



Right To Work

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info@makan.org.uk

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Summary

Palestinians living in the occupied Palestinian territories and as citizens of Israel face regular violations of their right to work. Systematic discrimination against Palestinian employees in Israel and harsh conditions faced by Palestinians in the occupied Palestinian territories - including exploitative work conditions in settlements, the deliberate stagnation of the Palestinian economy, and the lack of freedom of movement – have created a situation in which the right to work is not fulfilled for the Palestinian people. Since Israel is both the occupying power of Palestinians living in the [West Bank](#), East Jerusalem and [Gaza](#) and the state responsible for Palestinian citizens of Israel, it is Israel's duty to safeguard this right for Palestinians living in both contexts. The systematic economic disenfranchisement that leads to the violation of the right to work serves as an example of the many adverse effects of Israeli domination over Palestinians.

International Law

The right to work is enshrined in core international human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESC). Article 23 of the UDHR describes it as the “right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment.” The [article](#) goes further to state that

the right to work includes that “everyone, without discrimination, has the right to equal pay for equal work.”¹ The responsibility of fulfilling this right lies in the hands of the state, which the ICESC confirms in Articles 3, 6, and 7.

In the context of Israel-Palestine, it is the state of Israel's responsibility to fulfill the rights of Palestinian citizens of Israel as well as the rights of Palestinians living in the occupied Palestinian territories, where Israel is the occupying power. Included in this responsibility is the [duty](#) of the state to “take appropriate steps to safeguard this right” to work.² However, for Palestinians this right is frequently violated due

to arbitrary restrictions placed on Palestinian employees in Israel and the pervasive challenges that Palestinians face in the occupied Palestinian territories as a result of Israel's occupation. These include such measures as the prevention of freedom of movement and exploitative work conditions in settlements. The circumstances faced by Palestinians inside

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1. <http://www.un.org/en/universal-declaration-human-rights>

2. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>



In the Palestinian context, looking at conditions behind the right to work, and Israel's violations of this right, gives us a lens through which to observe broader economic disparities between Palestinians and Israelis, as well as an appreciation of the significance of this right to the social, economic and cultural life of Palestinians.

Israel on the one hand, and those experienced in the occupied territories on the other, should be understood in turn, but also as the result of an overlying regime of occupation and discrimination which impacts the collective right of Palestinians to work. Effectively, Palestinians are forced to cope with economic conditions that are very different to those faced by Jewish Israelis.

Significance of the theme in the context of Israel-Palestine

Having the right to work means that people are free to be employed, support their families, and stimulate their economies. With this right, they also gain freedom from unemployment, discrimination in the labour market and at work, and economic insecurity. The accessibility to this right creates an atmosphere where people can choose to work or not, rather than being forced into unemployment.³ According to Article 23.3 of the UDHR, the right to work also includes “the right to just and favorable remuneration ensuring [...] an existence worthy of human dignity.”⁴ In the Palestinian context, looking at conditions behind the right to work, and Israel's violations of this right, gives us a lens through which to observe broader economic disparities between Palestinians and Israelis, as well as an

3. <https://plato.stanford.edu/entries/rights/#4>

4. <http://www.un.org/en/universal-declaration-human-rights/>

appreciation of the significance of this right to the social, economic and cultural life of Palestinians.

Since the 1993 Oslo Accords, Palestinian economic dependence on Israel has intensified. This should be seen as part of Israel's intended logic, rather than an incidental outcome.

Although the Oslo Accords were ostensibly viewed as leading to Palestinian statehood, in practice they helped intensify Israeli colonisation and control over Palestinian life. As a result of Israeli measures to illegally exploit Palestinian resources, restrict Palestinian land and water use, and fragment Palestinian communities, the Palestinian economy was weakened and became increasingly dependent on that of Israel's.⁵ The deliberate intensification of Palestinian dependence increased the need for Palestinians to seek work in Israel or on illegal Israeli settlements in the occupied territories, which has

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5. <https://www.jacobinmag.com/2013/04/the-oslo-illusion>



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placed additional stress on Palestinians and the Palestinian economy and led to the [exploitation](#) of Palestinian workers.⁶ Policies adopted as a result of Israel’s occupation, such as restricting Palestinian movement, create additional barriers for Palestinians to acquire the right to work. According to [al-Haq](#), “in restricting the movement of Palestinians, through the Annexation Wall, the oppressive permit system reality, and

the illegal closure of the Gaza Strip, amongst other measures, Israel has created a set of obstacles that severely impinge upon the right of Palestinians to work.”⁷ Israeli control over the use of funds, restrictions on access to farm land, and restrictions on water and electricity for Palestinians also create conditions in which

the Palestinian economy is ultimately reliant on fundamentally [precarious](#) conditions.⁸ Violations of Palestinians’ right to work can therefore only be accurately assessed within a consideration of broader structural economic realities and trends, and the intended outcomes of these dynamics.

6. <https://www.irinnews.org/investigations/2017/08/02/occupied-labour-treadmill-palestinian-work-israel>

7. <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/566-occupied-livelihoods-palestinians-striving-for-their-right-to-work>

8. <http://theconversation.com/how-israel-withholds-labour-rights-from-the-west-banks-palestinian-workers-45508>

Historical development of Israeli policy on the right to work

A long-term view shows that a [history of foreign control](#) over the Palestinian economy under the British, Jordanians, and Israelis has stunted its growth.⁹ Even in 1994 when the [Palestinian National Authority \(PA\)](#) ostensibly took control of the Palestinian economy, the labour market that was handed over to it proved to be difficult to develop due to Israeli control over imports and exports, manufacturing permits, and access to resources. In other words, formal Palestinian “autonomy” was in reality a continuation of dependence, with Israel maintaining ultimate [dominance](#) over the Palestinian economy.¹⁰ According to a [report](#) prepared for the European Training Foundation by the Palestine Economic Policy Research Institute, as a result of the historical stifling of the Palestinian economy by numerous foreign actors, up to and including Israel today, its labour market now suffers from a “lack of social security for those outside the public sector, poor work conditions, low female labour force participation, work-related gender bias against females, weak unions, low union participation, and the absence of a national provision of medical care and occupational safety.”¹¹

The underdeveloped state of the Palestinian economy, the high

9. [https://www.etf.europa.eu/webatt.nsf/0/49583C88B3C1AD0DC1257CD1003DA5FC/\\$file/Employment%20policies_Palestine.pdf](https://www.etf.europa.eu/webatt.nsf/0/49583C88B3C1AD0DC1257CD1003DA5FC/$file/Employment%20policies_Palestine.pdf)

10. <https://www.jacobinmag.com/2013/04/the-oslo-illusion>

11. [https://www.etf.europa.eu/webatt.nsf/0/49583C88B3C1AD0DC1257CD1003DA5FC/\\$file/Employment%20policies_Palestine.pdf](https://www.etf.europa.eu/webatt.nsf/0/49583C88B3C1AD0DC1257CD1003DA5FC/$file/Employment%20policies_Palestine.pdf)



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unemployment rate in the occupied Palestinian territories and the high wages in Israel create an incentive for Palestinians to seek work in Israel or through Israeli employers in the West Bank. This underscores the link between deep structural deficiencies resulting from the occupation, and Palestinians' employment conditions on the ground and the choices they make in their pursuit of labour. In the early 1990s, a third of employed people in the occupied Palestinian territories worked in Israel without many restrictions. However, in 1993 after the signing of the Oslo Accords, more [restrictions](#) were placed on Palestinian movement, which led to a decrease by several thousand of the overall number of Palestinians working in Israel.¹²

In the case of Gaza, the blockade which was formalised in 2007 severely impacted the ability of Palestinians from the Gaza Strip to seek work, as they were completely banned from entering Israel. The Palestinian economy in Gaza currently suffers from additional strains due to the [blockade](#) which led to a high unemployment rate.¹³ As a result, the economy is measurably worse than that of the West Bank in areas such as unemployment rates, job opportunities, and monthly wages. In fact, [some argue that Gaza has been, and is being, de-developed: deliberately having its productive capacity and economic life diminished, a process which began with the onset of its occupation in 1967](#) and has intensified in recent years.¹⁴ In some

12. <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>

13. <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>

14. Sara M. Roy, *The Gaza Strip: The Political Economy of De-development* (Washington, DC: Institute for Palestine Studies USA, Inc., 2016)

sense, Gaza can be said to be absent a functioning economy at all.

The nature of Palestinians' dependence on Israeli employment has also led to exploitation. The growing number of Israelis moving to illegal settlements in the West Bank encourages Israeli businesses to move to settlements as well, and such businesses hire Palestinians as cheap labour in enterprises that are often exploitative.

Current Events

Palestinians Working in Israel

Although Article 6.1 of the [ICESC](#) states that everyone has the right to freely choose their form of work, Israel places restrictions on the type of work Palestinians can do.¹⁵ Palestinians living in the occupied territories who wish to work in Israel are restricted to work in construction, agriculture, industry, and services due to the Israeli permit system. Fifty-eight percent of work permits are designated for jobs in construction, 35 percent are designated for jobs in agriculture, and the remaining 7 percent are given for jobs in industry and services. This contributes to the limited professional advancement and lack of choices in the job sector for Palestinians. In 2011, the majority of work permits given to Palestinians were reserved for jobs in agriculture

15. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>



and construction. Age, gender, and family status restrictions are also placed on acquiring these work permits. Men must be married fathers above the age of 35, but this age often changes due to various and seemingly arbitrary reasons. The age restrictions also vary depending on the type of work, which adds to the arbitrariness of acquiring work permits. These restrictions lead to [high unemployment](#) rates, particularly for

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young Palestinians.¹⁶ There are also periods of time when permit-holders are restricted from entering Israel, due to Jewish holidays, closed checkpoints, or at Israel's discretion. The days missed

from work causes workers to spend time unpaid and can also [result](#) in the termination of employment.¹⁷ The work permit system illustrates how Israel has created a bureaucratic and legal apparatus which creates highly precarious, unstable and restrictive access to labour for Palestinians.

Palestinian citizens of Israel are also often discriminated against in terms of fair representation in the job sector. Israeli companies often have discriminatory hiring policies, such as requirements to have served in the Israeli military, which is mandatory for Israeli citizens but voluntary for Palestinian citizens of Israel. This has led to an underrepresentation

of Palestinian citizens in the Israeli workforce, particularly in senior roles. Due to discriminatory hiring policies, many Palestinians work outside their field of study or face unemployment. This is especially true in the public sector, in key government departments, and in agencies such as the Bank of Israel and the Water Authority. Often, less than 2 percent of employees in the Israeli public sector are of Palestinian origin.

This lack of fair representation of Palestinian citizens in the Israeli workforce, particularly in the public sector, is indicative of the lack of authority Palestinian citizens have over the creation of policies that affect their own government and communities.

Although the Fair Representation Law, which aims to increase the representation of underrepresented groups in the workforce, was passed in 2000, the original four-year deadline to improve conditions was later postponed. This [lack of fair representation](#) of Palestinian citizens in the Israeli workforce, particularly in the public sector, is indicative of the lack of authority Palestinian citizens have over the creation of policies that affect their own government and communities.¹⁸

Palestinians Working in the Occupied Territories

Movement restrictions placed on Palestinians by Israel also

16. <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>

17. <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>

18. <https://electronicintifada.net/content/rampant-employment-discrimination-against-palestinian-workers-israel/8837>



The occupation, and settlement expansion more specifically, therefore have a particular political economy with concrete consequences for Palestinians' labour and working conditions.

undermine the right to work for Palestinians in the West Bank, East Jerusalem, and the Gaza Strip. Controlling movement through checkpoints, settler-exclusive roads, military zones, settlement areas, and the Separation Wall creates barriers around accessing workplaces and agricultural land necessary for farming. As a result of Israeli policies on restricting land access to Palestinians, approximately 40 percent of the West Bank is off-limits to Palestinians. This further undermines the right to work as the inaccessible land could otherwise be used for agricultural and travel purposes. Furthermore, in order to move between the occupied Palestinian territories, Israeli-issued [permits](#) are needed.¹⁹ Those who choose to cross into Israel without permits through weak points or gaps in the Separation Wall do so at [risk](#) of beatings, detention, or imprisonment.²⁰ These conditions create a dependency on [foreign aid](#) in the West Bank, which further weakens the Palestinian economy.²¹

Palestinians Working in Settlements

Due to the restrictions on movement and the unsatisfactory condition of the Palestinian economy, many Palestinians seek work in illegal Israeli settlements in the West Bank. Although the Israeli Supreme Court ruled in 2007 that Israeli labour laws that safeguard the rights of workers should apply in Israeli settlements, employers often [circumvent](#) this by not applying

the laws to their Palestinian workers.²² For example, although employers from settlements have been required to pay Palestinian workers the Israeli minimum wage since 1982, Palestinians are often paid less than half of the minimum wage. Israeli employers also often hire Palestinian workers through labour contractors, which removes the [employers' responsibility](#) to give their workers benefits and rights.²³ The occupation, and settlement expansion more specifically, therefore have a particular political economy with concrete consequences for Palestinians' labour and working conditions.

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Unlike work conditions in Israel, there are no age restrictions for settlement workers. The agricultural sector in settlements has been found to employ children from age 12 and workers of all ages earn far less than the minimum wage or even go periods without receiving wages at all. Minimum wage and social benefits go [unmonitored](#) in settlements, workers are often unaware of their rights, and employers go unpunished for failing to meet these requirements.²⁴ These exploitative conditions faced while working on Israeli settlements contribute to the overall loss of the right to work.

19. <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/566-occupied-livelihoods-palestinians-striving-for-their-right-to-work>

20. <https://www.irinnews.org/investigations/2017/08/02/occupied-labour-treadmill-palestinian-work-israel>

21. <https://www.jacobinmag.com/2013/04/the-oslo-illusion>

22. <http://theconversation.com/how-israel-withholds-labour-rights-from-the-west-banks-palestinian-workers-45508>

23 <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>

24 <http://palestinakomitee.no/wp-content/uploads/2013/05/employment-of-palestinians-in-Israel.pdf>



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Palestinians Working in the Gaza Strip

Palestinians living in Gaza experience severe restrictions on movement due to the Israeli blockade, which creates extreme levels of unemployment and poverty. The blockade forces Palestinians in Gaza to be overly dependent on foreign aid, which does not help stimulate their economy. Restricted buffer zones 1,000 to 1,500 meters from the borders in Gaza take an additional toll on the right to work in Gaza, particularly for farmers and fishers. [Buffer zones](#) take up 35 percent of Gaza's agricultural land, as 95 percent of the land in the restricted buffer zone is arable.²⁵ Less than one-third of the water off the coast of Gaza is accessible, which [limits the possibilities](#) for fishers to work and provide food.²⁶ Due to the severe restrictions of movement resulting from the blockade, unemployment in Gaza remains high. As of November 15, 2017, the unemployment rate in Gaza was 46.6 percent. For people ages 15 to 29, the unemployment rate was 64.9 percent and for women, the unemployment rate was highest at 71 percent. This high rate of unemployment is [directly tied](#) to Israel's policies and practices and results in a situation where Palestinians are denied the right to work.²⁷

Israeli policies violate Palestinians' right to work through restrictions and exploitative work conditions. Restrictions on freedom of movement as a whole negatively impact Palestinians

in the West Bank, East Jerusalem, and Gaza when seeking work. Age restrictions on work permits lead to high unemployment rates for young Palestinians, who are unable to enter Israel legally to seek work. Job sector restrictions on work permits limit the work possibilities for Palestinians and limit potential skills acquired for the overall population. The impact of restricted movement is particularly detrimental for Palestinians living in Gaza, who suffer from the highest unemployment rates in the occupied Palestinian

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territories. Exploitative work conditions in settlements such as low wages, child labour, and the lack of workers' rights also contribute to the violation of the right to work for Palestinians.

25. <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/566-occupied-livelihoods-palestinians-striving-for-their-right-to-work>

26. <https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016>

27. <http://gisha.org/updates/8414>