



Annual Report

2017

The situation of labor and trade union rights, equality and non-discrimination in Palestine

Issued by Democracy and Workers' Rights Center in Palestine (DWRC), Palestinian Working Women Society for Development (PWWSD) and COSPE

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The Democracy and Workers' Rights Center
in Palestine



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equality and non-discrimination in Palestine**

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Executive summary

This report addresses violations related to labor and trade union rights, equality and non-discrimination in Palestine during the year 2017, and was based on data provided by a sample of relevant parties. The report indicates that violations of various labor rights continued unabated in 2017. In fact, based on monitored cases, the number of violations recorded increased, and included many violations related to trade union rights, inequality and discrimination.

The report combines a quantitative and qualitative research methodology. For quantitative data collection, it relied on the number of complaints and cases monitored by relevant parties, which cooperated in the preparation of the report. The report highlights findings reached based on the cases monitored and the views of concerned parties. It identifies the causes of violations, ways to address them and recommendations. In order to monitor the extent of violations of labor and trade union rights in 2017, the report was based on a questionnaire for data collection that included all labor rights guaranteed by law, and areas of violations related to these rights.

A total of 92,210 violations of workers' rights were monitored and documented based on consultations, complaints and cases that reached the organizations that contributed to this report. Most of these violations resulted from the non-respect of rights guaranteed by laws, as well as issues in legislation that lead to violation of rights, and the lack of adequate & effective legal protection.

Regarding trade union rights, a law by decree no 11 of the year 2017 organizing the exercise of the right to strike in the public sector was issued, which imposed

more restrictions on employees in this sector by prohibiting six categories of civil service employees from exercising this right. Additional measures affected public sector employees in the West Bank, who tried to exercise their right to organize and collective bargaining. In the Gaza Strip, the union law adopted by the de-facto authority in 2013 continued to severely restrict possibilities for exercising the right to organize, affecting also workers' ability to negotiate and enter collective agreements. The trade unions and organizations that participated in preparing this report monitored 12,109 violations of trade union rights and freedoms during the year 2017, among them depriving workers from forming union committees, depriving workers from union affiliation and/or conducting trade union activities, and depriving workers from entering collective agreements.

Workers in the Gaza Strip continued to suffer from a lack of equal rights due to the differences between the legislation applied in the West Bank and Gaza Strip. In particular, a statute of limitation of one year for claiming labor rights from the date of the termination of employment continued to be applied to workers in the Gaza Strip, whereas the statute of limitation is fifteen years in the West Bank. This affects Palestinian workers in the Gaza Strip negatively, as many courts dismissed cases and appeals before the Court of Cassation were refused on grounds that the statute of limitation had been exceeded. Another area, where workers in the Gaza Strip continued to be denied equal rights with their counterparts in the West Bank, concerned the implementation of the minimum wage. Despite the Labor Minister's decision in March 2017 on the necessity of its implementation in the Gaza Strip, the minimum wage decision remained unimplemented.

With regard to public sector employees, wage deductions affected employees in Gaza with no such action being taken in the West Bank. In addition, a law by decree no 17 of the year 2017 on early retirement for civilian public sector employees was issued. This law allowed the Cabinet to transfer any employee to early retirement, upon recommendation from the head of their governmental department, without specifying any criteria for the grounds on which employees would be transferred to early retirement. Therefore, the law failed to provide safeguards against discrimination.

In 2017, most prevalent violations of rights concerned the non-respect of the right to rest and leaves, with 17,789 cases monitored. The second most prevalent violation of rights was related to wages and related rights, with 16,650 cases of violations. Official statistics related to the implementation of the minimum wage in the West Bank also showed that the gender gap in the implementation of the minimum wage in the private sector continued to be extremely high, indicating clear discrimination against women in wages. We noticed in fact a slight increase of the percentage of women working in the private sector, who do not obtain the minimum wage, whereas the percentage of male workers continued to decrease. In the West Bank, 36.7% of women had not obtained the minimum wage compared to 12.7% of men in 2016. In 2017, 38.9% women wage workers did not obtain the minimum wage compared to 10.97% of men.

Working women are exposed to many other violations of their labor rights, including specific rights guaranteed to women by the Palestinian Labor Law. In 2017, 5,384 cases of violations of women's specific rights stipulated by the labor law were monitored, among them violations related to maternity issues, such as denial of the right to paid maternity leave, dismissal due to maternity, and non-respect of the breastfeeding hour by employers. This year, the organizations that participated in preparing this report also monitored violations related to sexual harassment at work or because of it.

As for young workers (aged 15 to 17 years), the report found that they are exposed to many violations of their rights and are oftentimes employed in situations that are prohibited by the law. Their need for work and earning an income is exploited, especially in the Gaza Strip. Many are.

Violations related to work contracts have been monitored as well, with 13,163 cases that concerned non-provision of written work contracts, renewal of fixed-term contracts after a period of two years, misuse of the probation period by employers, non-provision of bonuses stipulated in contracts, and disrespect of contractual obligations.

Workers were also exposed to numerous violations related to the work environment and occupational health and safety, with 11,459 cases monitored, including non-provision of health and safety procedures, non-provision of insurance against work injuries, non-provision of leaves, indemnities and treatment to workers exposed to work injuries.

With regard to the rights related to the termination of services, 8,880 violations were monitored, among them arbitrary dismissal, non-provision of a month's notice before dismissal or/and non-payment of severance pay and other indemnities, and non-issuance of a certificate of experience to the worker. Various forms of violations of these rights were monitored and documented. For instance, we noted that some employers continue to oblige workers to sign a document stating that they have obtained all their rights for previous work periods, threatening them of dismissal if they do not. Many workers sign such documents for fear of losing their jobs. Furthermore, in 2017, the Court of Cassation in the West Bank issued a decision regarding the calculation of indemnities for arbitrary dismissal that differs from the text of the related article of the Palestinian labor law and previous jurisprudence on this issue. This decision is detrimental to workers' rights.

There was no significant change in the root causes of violations of labor rights between the years 2016 & 2017. Gaps in legislation and lack of adequate legal protection continued to affect the realization of these rights. The process towards the adoption of a Palestinian law on union organizing continued to progress at a slow pace, while the union law adopted in Gaza in 2013 continued to be applied, although it does not respect international standards related to the right to organize. Due to the lack of deterrent penalties for contraventions of labour law dispositions, we noted that employers continued to violate labour rights in a substantial manner. The legislative framework also fails to provide legal protection for workers exposed to violence in workplaces, especially gender based violence. It does not provide a definition of discrimination, nor stipulate mechanisms to prevent it. In addition, the law does not stipulate reinstatement of dismissed employees in cases of arbitrary dismissal, and fails to provide adequate facilities for workers with family responsibilities.

In addition to aforementioned weaknesses of the legislative framework, workers and trade union representatives' insufficient ability to defend their rights remain one of the reasons that lead to violations, despite ongoing campaigns to raise workers' awareness of their rights and strengthen trade unions' role. Supervision and inspection by competent authorities remained insufficient, despite measures to improve the capacities of labor inspection in the West Bank, with no such action in Gaza. External factors also played a role in the perpetuation of violations of labor rights, among them the economic situation, especially high unemployment rates, social factors affecting women workers, and the political situation in Palestine, both in terms of the consequences of the internal division, and the effects of the Israeli occupying power's measures on the rights and living standard of Palestinians.

Introduction

During the year 2017, multiple violations of labor rights continued to be observed. In fact, it can be said that violations of these rights increased if we take into account the situation of governmental workers in the Gaza Strip, who suffered from deductions to their salaries or from stopping their payment, as well as violations of several human rights caused by the law by decree on early retirement, notably the right to work in the public sector, and the right to organize.

The figures indicated in this report confirm that there is hardly any labor right that it not violated by employers, whether this concerns trade union rights, the right to equality, the right to wages, working conditions, work contracts, leaves and vacations, or the rights resulting from the termination of employment contracts. Violations of these rights concern workers in the private sector and civil servants.

Methodology for elaborating the report:

This report combines a qualitative and quantitative approach. For the quantitative aspect, it relied on a data collection form, which is based on the number of complaints and cases submitted to the Democracy and Workers' Rights Center and the Palestinian Working Woman Society for Development as key organizations involved in the preparation of this report, as well as the governmental sector represented by the Labor Ministry and other civil society organizations represented

by a number of trade unions in different sectors.

In order to determine the extent of improvement or decline in abidance with labor rights, a comparison was made between the number of complaints received by the Democracy and Workers' Rights Center and the Palestinian Working Woman Society for Development in 2016 and 2017, as the organizations responsible for the preparation of this report and the most accurate in the documentation process.

On the qualitative side, quantitative data is supported by specific cases that have been documented about various forms of violations. The report briefly analyzes main findings through the number of cases collected and through the views of the concerned parties about the causes of violations, ways to address them, and recommendations.

Data collection form:

In order to monitor the scale of labor rights violations in 2017, the report was based on a data collection form that included all labor rights stipulated in Palestinian legislation, and areas of violations related to these rights.

Limitations of the report:

The report covers the year 2017. Organizations that contributed information constitute a representative sample of governmental and civil society organizations. The report encompasses data from the West Bank and Gaza Strip.

Difficulties and challenges encountered in the preparation of this report:

- Some parties did not cooperate in filling the questionnaires, and others delayed providing information
- Weakness of databases and documentation by organizations concerned with workers' issues, especially with regard to the documentation and classification of cases in accordance with the rights that have been violated.

Legal framework

Labor rights are among the most important human rights and are guaranteed by numerous international conventions and treaties.

The Universal Declaration of Human Rights stipulates in its article 23 that everyone has the right to work and protection from unemployment, as well as the right to equal pay for equal work without discrimination, the right to a just and favourable remuneration, the right to form and join trade unions for the protection of their interest. Article 24 stipulates that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Several international conventions ratified by the State of Palestine guarantee labor rights, including the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Discrimination against Women. Thus, the Palestinian Authority must comply with its obligations under these conventions, and take steps towards the progressive realization of human rights. It has the obligation to respect rights, by refraining from interfering directly or indirectly with their enjoyment, or curtailing them. It also has the obligation to protect individuals and groups against human rights abuses, i.e. take measures to ensure that third parties do not interfere with the enjoyment of the rights and comply with their obligations. It should ensure that legislations, policies and regulations governing these rights are adequate and effectively enforced, and that sanctions and appropriate penalties are imposed on third-parties in case of non-compliance. In relation to labor rights, third parties with obligations to abide with rights are primarily employers and enterprises. Finally, the Palestinian Authority has the

obligation to fulfill rights, i.e take positive action to facilitate the enjoyment of basic human rights and promote them.

The International Covenant on Economic, Social and Cultural Rights includes several articles that concern labor rights. Article 6 stipulates State Parties obligations towards the right to work. Article 7 guarantees the right of everyone to the enjoyment of just and favorable conditions of work, in particular remuneration, which provides workers with fair wages and equal remuneration for work of equal value, and a decent living to workers and their families, safe and healthy working conditions, equal opportunity for promotion in employment, rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. Finally article 8 of the ICESCR stipulates obligations of State Parties to ensure trade union rights.

As for the International Convention on Committee on the Elimination of Discrimination against Women (CEDAW), article 11 stipulates that “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, (...)”. This concerns the right to work, the right to the same employment opportunities, the right to free choice of profession, the right to equal remuneration, the right to social security, and the right to protection of health and safety. In addition, it stipulates that State parties shall take all appropriate measures to prevent discrimination against women on the grounds of marriage or maternity, including to prohibit dismissal on grounds of pregnancy and maternity.

In addition to the above-mentioned conventions, a wide number of international

labor conventions as well as non-binding recommendations have addressed various aspects of labor rights. Although the State of Palestine has not signed any of these conventions, they form an essential source for the development of national legislation. The ILO has identified eight fundamental conventions on subjects that are considered as fundamental principles and rights at work. These include two conventions on the right to organize and collective bargaining (Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and Convention 98 on the Right to Organise and Collective Bargaining of 1949), two conventions on the elimination of discrimination in employment and occupation (Convention No. 100 on Equal Remuneration, and Convention No. 111 on Discrimination in Employment and Occupation, and conventions for the abolition of child labor and forced labor.

In the Palestinian legislative framework, labor rights are guaranteed by the Basic Law and the Palestinian Labor Law no 7 of the year 2000, as well as specific legislation applicable to public sector employees and local authorities' employees.

Article 25 of the Basic Law stipulates that work is a right for every citizen, that work relations shall be organized in a manner that guarantees justice to all and provides workers with welfare, security, health and social benefits, that organization of unions is a right that shall be regulated by the law, and that the right to strike shall be exercised within the limits of the law.

The Palestinian Labor Law no 7 of the year 2000 is in line with most of the international principles related to labor rights. The law's provisions and its by-laws stipulate many rights for workers, which can be categorised as financial rights, such as rights related to wages, and moral rights such as those concerning leaves and vacations, working hours, and work circumstances.

Section I:

Violations of trade union rights and liberties, concerning the rights to organize, collective bargaining and strike



The right to organize is a constitutional right guaranteed by the Palestinian Basic Law of 2003 in the section on public rights and freedoms. This right is also guaranteed by the Palestinian Labor Law no 7 of the year 2000. Article 25 of the Basic Law stipulates that the right to organize is a right that shall be regulated by law, and that the right to strike shall be exercised within the limits of the law. The Palestinian Labor Law in its article 5 reaffirms that workers and employers have the right to form unions on a professional basis with the aim of protecting their interests and defending their rights. Article 3 of the law stipulates that although governmental employees and employees in local authorities are excluded from the scope of application of the law, their right to form their own unions is guaranteed.

Article 39 of the Palestinian labor law stipulates that it is prohibited to dismiss workers for being involved in trade union work or participating in union activities outside working hours and during work if the approval of the employer was obtained; it is also prohibited to dismiss workers for requesting to represent workers, for representing them currently or having represented them in the past. However, this protection is insufficient and does not apply to public sector workers.

Workers' right to strike to defend their interests is guaranteed by article 66 of the Palestinian Labor Law. As for governmental employees, the year 2017 has been marked by the introduction of further restrictions on the exercise of their right to strike. A new law by decree has been issued that prohibits six categories of public service employees from exercising this right, among them all governmental health staff with the exception of administrators^[1].

The situation of legislative vacuum in

[1] For more detailed information, you can refer to: Bilal Barghouthi, Case Study on the right to strike of employees in the public service in Palestinian Law, Democracy and Workers' Rights Center in Palestine, Ramallah, Palestine

[2] More details about this law were provided in pages 22-23 of the report issued by DWRC in 2016, and they can be summarized as follows: on 12/05/2013, the Legislative Council in Gaza (the Hamas parliamentary bloc) issued a new union law under no 2 of the year 2013 without engaging in any prior consultations with stakeholders. It entered in force one month after its issuance, and required all unions to abide with the law within 9 months. All recommendations for amendments submitted by DWRC and trade unions to the Legislative Council based on meetings and workshops with legislative council

the West Bank, in light of the fact that no Palestinian trade union law has been issued to this day, represents the biggest violation of trade union rights in Palestine. Although the State of Palestine has acceded to several international human rights conventions that guarantee the right to organize, this has not been translated yet by the Palestinian government and leadership into a genuine commitment to protecting this right, since the law on union organizing is still a draft law that is being elaborated at a slow pace. Although this law should constitute a high priority, many other laws were adopted in 2017, which are not considered priorities and for aims that did not achieve a consensus among Palestinian society, such as the contested law by decree on electronic crimes or the law for the higher criminal court.

In the Gaza Strip, the union law adopted by the Legislative Council (the Hamas parliamentary bloc) in Gaza in 2013^[2] did not achieve societal consensus, and failed to meet basic requirements for being in line with international standards on freedom of association and the right to organize. This law continues to form an obstacle to the exercise of the right to organize for many workers.

During the year 2017, 12,109 violations of trade union rights and freedoms were monitored by the organisations and trade unions that contributed to this report. 2,872 workers have been deprived from forming workers' committees or unions in 2017 (as per table 1.1. in annex 1). 2,799 workers have been deprived from affiliating to unions (as per table 1.2. in annex 1) and 2,713 workers have been deprived from undertaking union activities (as per table 1.3 in annex 1). As for deprivation from entering collective agreements, this has affected 3,725 workers in 2017 (as per table 1.4. in annex 1).

members and representatives of trade unions were ignored. The law was enforced even before a by-law was issued for its implementation. The by-law that was issued after about 3 month turned out to be copy of the by-law to the law for charitable societies no 1 of the year 2000, without any consideration for the specificities of trade union work. The law conferred competence to the Ministry of Justice on union matters, a competence usually assumed by the Labor Ministry. It also applies same provisions to professional associations and trade unions. The law forbids the formation of more than one union in each occupation, and requires the issuance of a license to a union before it can legally undertake activities. As a consequence, many unions formed before the law was issued, and which refuse to recognize its legitimacy, are unable to hold their general conferences.

In the West Bank, exercise of the right to organize and collective bargaining in the public sector faces severe obstacles:

- Employees in a governmental workplace decided to form a union, and all necessary preparatory steps were taken for its establishment. An establishing committee was formed, the internal statute of the union was prepared, a list of affiliates to the union was prepared, and the Ministry of Labor was informed. However, the employees were prevented from holding the union's establishing conference. On the day of the conference, as per the testimony of one of the establishing members of the union, three members of the establishing committee were summoned to the Minister's office. They were kept waiting until after working hours, and then were told that they were not allowed to form a union. At the same time, employees were summoned to a general meeting in their workplace, and were informed that they were not allowed to establish their union. They were prohibited from leaving the premises, even through a personal leave request.

- While the State Universities and Colleges Employees' Union was mobilizing to submit demands for improving members' labor rights, a letter was addressed on 27/11/2017 by the Minister of Labor to the Minister of Education indicating that the State Universities and Colleges Employees' Union is not certified by official decision from the Ministry of Labor, and should be dealt with caution. However, the

Union has always deposited required documents with the competent department at the Ministry of Labor, which is the labor relations department. When elections take place, a representative of the competent department attends to supervise the electoral process and make sure that it is legally valid. The competent department reaffirmed repeatedly that it is competent, since it is the party with whom the internal statute of a union must be deposited. From the date of the union's establishment and during its many meetings with the competent department, it had never been informed that it was considered an illegal entity.

Furthermore, the Attorney General issued a letter to the Minister of Education stating that employees in governmental universities and colleges are not subject to the Palestinian labor law, and that they thus do not have the right to join a union, that their union is an illegal entity and that they will be held to account. It should be noted that the Palestinian labor law did not exclude public sector employees from the categories of workers, who have the right to form their own unions. This right has been expressly stipulated in article 3 of the law. In addition, article 67 of the Labor Law concerning strikes also applies to them, as reaffirmed by the law by decree no 11 of the year 2017 on the exercise of the right to strike in public service in its article 2.

In the Gaza Strip, workers are prevented from forming workers' committees in workplaces, joining unions, undertaking union activities and collective bargaining:

- In the Gaza Strip, members of the General Union for Health Service Workers employed in three health organizations have been denied the right to form workers' committees in their workplaces. If they attempt to take any steps to form workers' committees, the administration of these organizations exerts pressure on them and intimidates them. The organizations' administrations also implement arbitrary transfer campaigns against employees if they ask to establish workers' committees. In some cases, there have been threats of dismissal, although international conventions related to the right to organize have guaranteed workers' right to form unions, a right stipulated by the Palestinian labor law and union laws applied in the Gaza Strip.

- With regard to the right to join unions, complaints from dozens of female and male workers have been monitored in various sectors in the Gaza Strip (health, kindergartens, hairdressers, companies, factories, etc), who are deprived by the administration of their organisations or employers from affiliating to any existing unions representing these categories of workers in Gaza. They are monitored by employers, dealt with arbitrarily and threatened with dismissal for merely entertaining the thought of affiliating to unions in the sectors, where they work. If the employer can confirm that employees have become a member of an existing workers' organization, they are dismissed from work under false pretexts and reasons that are not legally valid. By following up these cases, we found that female and male workers are hesitant to join unions, and it is very difficult to recruit them as affiliates. Some unions have been working on recruiting new members outside working hours and observe great secrecy, fearing that workers will otherwise be dismissed from their jobs.

- Another issue faced in the Gaza Strip is that female and male workers, who have formed workers' committees

and are affiliated to unions registered as per the law, are prevented from exercising any union activities. Some union members have been harassed and threatened by security forces. In some organizations, the administration withdrew its recognition of the workers' committee, accused them of not being legitimate committees and thus forbid them from undertaking any union activities, whether they are awareness activities, or activities related to recruiting members or discussing issues that concern workers in the organisation. Some organizations have dissolved the workers' committee, although members of the board of directors attended elections for the committee, congratulated workers on taking this step and promised to provide support to enable it to succeed. Subsequently, workers discovered that these committees have been dissolved and that new committees, which are not approved by employees, had been formed to replace them with the knowledge of the board of directors.

- In light of infringements of the right to organize, prohibition from exercising this right, withdrawal of the recognition of workers' committees by some employers and dissolution of these committees by others, in addition to harassment and arbitrary transfer of unionists for undertaking union activities, talking about the possibility for these workers' committees and unions to engage in dialogue sessions and collective bargaining with employers or governmental policy-makers has become a very difficult matter. This affects negatively the possibility of elaborating any collective work agreements to affirm some rights or to improve work conditions and circumstances. It places workers at the mercy of employers. The weakness of the labor inspection of workplaces is also a contributing factor, as evidenced by the follow-up of complaints monitored by DWRC concerning organizations, factories, companies and service sectors.

Section II:

Violations of the right to equality, women and young workers' rights



The Palestinian Labor Law and its by-laws include provisions aiming at providing specific protection to women and juvenile workers, as well as guaranteeing the right to equal opportunities and prohibiting discrimination.

2.1. Violations of working women’s rights

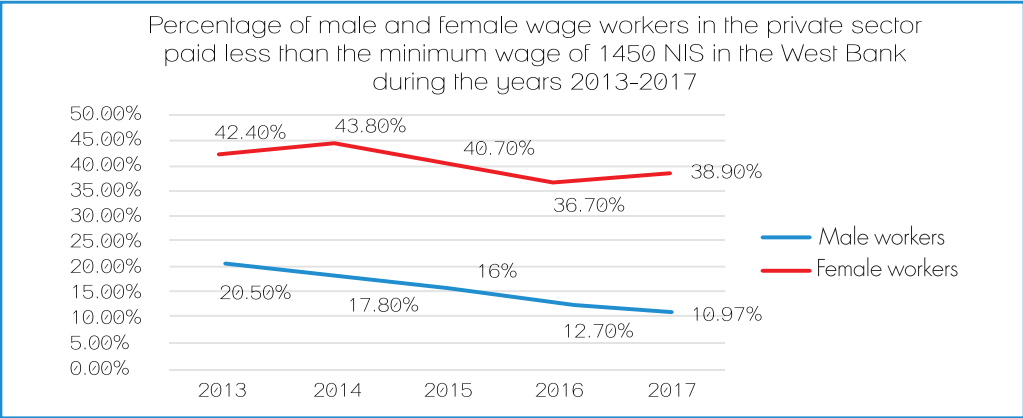
While women workers are guaranteed all labor rights guaranteed to men, they also have specific rights stipulated in section VII of the Palestinian Labor Law, which concern prohibition of discrimination between men and women, and rights related to maternity. 5,384 violations of these rights were monitored by the organizations that contributed to this report in 2017, including 963 contraventions of articles 100 to 106 of the Labor Law monitored by the Ministry of Labor.

2.1.1. Violations of the right to equality between women and men

In addition to the principle of equality stipulated by article 2 of the Palestinian Labor Law, which says that “work is a right for every citizen, and the Palestinian Authority works to provide it on the basis of equal opportunities without any form of discrimination”, article 100 of the Labor Law stipulates that discrimination between men and women is prohibited.

Despite these clear legal dispositions, there are many violations of rights related to discrimination between men and women at work, in particular in the area of wages, as women workers are paid less than male workers, in addition to the fact that men occupy higher positions than women in some private establishments. According to PCBS statistics, the average daily wage of women workers in 2017 reached 94.6 NIS compared to 129.3 NIS for men^[3]. Thus, women wage workers in the private sector were paid 73% of men’s wages.

The wage gap between women and men also appears clearly, when examining trends concerning the implementation of the minimum wage in the West Bank. In 2013, when the minimum wage started being applied, 42.4% % of female wage workers in the private sector obtained wages lower than the minimum wage, compared to 20.5% of male wage workers. In 2017, 38.9% of female workers were still being paid less than the minimum wage, compared to 10.97% of male workers. While the percentage of male workers paid less than the minimum wage decreased by half during these five years, and was much lower from the beginning, the percentage of female workers remained very high. Furthermore, women workers paid less than the minimum wage in 2017 were paid on average only 950 shekels, i.e. 65.5% of the minimum wage, whereas male workers were paid on average 1,185 shekels, i.e. 81.7% of the minimum wage. Women’s wage losses are thus higher than men’s wage losses.



Source: Percentages calculated based on data from PCBS’s Annual Labor Force Surveys for the years 2013 to 2017 about number of wage workers paid less than the minimum wage and average monthly wage in NIS

(3) Palestinian Central Bureau of Statistics, 2018. Palestinian Labour Force Survey: Annual Report: 2017. Ramallah - Palestine.

In 2017, organizations and trade unions that contributed information to this report monitored 2,093 violations of the right to equality in wages and work circumstances between male and female workers (see table 2.1.1. in annex 1).

In the Gaza Strip, through DWRC's monitoring of cases concerning wages, we noted that most sectors, where low wages are paid, employ women workers, particularly the beauty and hairdressers sector, and the kindergarten sector. Dozens of women workers in these sectors have submitted complaints stating that they have been working for years for wages that do not reach 10% of the minimum wage, i.e from 100 to 200 NIS per month, which is not enough to meet workers' daily needs. Through field follow-up, it appeared that these workers are university graduates and come from large families, with at least one family member suffering from diseases. Thus, employers are exploiting their need to work by violating their right to fair wages. Hence, women workers have demanded many times the implementation of the minimum wage decision.

In 2017, DWRC also monitored a case in Gaza concerning about 12 teachers in a private school, whose employer had been required by the Labor Ministry to sign work contracts for a monthly wage of 1,020 shekels. In the complaint they submitted to DWRC, the workers indicated that despite having work contracts approved by the Labor Ministry, the employer only paid them 500 shekels, which they accepted due to their fear to lose their jobs. When the employer requested decreasing their wages to an even lower amount, they submitted a complaint. DWRC has also adopted some cases for female workers dismissed from their jobs, because they had submitted a complaint, and refused to work for low wages that violate the work contract approved by the Labor Ministry.

2.1.2. Violations of rights related to maternity

Article 103 of the Palestinian labor law stipulates that women workers have a right to a ten week paid maternity leave, provided they have been employed for a period of

180 days before giving birth. It prohibits the dismissal of women workers due to the maternity leave, except if it is proven that the worker has been employed in another job during the leave. Article 104 of the law also grants a breastfeeding leave to women during working hours for one hour per day during a period of one year after giving birth. This leave is to be counted as part of working hours. Article 105 of the labor law also gives the possibility to women workers to obtain a one year leave without pay to care for her child or accompany her husband, but this is conditioned by the interests of work (i.e. it can be refused by the employer).

According to PCBS statistics, only 35% of women workers in the private sector obtained a maternity leave in 2017^[4]. Organizations and trade unions that contributed to this report monitored 1,322 cases of lack of abidance with providing a paid maternity leave (see table 2.1.2.1.), as well as 802 cases concerning termination of work due to maternity, which is prohibited by the law (see table 2.1.2.2.) and 1,219 cases of lack of abidance with providing a breastfeeding leave (see table 2.1.2.3.). Thus, a total of 3,343 cases of violations of maternity rights were monitored in 2017.

Complaints submitted by female workers to DWRC or trade unions in the Gaza Strip indicate that they are deprived of their right to a breastfeeding hour, and that their children stay in places that are far from their mothers due to the absence of daycare facilities in workplaces. Only women employed by civil society organizations are able to leave their work one hour earlier. Women working in factories and private companies do not benefit from their right to a breastfeeding leave. Children are left in the care of their father, or older siblings, or grandmother or another relative. Follow-ups on the matter have shown that most of these children do not benefit from breastfeeding anymore. Their mothers have to weane them and feed them powder milk due to their work and the lack of supportive arrangements.

In Ramallah, a female worker employed by a private school requested from the school's administration to take her breastfeeding

[4] Ibid

leave one hour before the end of the working day. Her request was refused and she was informed that she could take her breastfeeding leave of one hour at the time decided by the school owner. The school owner continued to violate the employee's right to this leave, as he decided to cancel her breastfeeding leave during Ramadan. The employee requested advice on the matter. Interpretations of article 104 of the Palestinian labor law concerning the breastfeeding leave state that the breastfeeding hour is a right of the baby and not the mother, and thus that the mother is the one who knows when her baby needs to be fed.

2.1.3. Sexual harassment in workplaces or due to work

In 2017, 307 cases of sexual harassment were monitored by the organizations and trade unions that contributed data to this report (see table 2.1.3. in annex 1). This is significant, as sexual harassment is usually not spoken of for cultural reasons and for fear that blame will be placed on the victim instead of the perpetrator. Women's need for work and their vulnerability (their reluctance to report any physical violations they may be exposed to) is exploited by some employers.

One of the cases monitored during the year 2017 concerned a female worker (S.A.) employed by a kindergarten in the Gaza Strip for seven years. The worker resigned from her job, because she was subjected to verbal harassment by a male colleague at work. She did not submit a complaint against this colleague to her employer in order to safeguard her reputation, and gave her health situation and need for rest as a reason for her resignation.

Another case concerned a female worker employed by an organization in the West Bank, harassed by a male colleague at

work. The administration of the organization referred back to the Palestinian Labor Law to initiate sanctions against the male worker based on the law, but could not find any sanctions being stipulated in such cases. The administration was unsure about the kind of sanction that can be taken against the worker. This happens in many organizations, which do not address the issue of harassment in their internal regulations and have not stipulated any sanctions regarding this matter.

Based on the cases that have been monitored by DWRC regarding violations of rights related to sexual harassment in workplaces or because of work, it appears that the legislative gap in criminalizing sexual harassment, the non-adoption of a Palestinian penal code, and the lack of dispositions in the Palestinian Labor Law addressing this violation of rights, may constitute a main cause to the increase of such violations. Penal codes currently applied in Palestine are weak and old laws, which do not address the needs of a modern society. There is a clear need for the adoption of a penal code that will impose deterrent sanctions for harassment in all its forms, and that would not place the burden of proof on victims of such violations, even when harassment is verbal.

The number of women, who have been subjected to sexual harassment in the workplace, is likely much higher than monitored, but women refrain from filing complaints to official bodies owing to the absence of an adequate legal framework and deterrent sanctions for the perpetrator. Women also need to prove that the violation has taken place, and this is very difficult, especially when sexual harassment is verbal, or consists of sexual allusions.

2.2. Violations of young workers' rights

In line with international conventions and standards, the Palestinian Labor Law set the minimum working age at 15 years, and stipulated specific conditions for the employment of children aged over 15 years (hereafter designated as juvenile workers). Article 94 stipulates that a medical examination should be undertaken, before juvenile workers start working, and should be repeated every 6 months. The organizations and trade unions that contributed to this report monitored employers' failure to conduct medical examinations for 2,493 juvenile workers (as per table 2.2.1. in annex 1). This number does not include data from the Ministry of Labor, which reported that legal consultations were provided to 413 juveniles concerning articles 93 to 99 of the Labor Law, i.e the articles of the law that prohibit the employment of children under 15 years, and define work conditions for juvenile workers, including medical examinations, limitation of daily working hours, and annual leave.

Article 95 of the labor law also prohibits the employment of juveniles in occupations that are dangerous or harmful to their health, as well as in night work (between 6 p.m. and 6 a.m.), or during official and religious holidays, or overtime hours, or in places that are remote or far away for inhabited areas and those that require changing place of residence. Organizations and trade unions that contributed to this report monitored 260 cases of employment of juveniles in situations prohibited by the law in its article 95 (as per

table 2.2.2. in annex 1). They also monitored 1,600 cases of juveniles employed for longer working hours than permitted by the law (as per table 2.2.3. in annex 1). Article 96 of the Labor Law stipulates that the working hours of juveniles should be reduced by at least one hour daily, and that juvenile workers should not work more than 4 hours on a row and have breaks during work totaling at least one hour. Finally, they monitored 1,193 cases of juvenile workers, who do not obtain annual vacations as stipulated by article 97 of the Labor Law, which should be of three weeks per year and cannot be postponed (as per table 2.2.4. in annex 1).

In the Gaza Strip, in the context of high poverty and the increase of unemployment, juveniles' need for work and an income is exploited. Many are employed in dangerous occupations and in night work, and in other situations that are prohibited by the law, as well as being paid very low wages. Employers do not undertake any procedures or give any indications that juveniles are employed by them. They are smuggled out of the workplace, when the labor inspection department undertakes inspection visits. In many cases, working hours of juveniles are not specified and they are not reduced by employers as required by the law, while young workers do not dare to request an improvement of their working conditions with regard to working hours. Juvenile workers do not obtain any paid annual vacations, and any day of absence is deducted from their weekly wage, which is already low. They have no knowledge about their rights to leaves and vacations.

Section III:

Violations of rights related to work contracts

A large, stylized number '3' is the central graphic element. It is rendered in a dark teal color with a thick, light blue shadow or outline that follows its curve. The '3' is positioned in the lower half of the page, partially overlapping the white background and the teal decorative elements. The overall design is clean and modern, with a focus on geometric shapes and a limited color palette of teal and light blue.

3

3.1. Violation of workers' right to written contracts

A work contract is considered the source of the contractual relationship between a worker and an employer, particularly as it shows the obligations of both parties in terms of wages and related matters and any rights and obligations they agree upon. The presence of written and organized work contracts in line with the law is one of the main rights, which are not being discussed. While article 24 of the Palestinian Labor Law authorized oral work contracts in order to protect workers in case employers deny having a contractual relationship with them, a written work contract constitutes an important element of proof in the hands of workers if they have to prove their rights towards their employer.

Article 28 of the Labor Law stipulates that “the work contract shall be drawn up in Arabic, as well as include basic terms and conditions of work, especially the salary, type of work, location and duration, and shall be signed by both parties. A copy thereof shall be given to the worker”.

3,639 cases of absence of written work contracts were monitored by the organizations and trade unions that contributed to this report (see table 3.1. in annex 1), while the Labor Ministry does not monitor such cases as it does not consider absence of written contracts as a violation of rights. There was a significant increase of the number of complaints received by DWRC and PWWSD concerning the absence of written work contracts between 2016 and 2017, from 950 to 1610 for DWRC and from 5 to 253 for PWWSD.

DWRC's monitoring of the issue of written work contracts in the Gaza Strip has indicated that employers actually convince their employees that they cannot submit complaints to the Center or a court of law to claim their rights due to the absence of written contracts proving an employment relationship. In consequence, there is an urgent need to raise workers' awareness

of the fact that written work contracts disclose their rights and facilitate proving the existence of an employment relationship, but that their rights are guaranteed by the Palestinian Labor Law even in the absence of such contracts, and that the law allows to use all mechanisms of proof in front of courts, among them the testimony of witnesses.

3.2. Renewal of fixed-term work contracts after two years of employment

Article 25 of the Labor Law stipulates that fixed-term work contracts with the same employer cannot exceed a period of two years, including when they are renewed for two consecutive years, after which they become open-ended contracts. However, some employers continue to renew fixed-term contracts after two years. In such cases, if the employer terminates the work contract without a valid reason, workers are entitled to compensation for arbitrary dismissal.

2,992 cases of renewal of fixed-term contracts after two years of employment were monitored by organisations and trade unions (see table 3.2. in annex 1), whereas the Ministry of Labor does not monitor such cases as it does not consider them as a violation of rights. An increase of the number of cases monitored by DWRC was noted between 2016 and 2017, from 1,276 to 1,340 cases, whereas the number of cases monitored by PWWSD increased from 3 to 31.

In the Gaza Strip, many cases have been monitored of renewal of fixed term contracts on an automatic basis year after year, sometimes over a period of ten years and more. In such cases, workers are denied some rights that are granted to workers on open-ended contracts, and this has been noted in factories, workshops, construction companies, municipalities, and the electricity company. When workers' employment is terminated, employers also fail to pay end of service indemnities.

3.3. Misuse of the probation period by the employer

Article 29 of the Palestinian Labor Law stipulates that a probation period of three months can be included in the work contract and shall not be repeated more than once with the same employer. During the probation period, the employment relationship can be terminated by the employer or the worker without prior notification. Some employers are misusing the purpose of the probation period by renewing it without any reason. Some employers also deal with the probation period, which may reach up to 6 months, as a period that is not included in the employment period for the purpose of calculating end of service indemnities or any other rights related to the period of work, such as compensation for arbitrary dismissal and length of vacations and leaves.

2,109 cases related to misuse of the probation period were recorded in 2017. A significant increase of the number of cases registered by DWRC was noted, from 10 cases in 2016 to 270 cases in 2017, whereas PWWSD registered 10 cases in 2017 compared to none in 2016.

In the Gaza Strip, probation periods are often renewed to reach 6 months, after which workers are not confirmed in their jobs and are not paid any of the rights arising from their employment period. It has also been noted that employers have failed to pay workers the agreed-upon wage during the probation period, asking female and male workers to work for half their salary during that period under the pretext that it is a “probation period” and that full wages will be paid to them when they are confirmed in their jobs. This has been monitored in various types of workplaces, in companies, factories, kindergartens, beauty salons, and civil society organizations.

3.4. Non-respect of salary raises agreed upon in the work contract or stipulated in the establishment’s regulations

The Palestinian Labor Law guarantees a minimum level of rights, and any additional rights and benefits agreed upon in the work

contract or stipulated in the administrative regulations of an establishment are binding for the employer. Thus, failure to respect them constitutes a violation of labor rights. 3,118 cases of non-respect of salary raises agreed upon in the work contract or stipulated in the establishment’s regulations were monitored by organisations and trade unions (see table 3.4. in annex 1).

3.5. Non-respect of contractual obligations

In principle, employers should respect all terms and conditions of the work contract, including those related to work location, work type or nature. Article 31 of the Palestinian Labor Law stipulates that workers are not obliged to work in a location other than the one agreed upon in the work contract, if this leads to changing their place of residence. Article 32 of the law stipulates that a worker may not be required to undertake work that differs from the nature of the work agreed upon in the work contract, except if necessary to avoid an accident, or in case of force majeure, and this should be of a temporary nature not exceeding 2 months. Article 42 of the Labor Law reinforced these obligations on employers, by giving workers the right to quit their job and retain all related rights if the employer commits specific contraventions, including those mentioned above.

A female worker (N. F.) from the Ramallah governorate, who used to work for a media company, submitted her resignation due to a modification of her job description, which had been included in the work contract. She requested her rights upon ending her employment, including her severance pay, compensation for pending annual vacation days, a certificate of work, and other rights stipulated by the labor law such as pay for overtime hours, which the employer had failed to provide.

In the Gaza Strip, monitoring of rights’ violations by DWRC and trade unions indicated that employers fail to respect all terms and conditions of work contracts, in particular with regard to the employment period. The employment relationship is terminated in an arbitrary manner without consideration for contract terms or the

notification period, under the pretext that work is slow and that the employer does not need a big number of workers. Employers also fail to notify the Ministry of Labor, which may check that the employer is actually facing losses. Employers also force workers to accept a reduction of their wages or to leave their work under the same pretexts. After wages have been reduced, workers are dismissed and their rights to end of service indemnities are calculated based on their last wage before courts. This has become common practice in many workplaces in the Gaza Strip.

Section IV:

Violations of the right to wages and related rights

4

Wages are the main component of a work contract, and failure to pay wages changes the nature of such a contract. Wages include monetary and material compensations for undertaking the work required from an employee. It is a fundamental responsibility of the employer to pay them.

Article 81 of the Palestinian Labor Law stipulates that workers continue to be entitled to their wages if they are present in the workplace and are not undertaking any work for reasons related to the establishment. However, many establishments deny workers their wages when they reduce work for reasons that relate to them and not their employees. Article 82 of the Labor Law specifies that workers' wages should be paid during working days and at the workplace, at the end of each month for monthly-paid workers and at end of each week for workers paid by piece, by hour, by day or weekly. Wages should be paid no later than 5 days from the day they are due. Article 83 of the Labor Law specified the cases, in which it is allowed for employers to deduct money from workers' wages. These include implementation of a final court decision, any advance payment that should be reimbursed to the employer on the condition that the deduction does not exceed 10% of the basic salary, fines imposed on the worker based on the labor law and its by-laws. Any deductions for advance payment and fines should not exceed 15% of the worker's basic salary. Article 89 of the Labor Law stipulates that a workers' wage shall not be lower than the legally defined minimum wage. Cabinet decision no 11 of the year 2012 set the minimum wage at 1450 NIS per month, 65 NIS per day for casual day-wage and seasonal workers, and 8.5 NIS per hour. Article 68 of the Labor Law stipulates that ordinary working hours per week should not exceed 45 hours. Article 71 stipulates that employers and workers can agree to overtime hours that should not exceed 12 hours per week, which shall be paid 1.5 times the normal hourly rate. Many employers do not pay workers for their overtime hours as per stipulated rate.

In 2017, many violations of the right to wages were monitored, as detailed below.

In addition to 1,362 cases monitored by the Labor Ministry concerning various violations of rights related to wages, organizations and trade unions that contributed data to this report monitored 1,330 cases of failure to pay wages (see table 4.1. in annex 1), as well as 3,776 cases of failure to respect the minimum wage (see table 4.2. in annex 1), 2,054 cases of delays in payment of wages (see table 4.3. in annex 1), 1,813 cases of deduction from wages or decrease of wages that is not legally justified (see table 4.4. in annex 1), 3,210 cases concerning non-payment of wages on days the establishment is not operational for reasons specific to the employer (see table 4.5. in annex 1), and 3,105 cases of violations of rights related to payment of overtime hours (see table 4.6. in annex 1). In total, 16,650 violations of rights related to wages were monitored during the year 2017.

When comparing figures for 2016 and 2017, a significant increase of the number of cases of violations of rights related to wages was noted. In 2016, DWRC monitored 154 cases of failure to pay wages compared to 670 cases in 2017, whereas PWWSO registered 9 cases in 2017 compared to 6 in 2016. The number of cases of failure to pay the minimum wage monitored by DWRC increased from 1,412 cases in 2016 to 1,880 cases in 2017. A clear and significant increase of cases of delays in payment of wages was noted between 2016 and 2017, as DWRC registered 766 cases in 2017 compared to 291 cases in 2016, whereas the number of cases monitored by PWWSO increased from 3 in 2016 to 31 in 2017. The number of cases of failure to pay overtime hours registered by DWRC increased from 1,310 cases in 2016 to 2,260 cases in 2017.

In the Gaza Strip, despite a decision issued by the Ministry of Labor in March 2017 regarding the necessity to work on implementing the minimum wage, the minimum wage has not been enforced. In the kindergarten and beauty salon sectors, there are female employees working for a monthly wage of a 100 shekels. In the West Bank, many cases of non-implementation of the minimum wage have been monitored for female workers in private schools, kindergartens, garment and textile sector,

shops and as secretaries. Some workers in the kindergarten sector are not paid more than 800 shekels although they have a BA degree.

Among the cases documented, female employees of a clothes shop in Ramallah submitted a complaint to DWRC concerning the non-payment of the minimum wage and deductions from their wages on religious and official holidays.

In the Gaza Strip, some employers delay payment of wages to workers for long periods of time, in violation of provisions of the law. Several sectors suffer from delays in payment of wages, including 750 female and male sanitary workers in public hospitals. They do not obtain their wages on a regular basis, and get paid one month salary every three months. The same situation applies to many organisations and companies suffering from financial deficits, as per their reports to the Ministry of Labor. They owe significant amounts of money to their employees and refuse to enter in a dialogue with them about this issue and schedule their repayment. They also threaten them of dismissal if they protest against any decision in this regard. There are dozens of cases regarding non-payment of wages by employers, which workers have been obliged to file in courts to reclaim their wages.

One example of such cases is a worker in Gaza with a motor disability, who had been employed by an organization as a photographer for 4 months for a monthly

wage of 400 USD. The organization failed to pay his wages for the last 2 months, despite the worker's repeated requests. The worker filed a complaint with DWRC and said that he needs this amount as he has no other source of income. The same organization has also delayed payment of wages for about 20 employees, 7 of them women.

Due to recurrent power shortages for long hours, employers oblige workers in some of the big factories to remain at the workplace and wait for the electricity to come back without paying workers any wages for waiting time. They only pay for hours and days of actual work, although lack of work is due to the employer.

Through DWRC monitoring of various workplaces, we also noted that official working hours and overtime hours are not specified. Dozens of workers in factories and construction sites do not have specific limitations to working hours, and workers are not paid any wages for overtime hours. If the workers refuse to work overtime, they are dismissed.

In Ramallah, a female worker employed as a secretary at a medical center used to work from 8:30 a.m. to 3:00 p.m. and from 6:30 p.m. to 8:00 p.m., for 6 days per week. When she requested payment of her overtime hours, she was dismissed by her employer. Any working hours over 45 hours per week are considered overtime hours, for which the worker is entitled to extra pay as was the case here.

Section V:

Violations of the right to a rest period, leaves and vacations



While the Ministry of Labor monitored 1,133 cases of contraventions to the law related to article 68 to 73 of the Palestinian labor law, which concerns working hours, rest period, overtime and weekly rest, organisations and trade unions monitored 3,695 violations of the right to a rest period during working hours, as stipulated in article 70 of the Palestinian labor law (as per table 5.1. in annex 1). They also monitored 2,011 violations of the right to a paid weekly leave, which should be no less than 24 hours as per article 72 of the labor law (as per table 5.2 in annex 1). It should be noted that there was a significant increase in violations of the right to a rest period during working hours recorded by DWRC, from 1,310 cases in 2016 to 2,210 in 2017.

The Palestinian Labor Law guarantees a paid annual leave of at least 14 days, a paid sick leave of 14 days at full pay and 14 days at half pay, an emergency leave (deducted from the annual leave), a labor education leave (called cultural leave), a pilgrimage leave, and a paid maternity leave of 10 weeks. Any additional leaves that are included in the internal regulations of establishments must also be observed as per article 6 of the Labor Law. These may include paternity leave, study leave, and leave without pay.

As per national statistics, only 21.8% of wage workers in the private sector obtained paid annual leaves and 21% a paid sick leave^[5].

Organisations and trade unions that contributed information to this report monitored 1,618 violations of the right to paid official and religious holidays (as per table 5.3 in annex 1), 2,235 violations of the right to paid annual leave, emergency leave and bereavement leave (as per table 5.4. in annex 1), as well as 2,246 cases of violations of the right to paid sick leave (as per table 5.5. in annex 1), and 4,860 violations of the right to a labor education leave (as per table 5.6. in annex 1). We noted a significant increase of violations of the right to paid annual leave, emergency leave and bereavement leave, as 1,237 cases were recorded in 2017 by DWRC compared to 872 cases in 2016.

In the Gaza Strip, figures about violations of rights monitored by DWRC and trade unions that contributed to the report indicate that there are serious issues in many workplaces concerning all types of leaves and vacations. Female and male employees in factories, companies, workshops, construction sites, kindergartens, hairdressers, and some health sectors do not obtain annual vacations, official holidays, or labor education leave, which employees have to take at their own account if they want to benefit from any training courses to develop their skills. For most participants in DWRC training courses in 2017, employers deducted the days of course attendance from their wages. The situation is the same regarding specific leaves for women and other types of leaves. Workers lose their right to ask for these vacations or financial compensation. For annual vacations, compensations can only be requested for vacation days due in the last two years. Thus, we monitored dozens of cases of workers, who were employed more than ten years without obtaining any annual vacations during that period, and for whom compensation could only be requested for two years in the cases adopted by DWRC.

In the West Bank, complaints from female and male workers from various sectors, submitted to DWRC after their employment ended, indicate that they had been required to work on official and/or religious holidays, without compensation. This was the case notably for workers in a clothes shop, a private hospital and a consultancy company.

[5] Ibid footnote 2

Section VI:

Violations of rights related to the work environment and occupational safety and health



The Palestinian labor and its by-laws stipulate specific obligations for employers to protect the safety and health of workers, including provision of protective tools from work hazards and occupational diseases, ensuring that health requirements are met in workplaces, providing first aid means, preliminary and periodical medical examination, insurance against work injuries, etc. Despite a comprehensive legal framework, many violations of rights related to occupational safety and health have been monitored during the year 2017. While the Ministry of Labor monitored 827 cases of contraventions of articles 90 to 92 of the Labor Law that concern the work environment and occupational safety and health, and 605 cases of contraventions of articles 116 to 130 of the Labor Law that concern all matters related to work injuries and occupational diseases, organisations and trade unions monitored 2,839 cases of non-provision of safety and health procedures (as per table 6.1. in annex 1), 3,121 cases of failure to insure workers against work injuries (as per table 6.2. in annex 1), 1,191 cases of failure to provide a leave for recovering from a work injury (as per table 6.3. in annex 1), 541 cases of failure to provide compensations for work injuries (as per table 6.4. in annex 1) and 1,731 cases of failure to pay medical expenses for work injuries (as per table 6.5. in annex 1). In total, 10,855 violations of rights related to occupational safety and health and work injuries were monitored in 2017.

There has been a significant increase of the cases monitored by DWRC regarding non-obtention of compensations for work injuries, from 40 in 2016 to 540 in 2017.

The situation of occupational safety and health rights in the Gaza Strip:

Figures regarding violations of rights related to work environment and occupational safety and health procedures, and follow-up and monitoring by DWRC and trade unions throughout their activities during the year 2017, indicate that there is a general problem with the work environment, in particular regarding the provision of most basic requirements as per decisions and directives issued by the Cabinet. Thus,

in many workplaces, such as factories, workshops, construction sites, health sector, beauty salons, and kindergartens, workers are unable to realize their right to have a designated space for changing their clothes, or for eating and drinking in the workplace. They also lack access to water or first aid kits. They thus lack the most minimal levels of protection.

Available statistics also show workers' lack of legal literacy regarding their right to preliminary and periodical medical examinations. These are not practiced in the Gaza Strip, and workers do not have any information about them. They do not undergo any examinations during their employment period, even when it reaches up to 10 or 15 years. Thus, there have been no complaints filed by workers since the issuance of the Palestinian Labor Law in 2000 to obtain compensations for an occupational disease. In the absence of any medical examinations that could be used as evidence, it is extremely difficult to prove the employer's responsibility and that the disease has been caused by work. Workers do also fail to obtain vaccinations that may be required.

When work injuries occur, workers do not know that they are entitled to a leave until they are fully recovered. Many workers are required by the employer to come back to work after a short period (a week or two, or a month). Some workers have returned to work, while they are still wearing a cast. According to their testimonies, the employer asks the worker to come to the workplace to spend time with colleagues or undertake some basic tasks (make tea, clean) until he gets better. During this period, increasing pressure is exerted on the worker until he returns to his normal work routine despite his health condition, which may have worsened due to work undertaken. This appears in many workplaces, in particular those where strenuous physical work is required, such as construction sites, metal work, painting, as well as kindergartens, and beauty salons.

Figures also indicate that workers injured on the job do not obtain compensation for medical care, while they undergo treatment for their injuries. Thus, workers have to pay

for any required medical procedure, including x-rays, medical report, and transportation. Insurance companies or employers do not give any advance payment to the worker during this period. Courts have refused any requests for a decision regarding an urgent advance payment, because this is not covered by legal dispositions. Thus, workers have to borrow money to pay for their medical care, and then wait until all compensations have been calculated by the Labor Ministry, a case filed and compensations obtained years later.

Section VII:

Violations of rights related to sanctions against workers

7

Whereas the provisions of the work contract are compulsory for both parties, the Palestinian labor also includes a number of obligations that employers can impose on workers, and has allowed employers to impose sanctions if they fail to fulfil them. However, the law has set specific conditions to protect workers from arbitrary sanctions. Thus, employers can only take disciplinary measures or impose a fine on workers according to a sanctions' regulation specific to their establishment that must be approved by the Labor Ministry. Workers must be notified of the contents of the sanctions by-law. Any measures other than verbal warnings and written warnings must be notified in writing to the worker. Workers also have the right to object to disciplinary measures to labor inspectors.

However, these legal dispositions are not respected by many employers. In 2017, 2,240 violations of legal provisions concerning sanctions taken by the employer against workers were monitored by organisations and trade unions (as per table 7.1 in annex 1). A significant increase of the number of cases registered by DWRC was noted, from 872 cases in 2016 to 1,650 cases in 2017. In the Gaza Strip, figures in the report indicate that employers take arbitrary decisions to sanction workers outside the scope of the law.

Section VIII:

Violations of rights related to the termination of services



Termination of services of a worker according to the Palestinian labor law can be on the workers' initiative, i.e. resignation, or on the employers' initiative, or at the end of a fixed-term work contract. According to the Palestinian civil service law, termination of services can take place on the employees' initiative, i.e. through resignation, or dismissal or retirement.

In 2017, various forms of violations of rights were monitored regarding termination of services encompassing both public and private sector. **In total, organizations and trade unions that contributed to this report monitored 8,880 violations of rights related to the termination of services. In addition, the Labor Ministry monitored 1,305 cases concerning contraventions of articles 24 to 48 of the Labor Law regarding individual work contracts, termination of services and related compensations.**

8.1. Issuance of a law that allows transfer to forced early retirement in the public service

On 22/07/2017, the law by decree no 17 of the year 2017 regarding early retirement of civil employees was issued. The most important violation of rights related to this law is that it allows the Council of Ministers to transfer any employee to early retirement, upon recommendation from the head of their governmental department. Its last article specified that the law would be applicable for a period of 6 months after its publication in the official bulletin, which took place on 21/08/2017. The law was not accompanied by any clarifying memorandum or legislative policy, and failed to specify the standards that would be used to select governmental employees transferred to early retirement. It thus opened the door for discrimination between employees with regard to the termination of their services.

In doing so, this law by decree violates the right to work and other fundamental rights and liberties, guaranteed by international conventions, including those signed by the State of Palestine, which it is obliged to respect. It also violates rights guaranteed by the Palestinian Basic Law of the year 2013.

8.2. Workers' dismissal for arbitrary reasons, lack of advance notification about termination of services, deprivation of indemnities and certificate of experience

As per article 46 of the Palestinian Labor Law, termination of the work contract without valid reasons shall be considered arbitrary. Article 39 also stipulates a number of reasons that cannot be considered as valid reasons for terminating a work contract, among them union affiliation or participation in union activities, representing workers currently or in the past, filing a case or participating in procedures against the employer regarding allegations of contravention of the law, as well as submitting a complaint to competent administrative authorities.

Organisations and trade unions that contributed to this report monitored 1,622 cases concerning the dismissal of workers for arbitrary reasons (as per table 8.1. in annex 1).

In order to protect workers from arbitrary dismissal, article 47 of the Palestinian Labor Law imposed on the employer to compensate workers dismissed for arbitrary reasons by paying two months of salary for every year of service, while the total compensation should not exceed two years' wages. However, **in many cases, employers do not pay workers the required compensations. 2,003 cases were monitored by organisations and trade unions in 2017 (as per table 8.2. in annex 1).** An increase of the number of cases registered by DWRC was noted, from 1,130 cases in 2016 to 1,390 cases in 2017.

In the Gaza Strip, the highest number of violations of rights monitored by DWRC and trade unions concerned arbitrary dismissal, without respect of the notification period. Dismissal comes as a surprise to workers and is without valid reason. In 2017, many employers in the Gaza Strip have been asking their employees to leave their work for an undertermined period, alleging that they are affected by the difficult economic situation, lack of raw materials, and closure of crossing points. After a while, when workers asked employers about coming back to work, they were notified that their

employment has been terminated. This has been a way used by employers to get around the issue of arbitrary dismissal. Furthermore, it is difficult to obtain a decision from courts in the Gaza Strip characterizing a dismissal as arbitrary, even when witnesses testify to the matter.

In March 2017, the Palestinian Court of Cassation in the West Bank issued a decision on the manner of calculating compensations for arbitrary dismissal that is contrary to what is stipulated in the Labor Law, as well as jurisprudence and judicial interpretations adopted on this subject. According to article 47 of the Palestinian labor law, a worker dismissed without valid grounds is entitled to compensations amounting to two months salary for every year of employment, while the total amount of these compensations should not exceed wages for twenty-four months. The judiciary had upheld this disposition since the issuance of the Palestinian labor law. The interpretation of the law issued by the court of cassation on 22/03/2017 is that the worker is entitled to two months wages for every year of employment, on condition that they do not exceed a period of employment of two years. Thus the highest amount of compensation that can be obtained would be four months of salary, instead of twenty-four months. By this decision, the court has stripped article 47 of the Labor Law of its deterrent character for employers.

8.3. Lack of prior notification of workers about termination of services

Article 46 of the Palestinian Labor Law stipulates that employers and workers bound by an open work contract should notify each other one month in advance if they wish to end the contract. If the employer has notified a workers of the termination of his/her services, the worker is entitled to be absent from work in the second half of the notice month, while continuing to be paid.

Violations of the rights related to the month of notice have been monitored concerning the lack of prior notification by the employer about the workers' termination of services or by depriving workers of their wages during the month of notice. 1,435 cases were

monitored by organisations and trade unions in 2017 (as per table 8.3. in annex 1). Add Cases

8.4. Deprivation from end of service indemnities and certificate of experience

Article 45 of the Palestinian Labor Law stipulates that a worker is entitled to an end of service indemnity of one month's salary for every year of employment based on the last wage earned, without overtime pay. As per article 42, a worker resigning from his/her work is entitled to end of service compensations that amounts to a third of a month's salary per year of employment if the employment duration was up to 5 years, and two-thirds if the employment period was between 6 and 10 years and a full month's salary if it was more than 10 years.

The number of cases concerning violations of the right to end of service indemnities monitored in 2017 by organisations and trade unions was 1,578 cases (as per table 8.4. in annex 1). As for failure to provide a certificate of experience to employees upon termination of their services, as stipulated in article 44 of the Labor Law, this concerned 2,242 cases (as per table 8.5. in annex 1). The number of cases of non-payment of end of service indemnities registered by DWRC increased from 1,200 cases in 2016 to 1,258 cases in 2017, whereas PWWSD registered 20 cases in 2017 compared to 11 in 2016.

In the Gaza Strip, workers are facing difficulties in obtaining their end of service indemnities and have to file complaints with courts to obtain these rights, which employers deny even before a court of law. Cases in court can take from 3 to 5 years. Even when employers wish to reach a settlement outside court, they bargain with workers to pay only part of what is due to them. Thus, workers obtain sometimes only half or a quarter of the indemnities they are entitled to instead of going to a court and waiting many years for their case to be solved. A number of employers oblige workers to sign a settlement in the presence of a lawyer stating that they obtained all their rights, and threaten to dismiss them otherwise. Thus, workers sign the settlement in order to stay employed.

A statute of limitation of one year continues to be applied in the Gaza Strip:

The articles of the civil law no 4 of the year 2012 issued in Gaza and in force since the beginning of 2014, have replaced related articles of the journal of justice judgements. They stipulate that the statute of limitation for labor rights is one year from the date of the termination of employment. This statute of limitation continues to be applied and has a very negative impact on Palestinian workers's rights in the Gaza Strip. Courts in the Gaza Strip have dismissed many labor cases and refused many appeals before the Court of Cassation. In 2017, DWRC participated in several workshops with the Advisory and Legislation Bureau, the Bar Association, union activists and the legal department of the Legislative Council, which led to the drafting of a joint position on 7/02/2017 regarding the necessity to modify these articles in accordance with the journal of justice judgements and Palestinian laws. An official legal memorandum was also submitted to the Legislative Council on this issue. However, the statute of limitation in Gaza remained unchanged in 2017.

Conclusions and recommendations

During the year 2017, numerous violations of labor rights were monitored, which took many forms, and concerned all of the following:

- Restrictions and obstacles to the exercise of trade union rights and liberties were mostly monitored in the Gaza Strip, as well as in the public sector in the West Bank. They included deprivation from exercising the right to form and join unions, undertaking trade union activities and entering collective agreements, as well as specific constraints on the exercise of these rights
- Violations of the right to just and favourable conditions of work of employees in the private sector, and related provisions of the labor law that guarantee these rights to a great extent, such as:
 - Violations of rights related to remuneration, which included violations of the right to minimum wage, non-payment of wages, reduction of agreed-upon wages, non-payment of wages during the days, when the establishment is closed for reasons specific to the employer, non payment of agreed-upon salary raises stipulated in the contract
 - Failure to provide safe and healthy working conditions, characterized by non-provision of occupational safety & health procedures, failure to insure workers against work injuries, non-obtention of leave due to work injury, non-obtention of compensations for work injuries, non obtention of compensation for medical care and treatment for work injuries
 - Failure to respect workers' basic rights to rest, leaves and vacations, including non-provision of rest periods during work, change of working hours agreed upon, and non-respect of paid weekly leaves annual vacations, official and religious holidays, sick leaves, educational leave, bereavement leave, and emergency leave, as well as non-respect of the limitation of working hours and non-payment of additional wage for overtime hours
 - In addition to other violations of rights, women workers were affected by discrimination in wages and working conditions, non-obtention of paid maternity leave, termination of services due to maternity, non-obtention of breastfeeding hour, exposure to sexual harassment in workplaces. Many violations of the specific rights of young workers (aged less than 18 years) were also monitored.
 - Failure to respect contractual obligations by employers, as well as arbitrariness in imposing sanctions, and non-respect of rights related to the termination of services and compensations were also monitored

There was an increase of the number of cases of violations of rights recorded in 2017 as compared to 2016, sometimes they have doubled. This is the case for violations of rights related to sanctions against workers, and violations of rights related to non-obtention of compensations for work injuries, rest periods during the work day, as well as violations of rights related to wages.

Violations of governmental employees' rights, particularly violations of rights related to decrease of wages paid in the Gaza Strip, followed by transfer to forced early retirement, constituted the most prominent violations of labor rights in the public sector.

This report confirms that violations of workers' rights are due to the following reasons:

1. Weakness of the legislative framework, especially the lack of legislation concerning the right to organize in the West Bank, as well as the lack of deterrent penalties for violations of labor rights:

This concerns in particular the fact that the Palestinian labor law does not stipulate any penalties for some violations of rights, such as the absence of written work contracts or changing terms and conditions of work, in addition to the non-substantial nature of the fines that should be imposed on employers, which render them indifferent to sanctions that may be taken against them and leads to a repeat of contraventions. Fines that can be imposed range from 50 to 500 Jordanian dinars at most. Furthermore, the law does not provide for reinstatement in case of arbitrary dismissal

2. Weakness of monitoring and inspection by competent authorities:

The number of labor inspectors remains low compared to the number of establishments in the Palestinian labor market. Material and logistical resources, such as vehicles and measurement equipment, available to inspectors for monitoring the law's implementation are also insufficient. Inspectors also face difficulties in accessing some locations due to Israeli checkpoints, in particular when it comes to establishments located in area C. In addition, the Palestinian judicial system still faces difficulties in reaching prompt and effective settlements to labor disputes, in a manner that would have a positive effect on workers' confidence in resorting to the judiciary to reclaim their rights. This leads workers to accept these

violations or seek alternative solutions to filing complaints with courts.

3. Factors that enhance Palestinian workers' vulnerability to violations of their rights:

This is due to the absence and/or weakness of workers' representative bodies, which must assume the task of defending workers' rights. Many Palestinian workers are left facing their employers, who violate their rights, on their own. This weakens their position and leads them to keep silent about such violations. Workers' lack of awareness of their rights also renders them more vulnerable to violations of their rights by some employers, who exploit the situation. In addition, many workers lack a pro-active culture for addressing violations of rights, and are not used to submitting complaints in order to defend them.

4. External factors that negatively impact workers' rights:

these factors include economic, social and political factors. The difficult economic situation and the increase of unemployment has led Palestinian workers to keep silent about violations of their labor rights and accept their situation for fear of losing their jobs. Social factors affect most particularly working women, as there is sometimes a desire to cover up violations of their rights, and abstain from submitting complaints and resorting to the competent authorities. In addition, the role of the media in raising awareness of workers' rights, advocating for them and monitoring violations of rights by employers remains weak. Finally, the Palestinian political situation also has a negative impact. The role of the Israeli occupying power's measures on the one hand, and the internal division on the other, play a role in weakening the bodies that should monitor implementation of the law and violations of labor rights.

Recommendations

1. The Palestinian legislator should expedite the following:
 - Adoption of a law on union organizing in Palestine that explicitly stipulates that public sector employees have the right to organize
 - Undertaking a legislative reform that includes an amendment of provisions of the Palestinian Labor Law no 7 of the year 2000 related to sanctions for violations of workers' rights, in particular increasing the penalties imposed for violations of section X of the law, as well as introducing penalties for violations of section III of the law. Furthermore, the Labor Law reform should include more detailed dispositions that will provide a definition of discrimination in the labor sector, impose obligations on employers to prevent it, and provide effective mechanisms for complaints and redress. It should introduce specific dispositions defining and prohibiting all forms of violence, including gender-based violence. It should also give attention to developing the rights of workers with family responsibilities, both men and women. In addition, in cases when dismissal is expressly prohibited such as on grounds of maternity, the law should provide for reinstatement of dismissed employees since granting additional compensations for arbitrary dismissal has not been as successful deterrent.
2. The law by decree on early retirement should be canceled and considered as unconstitutional, as well as the decisions of transfer of employees to forced early retirement that have been based on this law
3. Sexual harassment in workplaces or due to work should be criminalized.
4. In the Gaza Strip, the statute of limitation of one year on claiming labor rights before courts introduced by the civil law issued in 2013 should be canceled urgently as it prevents workers from claiming their rights to unpaid wages, indemnities and benefits for former periods of employment. It also established a de jure discrimination between workers in the Gaza Strip and workers in the West Bank, who have fifteen years to claim their rights related to former employment before the courts.
5. Trade unions and organizations defending workers' rights should pay attention to properly documenting violations of rights and establishing a data-base on labor rights violations by ensuring that the departments/persons handling complaints and labor cases are archiving and safeguarding related information in a categorized and organized manner
6. The Ministry of Labor should activate the monitoring role of labor inspectors by increasing their numbers in all governorates, in particular Gaza governorates, and providing them with the technical and material requirements that will enable them to undertake their work
7. The High Judicial Council should establish specialized labor courts, and not limit itself to appointing specific judges to handle labor cases. In addition, it should issue instructions for the prompt issuance of decisions in labor cases, during a limited timeframe that should not exceed one year, in addition to reaffirming the principle of accelerated access in labor cases
8. The Palestinian trade union movement should activate its role in protecting workers' rights from violations, unite ranks and avoid by-passing workers' rights due to internal conflicts and superficial competitions
9. The Palestinian media should focus on programs and activities to raise Palestinian workers' awareness of their labor rights and mechanisms for submitting complaints against employers, who violate these rights
10. Civil society organizations should focus on providing legal assistance and advocacy, educating workers about their rights and monitoring violations of these rights

11. The Ministry of Labor, trade unions and concerned human rights organizations should work on implementing ILO recommendation 130 regarding the examination of grievances, which reaffirms the importance of preventive measures inside a workplace through “the establishment and proper functioning of a sound personnel policy, which should take into account and respect the rights and interests of the workers”, as well as the importance of solving grievances within undertakings through effective and prompt procedures, without any restrictions on the right of workers to submit a complaint to the competent administrative or judiciary authority.

Annex:

Tables detailing the number of cases of violations monitored in 2017

A

Table 1.1.: Number of workers deprived from forming workers' committees / unions

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	33	Out of 54 employees in the company, 33 tried to form a union and were unable to do so
General Union of Health Service Workers (Gaza Strip)	259	These workers are members of the general union, and were deprived from establishing union committees in their workplaces
General Union of Garment & Textile Workers (Gaza Strip)	110	Workers employed in various garment factories and workshops deprived from forming workers' committees in their workplaces
Kindergarten Workers' Union (Gaza Strip)	329	These workers are members of the general union and were deprived from establishing committees in their workplaces
DWRC (West Bank and Gaza Strip)	2010	Data gathered through legal consultations, complaints and awareness meetings. The number includes 780 sanitary workers in public hospitals in the Gaza Strip unable to form unions, and workers in construction companies deprived from forming union committees
Hospital (West Bank)	122	The internal regulation of the hospital prohibits employees from forming a workers' committee
PWWSD	9	

Table 1.2.: Number of workers deprived from affiliating to unions

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	50	Deprived from affiliating to a union
General Union of Health Service Workers (Gaza Strip)	276	From various workplaces
General Union of Garment & Textile Workers (Gaza Strip)	120	
Kindergarten Workers' Union (Gaza Strip)	329	
DWRC (West Bank and Gaza Strip)	2020	Data gathered through legal consultations, complaints and awareness meetings
PWWSO	4	

Table 1.3.: Number of workers deprived from undertaking union activities

Organization name	Number of cases	Comment
General Union of Health Service Workers (Gaza Strip)	366	<ul style="list-style-type: none"> - W. charitable association administration prohibited its 204 employees from organizing meetings and undertaking any union activities - At the P.F. society, the workers' committee was dissolved and employees were forbidden from organizing any meetings
Kindergarten Workers' Union (Gaza Strip)	329	Unable to take part in the union's activities; they were forbidden by employers from participating in the union's general conference and from taking part in training courses
DWRC (West Bank and Gaza Strip)	2010	Data gathered through legal consultations, complaints and awareness meetings
PWWSO	8	

Table 1.4: Number of workers deprived from entering collective agreements

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	54	
General Union of Health Service Workers (Gaza Strip)	1200	Number of members of the general union
General Union of Garment & Textile Workers (Gaza Strip)	130	The union visits workers in workplaces and raises their awareness of their rights; they tried to reach a collective agreement in a factory and was prevented from doing so
Kindergarten Workers' Union (Gaza Strip)	329	
DWRC (West Bank and Gaza Strip)	2010	Data gathered through legal consultations, complaints and awareness meetings
PWWSD	2	

Table 2.1.1.: Number of violations of the right to equality in wages and work circumstances between female and male workers in the same occupation

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	48	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Health Service Workers (Gaza Strip)	380	Out of 1200 female and male workers in health services
General Union of Garment & Textile Workers (Gaza Strip)	80	Out of 120 female and male workers in garment and textile sector, who are members of the union
Gaza Electricity Distribution Employees' Union	11	11 female workers at the company, who are members of the union
Kindergarten Workers' Union (Gaza Strip)	183	Out of 366
DWRC (West Bank and Gaza Strip)	1180	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	963	Concerns all contraventions of articles 100 to 106 of the Labor Law, which concern women's specific rights at work
PWWSD	21	

Table 2.1.2.1.: Number of women workers denied paid maternity leave

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	110	
General Union of Health Service Workers (Gaza Strip)	139	
General Union of Garment & Textile Workers (Gaza Strip)	90	
Kindergarten Workers' Union (Gaza Strip)	366	
DWRC (West Bank and Gaza Strip)	520	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	963	Concerns all contraventions of articles 100 to 106 of the Labor Law, which concern women's specific rights at work
PWWSD	97	

Table 2.1.2.2.: Number of cases concerning termination of employment due to maternity

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	24	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Health Service Workers / Gaza (Gaza Strip)	114	
General Union of Garment & Textile Workers / Gaza (Gaza Strip)	90	
Kindergarten Workers' Union (Gaza Strip)	146	
DWRC (West Bank and Gaza Strip)	220	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	963	Concerns all contraventions of articles 100 to 106 of the Labor Law, which concern women's specific rights at work
PWWSD	18	

Table 2.1.2.3.: Number of women denied breastfeeding leave

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	35	
Beauty and Hairdressers Workers' Union (Gaza Strip)	198	
General Union of Garment & Textile Workers (Gaza Strip)	80	
Kindergarten Workers' Union (Gaza Strip)	366	Testimonies from union members
DWRC (West Bank and Gaza Strip)	340	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	963	Concerns all contraventions of articles 100 to 106 of the Labor Law, which concern women's specific rights at work
PWWSD	200	

Table 2.1.3: Number of cases of sexual harassment at work

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	8	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Health Service Workers (Gaza Strip)	89	
DWRC (West Bank and Gaza Strip)	10	Data gathered through legal consultations, complaints and awareness meetings
PWWSD	10	

Table 2.2.1.: Number of cases concerning failure to undertake medical examination for juvenile workers

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union / Gaza	170	
General Union of Garment & Textile Workers / Gaza	160	
DWRC / West Bank and Gaza Strip	2140	
Ministry of Labor (West Bank)	413	Concerns all contraventions to articles 93 to 99 of the Labor Law, which regulate young workers' employment
PWWSD	23	

Table 2.2.2.: Number of cases concerning employment of juvenile workers in prohibited circumstances

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	20	
Beauty and Hairdressers Workers' Union / Gaza	110	
General Union of Garment & Textile Workers / Gaza	130	
Ministry of Labor (West Bank)	413	Concerns all contraventions to articles 93 to 99 of the Labor Law, which regulate young workers' employment

Table 2.2.3.: Number of cases of violations related to reduction of working hours for juvenile workers

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	130	
General Union of Garment & Textile Workers (Gaza Strip)	160	
DWRC (West Bank and Gaza Strip)	1310	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	413	Concerns all contraventions to articles 93 to 99 of the Labor Law, which regulate young workers' employment

Table 2.2.4.: Number of cases regarding violations of juvenile workers' rights to annual paid vacations (at least 3 weeks) and the prohibition to employ them at night (between 6 p.m. and 6 a.m.)

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	3	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Garment & Textile Workers (Gaza Strip)	150	
DWRC (West Bank and Gaza Strip)	850	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	413	Concerns all contraventions to articles 93 to 99 of the Labor Law, which regulate young workers' employment

Table 3.1.: Number of cases of absence of written work contracts

Organization name	Number of cases	Comment
Ministry of Health / north governorates/ (Gaza Strip)	560	Day-wage workers without permanent contracts
Company for Cardboard Production (West Bank)	54	
Beauty and Hairdressers Workers' Union (Gaza Strip)	180	
General Union of Health Service Workers (Gaza Strip)	250	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Gaza Electricity Distribution Employees' Union	216	
Kindergarten Workers' Union Gaza (Gaza Strip)	329	
DWRC (West Bank and Gaza Strip)	1610	Data gathered through legal consultations, complaints and awareness meetings
Hospital (West Bank)	67	
PWWSD	253	

Table 3.2.: Number of cases concerning renewal of fixed-term contacts after two years of employment

Organization name	Number of cases	Comment
Ministry of Health / north governorates (Gaza Strip)	560	
Beauty and Hairdressers Workers' Union (Gaza Strip)	110	
General Union of Health Service Workers (Gaza Strip)	390	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Gaza Electricity Distribution Employees' Union	216	
Kindergarten Workers' Union (Gaza Strip)	183	
DWRC (West Bank and Gaza Strip)	1340	Data gathered through legal consultations, complaints and awareness meetings
Hospital (West Bank)	67	
PWWSD	6	

Table 3.3.: Number of cases related to misuse of the probation period

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	180	
General Union of Health Service Workers (Gaza Strip)	245	
General Union of Garment & Textile Workers (Gaza Strip)	100	
Gaza Electricity Distribution Employees' Union	216	
Kindergarten Workers' Union (Gaza Strip)	347	
DWRC (West Bank and Gaza Strip)	270	Data gathered through legal consultations, complaints and awareness meetings
Hospital Employees' Union (West Bank)	741	
Ministry of Labor (West Bank)	1305	This concerns all contraventions to articles 24 to 48 of the Labor Law
PWWSD	10	

Table 3.4: Number of cases of non-respect of salary raises agreed upon in the work contract or stipulated in the establishment's regulations

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	44	
Beauty and Hairdressers Workers' Union (Gaza Strip)	170	
General Union of Health Service Workers (Gaza Strip)	410	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Gaza Electricity Distribution Employees' Union	1010	
Kindergarten Workers' Union (Gaza Strip)	36	
DWRC (West Bank and Gaza Strip)	1100	Data gathered through legal consultations, complaints and awareness meetings
Hospital Employees' Union (West Bank)	222	
PWWSD	6	

Table 4.1.: Number of cases of non-payment of wages

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	8	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Health Service Workers (Gaza Strip)	263	
General Union of Garment & Textile Workers (Gaza Strip)	50	
Kindergarten Workers' Union (Gaza Strip)	18	
DWRC (West Bank and Gaza Strip)	670	Data gathered through legal consultations, complaints and awareness meetings
Hospital (West Bank)	122	
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	9	

Table 4.2.: Number of cases of non-payment of the minimum wage

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	43	
Beauty and Hairdressers Workers' Union (Gaza Strip)	176	
General Union of Health Service Workers (Gaza Strip)	616	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Gaza Electricity Distribution Employees' Union	276	
Kindergarten Workers' Union Gaza (Gaza Strip)	366	
DWRC (West Bank and Gaza Strip)	1880	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	299	

Table 4.3.: Number of cases concerning delays in payment of wages in violation of the law

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	198	
General Union of Health Service Workers (Gaza Strip)	145	
General Union of Garment & Textile Workers (Gaza Strip)	90	
Gaza Electricity Distribution Employees' Union	0	
Kindergarten Workers' Union (Gaza Strip)	110	
DWRC (West Bank and Gaza Strip)	766	Data gathered through legal consultations, complaints and awareness meetings
Hospital (West Bank)	122	
Hospital Employees' Union (West Bank)	592	
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	31	

Table 4.4.: Number of cases concerning deduction from wages or reduction of wages without legal justification

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	25	
Beauty and Hairdressers Workers' Union (Gaza Strip)	198	
General Union of Health Service Workers (Gaza Strip)	135	
General Union of Garment & Textile Workers (Gaza Strip)	80	
Kindergarten Workers' Union (Gaza Strip)	73	
DWRC (West Bank and Gaza Strip)	950	Data gathered through legal consultations, complaints and awareness meetings
Hospital (West Bank)	122	
Hospital Employees' Union (West Bank)	222	
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	8	

Table 4.5.: Number of cases concerning non-payment of wages on days the establishment is not operational for reasons specific to the employer

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	54	
Beauty and Hairdressers Workers' Union (Gaza Strip)	198	
General Union of Health Service Workers (Gaza Strip)	398	
General Union of Garment & Textile Workers (Gaza Strip)	100	
Kindergarten Workers' Union (Gaza Strip)	146	
DWRC (West Bank and Gaza Strip)	2300	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	14	

Table 4.6.: Number of cases of failure to pay overtime hours

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	41	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Health Service Workers (Gaza Strip)	72	
General Union of Garment & Textile Workers (Gaza Strip)	140	
Kindergarten Workers' Union (Gaza Strip)	329	
DWRC (West Bank and Gaza Strip)	2260	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1362	Concerns articles 81 to 89 of the Labor Law regarding all rights applicable to wages
PWWSD	73	

Table 5.1. : Number of cases concerning violations of the right to a rest period during working hours

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	35	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
Gaza Electricity Distribution Employees' Union	1010	
Kindergarten Workers' Union (Gaza Strip)	347	
DWRC (West Bank and Gaza Strip)	2110	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	3	

Table 5.2: Number of violations of the right to weekly leave

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	49	
Beauty and Hairdressers Workers' Union (Gaza Strip)	150	
General Union of Health Service Workers (Gaza Strip)	246	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Kindergarten Workers' Union (Gaza Strip)	256	
DWRC (West Bank and Gaza Strip)	1150	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	40	

Table 5.3.: Number of cases of violations of the right to paid religious and official holidays

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	44	
Beauty and Hairdressers Workers' Union (Gaza Strip)	100	
General Union of Health Service Workers (Gaza Strip)	0	
General Union of Garment & Textile Workers (Gaza Strip)	130	
Kindergarten Workers' Union (Gaza Strip)	11	
DWRC (West Bank and Gaza Strip)	1330	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	3	

Table 5.4.: Number of cases of violations of the right to paid annual leave, emergency leave and bereavement leave

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	32	
Beauty and Hairdressers Workers' Union (Gaza Strip)	66	
General Union of Health Service Workers (Gaza Strip)	323	
General Union of Garment & Textile Workers (Gaza Strip)	160	
Kindergarten Workers' Union (Gaza Strip)	219	
DWRC (West Bank and Gaza Strip)	1430	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	5	

Table 5.5. Number of cases of failure to provide a paid sick leave

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	50	
Beauty and Hairdressers Workers' Union (Gaza Strip)	170	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Kindergarten Workers' Union (Gaza Strip)	183	
DWRC (West Bank and Gaza Strip)	1720	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	3	

Table 5.6.: Number of cases of failure to provide a paid labor education leave

Organization name	Number of cases	Comment
Ministry of Health / north governorates (Gaza Strip)	560	
National Company for Cardboard Production / Gaza	54	
Beauty and Hairdressers Workers' Union (Gaza Strip)	60	
General Union of Health Service Workers (Gaza Strip)	305	
General Union of Garment & Textile Workers (Gaza Strip)	150	
Gaza Electricity Distribution Employees' Union	1010	
Kindergarten Workers' Union (Gaza Strip)	347	
DWRC (West Bank and Gaza Strip)	1840	Data gathered through legal consultations, complaints and awareness meetings
Hospital Employees' Union (West Bank)	370	
Ministry of Labor (West Bank)	1133	Concerns articles 68 to 73 of the Labor Law regarding working hours, rest period, overtime and weekly rest
PWWSD	164	

Table 6.1.: Number of cases of non-provision of safety and health procedures

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	27	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Garment & Textile Workers (Gaza Strip)	140	
Kindergarten Workers' Union (Gaza Strip)	293	
DWRC (West Bank and Gaza Strip)	2150	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	827	Concerns articles 90 to 92 of the Labor Law regarding work environment and occupational safety and health
PWWSD	39	

Table 6.2.: Number of cases concerning failure to insure workers against work injuries

Organization name	Number of cases	Comment
Company for Cardboard Production (West Bank)	28	
Beauty and Hairdressers Workers' Union (Gaza Strip)	190	
General Union of Garment & Textile Workers (Gaza Strip)	130	
Gaza Electricity Distribution Company Employees Union	1010	
Kindergarten Workers' Union (Gaza Strip)	366	
DWRC (West Bank and Gaza Strip)	1350	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	605	Concerns articles 116 to 130 of the Labor Law regarding work injuries and occupational diseases
PWWSD	47	

Table 6.3. Number of cases of non-provision of leave to recover from work injury

Organization name	Number of cases	Comment
DWRC (West Bank and Gaza Strip)	1190	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	605	Concerns articles 116 to 130 of the Labor Law regarding work injuries and occupational diseases
PWWSD	1	

Table 6.4.: Number of cases of denial of compensations for work injuries

Organization name	Number of cases	Comment
DWRC (West Bank and Gaza Strip)	540	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank and Gaza Strip)	605	Concerns articles 116 to 130 of the Labor Law regarding work injuries and occupational diseases
PWWSD	1	

Table 6.5.: Number of cases of non-payment of medical care expenses for work injuries

Organization name	Number of cases	Comment
DWRC (West Bank and Gaza Strip)	1730	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor (West Bank)	605	Concerns articles 116 to 130 of the Labor Law regarding work injuries and occupational diseases
PWWSD	1	

Table 7.1.: Number of violations of legal provisions concerning sanctions taken by the employer against workers

Organization name	Number of cases	Comment
General Union of Health Service Workers (Gaza Strip)	392	
General Union of Garment & Textile Workers (Gaza Strip)	110	
Gaza Electricity Distribution Company Employees' Union	15	
Kindergarten Workers' Union (Gaza Strip)	73	
DWRC (West Bank and Gaza Strip)	1650	Data gathered through legal consultations, complaints and awareness meetings

Table 8.1.: Number of cases concerning dismissal of workers for arbitrary reasons

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	140	
General Union of Health Service Workers (Gaza Strip)	26	
General Union of Garment & Textile Workers (Gaza Strip)	190	
Kindergarten Workers' Union (Gaza Strip)	293	
DWRC (West Bank and Gaza Strip)	740	Data gathered through legal consultations, complaints and awareness meetings
Hospital Employees' Union (West Bank)	222	
Ministry of Labor	1305	Concerning articles 24 to 48 of the Labor Law regarding individual work contracts, termination of services and related compensations
PWWSD	11	

Table 8.2.: Number of cases regarding non-payment by employer of compensations for arbitrary dismissal

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	140	
General Union of Health Service Workers (Gaza Strip)	26	
General Union of Garment & Textile Workers (Gaza Strip)	150	
Kindergarten Workers' Union (Gaza Strip)	293	
DWRC (West Bank and Gaza Strip)	1390	Data gathered through legal consultations, complaints and awareness meetings
Ministry of Labor	1305	Concerning articles 24 to 48 of the Labor Law regarding individual work contracts, termination of services and related compensations
PWWSD	4	

Table 8.3. Number of cases of violations of rights concerning the month of notice for termination of services

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	140	
General Union of Health Service Workers (Gaza Strip)	26	
General Union of Garment & Textile Workers (Gaza Strip)	190	
Kindergarten Workers' Union (Gaza Strip)	293	
DWRC (West Bank and Gaza Strip)	615	Data gathered through legal consultations, complaints and awareness meetings
Hospital Employees' Union (West Bank)	148	
PWWSD	23	

Table 8.4.: Number of cases concerning violations of the right to end of service indemnities

Organization name	Number of cases	Comment
Beauty and Hairdressers Workers' Union (Gaza Strip)	140	
General Union of Garment & Textile Workers (Gaza Strip)	160	
DWRC (West Bank and Gaza Strip)	1258	Data gathered through legal consultations, complaints and awareness meetings
PWWSD	20	

Table 8.5.: Number of cases concerning denial of a certificate of experience to former employees

Organization name	Number of cases	Comment
Company for Cardboard (West Bank)	28	
General Union of Garment & Textile Workers (Gaza Strip)	120	
Kindergarten Workers' Union (Gaza Strip)	36	
DWRC (West Bank and Gaza Strip)	2040	Data gathered through legal consultations, complaints and awareness meetings
PWWSD	18	

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