a legitimate excuse, the right of the injured worker to the demand compensation shall be dismissed if two years had passed since the date the related injury had taken place".

Additionally, the body responsible for monitoring public and occupational safety issues has also been changed; the Security and Safety Committee of the Civil Defense Department has replaced the Ministry of Labor. After its formation, the Central Safety Committee has updated some regulations and laws on safety procedures at fuel and gas stations and fuel transport vehicles, commensurate with the reality in the Gaza Strip, focusing on the need to improve the stations' abidance with legal requirements in the Gaza Strip.

At one of its meetings, the committee clarified that a study would be adopted to approve the technical requirements that should be provided in fuel and gas tanks and transport vehicles. The study will also have the list of companies accredited to test the vehicles; the testing companies should have the suitable equipment and screening capabilities, noting that a computerized program of station data would be adopted. These procedures aim to prevent future incidents similar to the "Nuseirat Fire", especially in light of continued violations of safety measures. In 2020, the Central Safety Committee had to shut down eight gas stations operating in the Gaza Strip that needed to put themselves in conformity with the safety requirements. The Committee requested some stations to relocate, or to provide an alternative land in accordance with the Central Commission for Cities Planning. Other stations have been required to obtain the approval of the competent authorities, and they were all required to abide by all occupational safety and health requirements.



Referring back to the last report issued by DWRC in 2019, we need to assess if any developments have been recorded in the occupational safety and health system. The assessment takes into account if new legislations have been adopted, and if the Ministry of Labor, as the institution responsible for the implementation of these legislations, has fulfilled its duty in ensuring their enforcement. We should also assess employers' compliance with laws and decisions and if sanctions and penalties have been imposed on offenders and their obligation to redress. Additionally, we should assess the trade unions' efforts in raising awareness among workers of the importance of applying and complying with occupational safety and health requirements, and how they addressed the challenges faced last year, more particularly those related to the Covid-19 pandemic. An analysis of the Palestinian situation in the West Bank and Gaza Strip during 2020 indicated that there is a clear persistence of violations of occupational safety and health provisions. The main reasons for the continuation of workers' rights violations in relation to occupational safety and health are due to:

- **Weakness of the legal framework, including lack of legislations and by-laws, and lack of deterrent sanctions within the labor law, which are limited to financial sanctions as mentioned in chapter 10 of the law.**
- **The weak monitoring and inspection procedures by relevant official institutions represented by the Labor Ministry, in addition to issues related to the role of the Palestinian judiciary, as there are delays in rendering decisions in cases of work injury compensations. The judiciary needs to provide redress for workers and sanction employers, who violate workers' rights, especially those who endanger their employees' lives.**
- **Palestinian workers are not aware of their labor rights related to occupational safety and health, in addition to the weak monitoring role of workers' representatives and trade unions, who should be responsible for defending and protecting workers by putting pressure on employers to provide a safe and risk-free work environment.**

### **4.1. Weakness within the legal framework (lack of regulations, and deterrent sanctions:**

The Palestinian Labor Law fails to address many issues related to labor rights, as it has not been revised since its adoption in 2000, although many issues have emerged, especially with regard to certain professions that did not exist previously and which may cause work injuries or occupational diseases, such as working in the solar energy field. Therefore, amendments to the legislation are required, not forgetting to mention the need to tackle the issue of pandemics, including Covid-19. The effects of pandemics on the world of work are not regulated within the law, thus there is a need to incorporate new diseases into the legislation and regulations, and deal with the state of emergency in general. In addition, law no. (3) of the year 2019, on occupational safety and health committees and supervisors, that requires employers to provide a supervisor or an occupational safety and health committee at work, still lacks additional by-laws to be enforced on the ground.

Chapter 10 of the Palestinian Labor Law does not stipulate deterrent sanctions that would lead employers to consider matters carefully before committing an infraction or repeating infractions. The costs spared by an employer at the expense of providing an appropriate & risk-free work environment for workers are higher than the penalties he/she would pay, and thus the weakness of the penalties

could even urge him/her to repeat violations. Articles (131 to 135) of the Labor Law only provide for a maximum of 300 Jordanian dinars as a fine that can be imposed on an employer, who violates any of the provisions of chapter 4 of title 5 and the regulations promulgated therein. "The minister, in addition to the penalty stipulated in article (131) above, shall be entitled to completely or partially close the installation or hold the operation of any machine in such installation until the employer remedies the violation." By reading both articles (131 & 133), we conclude that the penalty provided for in these articles, which does not exceed 300 dinars, is limited to occupational health and safety offences only, and does not include any other offences. Although these dispositions include a supplementary penalty of the possibility of closing the establishment in whole or in part until the infraction is removed, making such a closure discretionary for the Minister, and linking it to the removal of the offence, makes such a penalty not deterrent to the employer, who will only remove the infraction when it is discovered in order to prevent the closure of his/her business.

Article (135) introduces a fine of no less than 200 Jordanian dinars and not more than 500 Jordanian dinars for any person, who might resist or oppose or obstruct the functions of a labor inspector or an inspection commission. The employer often deliberately obstructs the work of the labor inspector in order to cover up the scale of the serious violations committed against workers.

There are also issues related to articles (116 and 117), which include the employer's failure to comply with his duty to insure all of his workers from work injuries at an authorized insurance company in Palestine, and the employer's failure to perform the exclusive obligations when a work injury occurs such as: to provide the injured worker with the necessary first aid, to take him or her to the nearest medical center, to report to the police immediately after an injury had resulted in the worker's death or a significant physical harm that prevented would him or her from continuing to work, and to notify the Ministry of Labor and the insurance company in writing of each work injury within 48 hours of its occurrence, while delivering a copy of the notification to the injured worker.

### **3.2. The weak monitoring and inspection procedures by relevant official institutions including the Ministry of Labor, or issues related to the role of the Palestinian judiciary**

Article (107) of the Palestinian Labor Law no. 7 of the year 2000, stipulates that:

"1. In accordance with this Law, the Minister shall establish a commission to be named "The Labor Inspection Commission", such a Commission shall be composed of an adequate number of inspectors and of those, who are academically and professionally qualified to follow-up on the enforcement of the provisions of this Law and the regulations issued according to it.

2. The members of the Labor Inspection Commission shall enjoy in the exercise of their duties judicial enforcement powers."

Furthermore, article (110) of the Labor Law defines the competence of labor inspectors as follows:

"1. Follow-up on the enforcement of the labor related legislations, particularly in relation to work conditions and circumstances. He/she shall be doing this through the utilization of all legitimate means, including receiving complaints and notifications.



2. Provide employer and workers with the technical information and guidance which help in enforcing the provisions of this Law.

3. Report to the competent authorities the infractions and violations he/she discovers during the performance of his/her duties.”

The target groups in this report confirm that one of the main causes of violations of labor rights is the weak monitoring procedures undertaken by labor inspectors, **which is due to a number of reasons:**

1. The small number of labor inspectors working at the Ministry of Labor in comparison to the number of working establishments in the Palestinian labor market. For example, according to the Ministry of Labor in Gaza, in 2020, there were approximately 50 thousand registered establishments and only 10 labor inspectors working in the five governorates.

2. The lack of adequate financial and logistics resources available to labor inspectors in order to monitor the labor market, such as the shortage in tools and vehicles needed for monitoring. For example, there is only one vehicle allocated for inspections in the Gaza Strip, which the inspectors use over the course of the week, one day for each governorate. If this vehicle needs maintenance, the inspectors are unable to carry out inspections in Gaza.

**Concerning the judiciary,** there are several issues such as the lack of specialized labor courts, and the lack of an obligation to grant labor cases with special attention, nor the possibility of accelerated enforcement in labor cases, which are all considered a judicial shortcoming.

There are delays in rendering decisions in labor cases in general, as litigation procedures can take years (some take seven years or more), until a final decision is obtained, although cases involving labor injuries are subject to formal proceedings and through the Ministries of Health and Labor, the Police and the Public Prosecutor's Office. Consequently, such documents on work injuries are only challenged by forgery and are not, in any case proceeded in summary or special courts. In addition, the courts have allowed the payment of compensations for work injury cases in instalments by insurance companies and employers. The enforcement courts permit insurance companies and employers to delay their payments through the issuance of long-term checks, which may further extend the full enforcement of the courts' decisions over a further period of years, and this despite the urgent financial need of the worker or his/her heirs, in the event of his death, to receive compensations. This is inconsistent with the principles of fairness and equity, although employers and insurance companies may be able to make high profits through compensation funds kept in banks.

**3.3. Palestinian workers are not aware of their labor rights and/or do not take steps to claim them, in addition to the weak role of representative bodies to protect workers' rights, educate them, and monitor the implementation of the law:**

Among the reasons behind employers' continued violations of workers' rights and failure to provide a safe work environment is that workers are vulnerable and their union representatives are weak. They are unable to defend their rights, nor stand up to employers with the required force and rigor. In addition, workers do not dare to demand for an improvement of their working conditions and the provision of a well-functioning occupational safety and health system in accordance with the existing law and regulations. This may be due to several reasons, most notably:

1. There is a lack of efficiency and effectiveness of trade unions, in particular occupational safety and health committees, in representing workers and fulfilling their role in defending their rights. These bodies shall be responsible for monitoring the implementation of occupational safety and health system and its development with employers. This vulnerability and fragmentation prevents workers from confronting employers who violate their rights, thereby weakening them and putting their lives at risk at all times.

2. Workers' ignorance and poor awareness of the importance of a clean and risk-free working environment. The fact that workers do not distinguish between health insurance and insurance against work injuries, the fact that hundreds of workers do not know whether their employer insured them or not, the fact that dozens of them do not claim compensations in case of injury because they falsely believe that the absence of insurance against work injuries means they have no right to a compensation in case of injury, the fact that even after they have been made aware of their right to sue and that their right is time-limited, workers still miss the opportunity to receive compensation due to their delays in taking legal action, and may even end up being dismissed for having suffered an injury at work.

#### **3.4. Adverse external factors, including:**

1. The difficult economic situation, particularly the high unemployment and poverty, which causes Palestinian workers to remain silent when they are exposed to violations of their rights at work, for fear of losing their jobs. These factors oblige workers to work in harsh conditions and in dangerous work environment. Moreover, the outbreak of Covid-19 had catastrophic effects on the situation of workers and employment. It led to dozens of male and female workers losing their jobs, because of the continuous closures and the enforcement of preventive measures in many sectors.

2. The weak role of the media. Since the outbreak of Covid-19 in the Palestinian Territories, the media focused on prevention mechanisms, and the necessary measures to protect citizens from the infection. Thus, the media did not highlight nor support issues related to occupational safety and health, but rather expanded the concept to public health.

3. The Palestinian political division, which has been ongoing for more than 15 years, has also weakened the overall economic situation and the conditions of workers. It has weakened the capacity of trade union representatives to confront employers, address violations of workers' rights, and led to the emergence of new trade union bodies created by the political division.

### Conclusions:

This report addressed and monitored violations of workers' rights related to occupational safety and health based on the dispositions of the Palestinian Labor Law and its by-laws, during the year 2020, which witnessed serious violations of rights that require urgent interventions;

- The year 2020 witnessed an increase in percentages of work injuries and deaths due to work accidents, particularly the Nuseirat incident that has shaken the Palestinian society for claiming the lives of innocent workers and citizens and seriously injured and caused the disability of dozens of people.
- Many employers continue to ignore their duty to fulfill occupational safety and health requirements as guaranteed by the Palestinian Labor Law and its by-laws, including non-provision of annual and periodic medical examination as stipulated by the Palestinian Labor Law.
- There is an absence of cases related to occupational diseases and compensations brought before Palestinian courts, especially in the Gaza Strip; in addition, the Ministry of Labor has not registered any complaints regarding this issue, although many workers suffer from symptoms that may have been caused by occupational diseases.
- The continuing lack of legal awareness among workers of the importance of occupational health and safety, on the one hand, or their inability to demand employers to provide occupational health and safety requirements because of their fear of dismissal. In addition to the weak role of trade unions to pressure employers to comply with the provisions of the law and regulations on occupational health and safety.
- The dire economic situation in Palestine, particularly in the Gaza Strip, which continues to cast a shadow over the monitoring and inspection system of the Ministry of Labor, both in terms of the shortage of inspectors and the lack of the necessary means and equipment for examination.
- The reality and circumstances resulting from Covid-19 global pandemic that have cast a shadow over the occupational safety and health system and changed the course of the system. There is an urgent need to seek health and preventive protocols and procedures to deal with this disease, and to enact a legal framework governing it.

### Recommendations:

The causes for the violations of rights described in the present report should be addressed. Therefore, we emit the following recommendations to each related party in order to achieve a safe and risk-free working environment.

#### 2. Recommendations for trade unions:

- We recommend to trade unions to activate their role in monitoring violations related to labor rights in general, and violations of occupational safety and health in particular. They should raise these violations to the attention of human rights institutions for follow-up and the Ministries of Labor for

ensuring accountability of employers violating the law.

- Unions should fulfill their duty in raising awareness among workers regarding the importance of complying with occupational safety and health standards, and to encourage them to submit complaints when their rights are being violated.

### **3. Recommendations for the Media:**

- The media should fulfill its duty of focusing on workers' issues and violations of their rights, and the lack of implementation of occupational safety and health standards. The role of the media should include several aspects, among them raising awareness, highlighting violations of workers' rights, addressing issues with official institutions and related rights-based organizations, and discussing the causes of workers' rights violations and solutions for reducing them.

### **4. General recommendations:**

- To intensify the efforts of all relevant bodies, such as the Ministry of Labor, trade unions and the Ministry of Health, in order to adopt a legal vision that considers Covid-19 as a professional disease, to issue ministerial regulations regulating it, to amend the list of occupational diseases and to include Covid-19 in it.

- There is a need for adopting a unified trade union law in Palestine, putting the affairs of existing trade unions in order, and empowering workers to join them, so that trade unions undertake their role in monitoring violations related to labor rights in general, and violations of occupational safety and health rights in particular, and put pressure on employers to provide a safe work environment. Unions shall make use of the expertise of human rights organizations, such as the Democracy and Workers' Rights Center, as well as put pressure for the establishment of occupational safety and health committees in workplaces that employ many workers and present high levels of risks at work.

- The necessity to activate law No. (3) of the year 2019, on occupational safety and health committees and supervisors, through determining the training institution, training materials, and the issuance of all required by-laws that are necessary for the implementation.

- We recommend to the Supreme Judiciary Council to establish specialized labor courts, and not limit itself to appointing specific judges that adjudicate labor cases. In addition, the Council should instruct courts to render their decisions within a reasonable amount of time, which should not exceed a year, with emphasis on the principle of accelerated enforcement in labor cases, particularly in cases of labor injuries.

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