A MEANS TO AN END

Violation of Labor Rights by Foreign Contracting Companies in Israel



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Worker's Hotline
عنوان العامل

Hotline for Refugees and Migrants

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About the Hotline for Refugees and Migrants

The Hotline for Refugees and Migrants is a nonpartisan nonprofit organization that aims to protect and promote the human rights of refugees and migrants and to prevent human trafficking in Israel through client services, detention monitoring, legal action and public policy initiatives.

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About Kav LaOved

Kav LaOved – Worker's Hotline is a non-profit, non-governmental organization committed to the defense of the most disadvantaged workers in the Israeli labor market. Since its establishment in 1991, Kav LaOved has helped workers who are Israeli citizens, migrants, Palestinians from the occupied territories, refugees, asylum seekers and human trafficking survivors to realize and uphold their rights. In addition, the organization works to alter legislation and raise public awareness about workers' rights. The NGO provides individual assistance, engages in legal proceedings, collects information and documents the labor market from the workers' point of view.

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Forward

"Those who examine the facts of the case before us cannot, in my view, help but object to the use made of these workers as a means to an end, a tool to further the interests of the Israeli government and commercial companies. For what does a Turkish worker have to do with inter-state relations?... What does he have to do with upgrading tanks for his nation's military? Why should this worker pay to advance those interests with his own freedom, dignity, ability to earn a living and hopes for a better future for himself and his family? What justifies imposing the oppressive power of the binding arrangement on him?"[1]

Approximately 1,200 Turkish construction workers are currently employed in Israel by the Turkish construction company Yilmazlar through a restrictive arrangement that has been repeatedly approved by the Israeli government for over a decade.[2] Yilmazlar plays two roles in Israel's construction sector. First, it is a construction company that employs workers in projects it oversees, and second, it serves as a labor contracting company. In its second role, Yilmazlar provides workers to Israeli construction companies, oversees their distribution to different construction projects, pays their salaries and manages their daily lives.

In 2018, the Israeli government allowed six additional construction companies, all from China, to import an additional 12,000 construction workers to lower costs and speed up the pace of construction projects.[3] During that same year, 13 Turkish construction workers approached the Hotline for Refugees and Migrants (HRM) and Kav LaOved. The workers reported that they had fled their jobs after being employed in harsh and abusive conditions, had not received their full wages or had sustained work injuries and the company refused to continue employing them.

1 High Court of Justice (HCJ) case 10843/04 the Hotline for Foreign Workers and others vs. the Government of Israel and others. Ruling issued on September 19, 2007, paragraph 27 of the minority opinion authored by Justice Edmond Levy. https://supreme.court.gov.il/Pages/SearchJudgments.aspx?&OpenYearDate=2004&CaseNumber=10843&DateType=1&SearchPeriod=8&COpenDate=null&CEndDate=null&freeText=null&Importance=null (Hebrew)

2 The Population and Immigration Authority (PIBA), Data on Foreigners in Israel, 4th Quarter, 2006, summary of 2016, table 3C2. https://www.gov.il/BlobFolder/reports/foreigners_in_israel_data_2016/he/foreigners_in_Israel_data_2016.pdf (Hebrew)

Their complaints and testimonies join dozens of other complaints and testimonies collected by HRM and Kav LaOved since 1999.

As far back as 2006, the High Court of Justice (HCJ) struck down the binding arrangement under which migrant workers were bound to their employers and unable to change them.[4] This means the employment arrangement with Yilmazlar should have ended over a decade ago.[5] Additional governmental decisions on this matter, one after the other, determined that migrant workers should be recruited through bilateral agreements between their countries of origin and Israel, with oversight of working conditions.[6] Despite this, the Israeli government chose to increase its reliance on agreements with foreign contracting companies whose employees are not free to change employers, similar to workers subjected to the binding arrangement that was deemed unconstitutional by the Supreme Court.

Over the past 20 years, HRM representatives have collected dozens of testimonies from Turkish construction workers who left the Yilmazlar Construction Group. Although the testimonies were gathered from eight different groups of workers who did not know each other, arrived in Israel at different times and were from various regions of Turkey, the testimonies concerning their employment conditions were almost identical. They included complaints about lower pay than promised, harsh working conditions that violate Israeli labor laws, a ban on the use of cell phones (initially even outside of working hours), being prevented from leaving the locked residential area after working hours, forcing employees to sign promissory notes, threats to actualize the promissory notes and deport the worker from Israel, as well as actualization of the promissory notes and deportation of those who dared to escape the company and use of violence against workers who quit the company but did not return to Turkey.[7] All the workers were employed under the auspices of recurring governmental decisions.[8]

3 Government decision 1321, "Bringing Foreign Construction Companies," March 24, 2016.

4 HCJ 4542/02 Kav LaOved vs. the Government of Israel https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C02/420/045/028&fileName=02045420.028&type=4

5 See footnote 1.

6 Governmental decisions no. 4408 dated March 15, 2013; no. 4194, January 29, 2012, and no. 3453, July 10, 2011.

7 The eight groups of workers left the company and contacted HRM and Kav LaOved in 1999, 2002, 2004, 2011, 2015, 2017, 2018 and 2019.

8 The last governmental decisions were governmental decision no. 597, October 25, 2015, and no. 1321: "Bringing Foreign Construction Companies," March 24, 2016.

Over the years, HRM and Kav LaOved have turned to State authorities through multiple channels with the aim of protecting the rights of the company's workers, but without success. Workers who wish to leave the company due to abusive employment conditions are deported from Israel before they are able to receive redress.

The purpose of this report is to shed light on the human rights abuses of migrant workers bound to foreign contracting firms, as is the case with employees of Yilmazlar. The report also seeks to document the failure of Israeli authorities to protect these workers for the past two decades and offer solutions that would put a stop to this ongoing injustice and ensure the protection of the migrant workers' rights.

Main Recommendations:

- Authorities should abide by the governmental decision to recruit migrant workers only through bilateral agreements that ensure proper oversight of the employees' working conditions and ban employment through foreign contracting companies.[9]
- As long as workers are employed under the supervision of foreign contracting companies, tight and effective oversight should be imposed to monitor working conditions and salaries of workers, while conducting unannounced inspections which include speaking to as many workers as possible without the presence of the employers.
- Authorities should allocate specific budgets for enforcement of labor laws, administrative and criminal enforcement, and training of inspectors.
- The laws should be enforced against employers and companies that violate the rights of their workers, while taking administrative enforcement steps and using criminal proceedings in cases when abuse reaches the level of criminal activities.
- Clear regulations should be promulgated concerning workers who have lost their legal status in Israel: how to conduct investigations of labor rights violations they may have suffered and how to ensure they are able to find full recourse before being deported. Authorities should diligently apply these laws.

9 Governmental decisions no. 4408, March 15, 2013; no. 4194, January 29, 2012; no. 3453, July 10, 2011.

Recruitment of Workers in Turkey and Arrival Process in Israel

"In Turkey I was a construction worker for 37 years, since I was 13. I am married and I have three children. I decided to travel to Israel because my children wished to study in university and I needed the money to pay for their tuition."[10]

"I came to Israel to work in construction because I had many debts in Turkey, and I had to work hard to repay them. My parents are divorced and I am responsible for covering the expenses of my entire household. I support my parents and three young brothers."[11]

The employees of Yilmazlar in Israel came from different regions in Turkey to the company's offices in Ankara or Istanbul after hearing about the high salaries they could receive for working in the Israeli construction sector. Some wanted to improve the living conditions of their families, others because they were in debt and could not support their families in Turkey. The workers' testimonies indicate that they received varying information about employment conditions at the company's offices. Not only did the salary rate vary, but some were told they would receive a monthly salary while others were given information about an hourly salary; some were told that they would receive additional sums for personal expenses and some were told about possible raises after predetermined periods of employment.

The number of hours of work varied from eight to ten, according to the company representatives, and they were promised they would receive overtime pay for additional hours of work. At this stage some workers were asked to sign a contract and additional documents that were taken from them before they had a chance to read them. They were not given copies of the documents.

According to the employees, they were asked to pay sums of money to company representatives for purposes that were unclear. They were also obligated to pay additional costs for various medical tests ahead of departure, travel and issuance of documents.

"I did not receive any information in Turkish or Hebrew about the regulation concerning changing employers or any other information pertaining to my rights as a worker and a person residing in Israel. I also did not receive such information during my years of employment at the company."[12]

"At the airport in Istanbul, an hour before we boarded the flight to Israel, they ordered us, a group of about 100 workers flying together, to sign a slew of documents, some of which consisted of multiple pages. I don't know which documents I signed, even though they were in Turkish, because they rushed us to sign quickly without reading them. So we signed... I know I signed a promissory note in the sum of 90,000 Turkish Lira [about USD 23,600 in early 2018] to the benefit of Yilmazlar. This promissory note allowed Yilmazlar to receive the money in court ex parte for any "damage" it claimed I have caused it."[13]

"In 2003, I found out about work in Israel through a Turkish company named Yilmazlar. Before arriving in Israel, I signed a contract in the Yilmazlar offices in Ankara.... There I also paid Nejdat USD 150 for the work and also signed an open promissory note to the benefit of Yilmazlar, a promissory note with which the Yilmazlar company can sue for my belongings in Turkey."[14]

Most workers reported that they were made to sign a series of documents a few minutes before boarding their flights to Israel, under pressure and in conditions that did not allow them to read the content of the documents. Nor did they receive copies of these documents. Some workers knew that they had signed an open promissory note, among other documents. This "open note", known in Turkish as senet, allows those holding the note to sue for ownership of worker's property, of unlimited value, in Turkey.[15] Some of the workers did not know whether they had signed such a promissory note, because they signed multiple documents and did not have time to read the contents.

Some workers reported that upon arrival in Israel, their passports were confiscated by company representatives. Some reported that they received partial or inconsistent information about their rights as workers in Israel, and that they did not know that they can switch employers under certain conditions.

Article 1C of the Foreign Workers' Law (1991) determines that an employer will not employ a foreign worker, unless:

10 Affidavit of B.E., April 17, 2019.
11 Affidavit of T. B., June 26, 2018.
12 Affidavit of Z.T., November 19, 2004.
13 Affidavit of T.K., April 22, 2018.
14 Affidavit of M.B., November 19, 2004.
15 The demand for payment totalling $40,000, dated July 3, 2018 from employee O.B., is included in this report as an annex.
16 From the website of the Ministry of Labor, Welfare and Social Services https://www.gov.il/he/Departments/Guides/rights-of-foreign-workers

"(A) The employer reaches an agreement with the foreign worker through a written contract in a language the foreign worker understands, and gives the foreign worker a copy of the contract.

(B) The contract will detail the [following] working conditions, as agreed between the contracting sides and in compliance with all legal provisions:

(1) The identity of the employer and the foreign worker

(2) The job description

(3) The salary of the foreign worker, its components, the manner of updating the salary, including benefits and dates of payment

(4) A detailed list of deductions from the salary

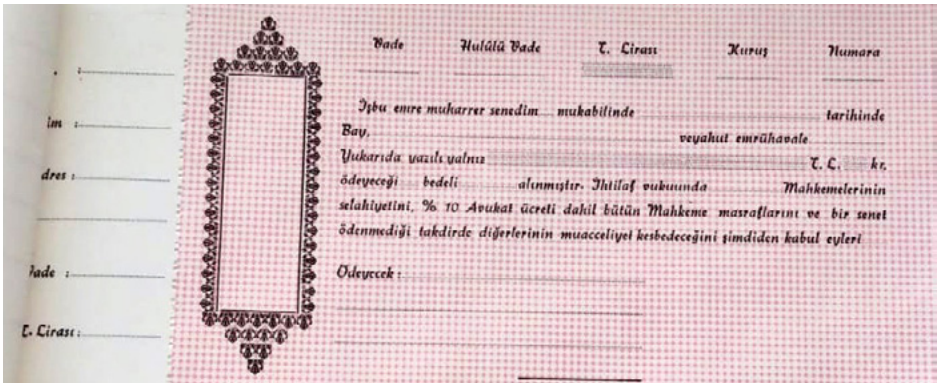
(5) Payments made by the employer and worker for social benefits

(6) The start date and duration of the employment period

(7) The length of the regular workday or workweek of the foreign worker, including the weekly day of rest

(8) Conditions concerning paid absence from work, including vacation days, holy days and sick days

According to the Ministry of Labor, Welfare and Social Services, "There are special conditions pertaining to the employment of foreign workers, such as the obligation to provide them with a contract written in their language, and the obligation to provide them with medical insurance and proper housing."[16]



An unfilled promissory note (senet)

Living Conditions

"In the housing site in Jerusalem I was placed in a house suitable for ten people together with about 25 other workers, forcing us to sleep in the hallways and near the bathroom."[17]

"The apartments were terribly overcrowded. In one of the apartments in Ashqelon, I had to arrange a corner for myself on the roof of the building, where I slept for about three months because I could not tolerate the overcrowding and conditions in the rooms."[18]

"As far as I know, in Kafr Qassem, there are about six camps for the workers. During my time at the company, I was moved between the different camps. In each camp there were about 50 people. Each room housed about five people, even though it was suitable for only two. In the rooms, there are no showers or bathrooms, and everyone who lived there used communal bathrooms and showers – three bathrooms and four showers."[19]

The company employees worked in various projects across Israel. Most of them left for work each morning and returned each night to the company's closed housing compound in Kafr Qassem, known as "the camp," alongside hundreds of other workers. Reports from the laborers indicate that the housing was overcrowded: between five to eight workers were placed in rooms or containers the size of a few meters. The sanitation conditions were poor and the living quarters were described as filthy and infested with cockroaches. The number of bathrooms and showers at the site was insufficient, and as a result, dozens of workers stood in line for the showers each evening. According to the workers, only the first ones in line enjoyed hot water.

17 Affidavit of B.E., April 17, 2019.

18 Affidavit of A.S., December 17, 2018.

19 Affidavit of O.E., June 26, 2018.

20 Administrative request to appear (Tel Aviv district court) 2782/05 Yilmazlar International vs. Yagel and others (issued on January 4, 2006). Ruling authored by Justice Sarah Gadot.Affidavit of O.E., June 26, 2018.

21 Administrative Permission to Appeal 276/06 Yilmazlar International vs. Yagel and others (issued on January 9, 2006). Ruling authored by Justice Edna Arbel.

The living conditions of Yilmazlar workers were brought up as part of legal proceedings concerning the rental of housing for the use of the company. In these legal proceedings, the court lambasted the "inhumane overcrowding"[20] in which workers lived, "one hundred humans living in one overcrowded home."[21]

Workers who lived in the camp in Kafr Qassem as well as in company living quarters in other locations, reported that the living quarters elsewhere were better. For example, the living quarters in Yeruham in southern Israel were described as significantly less crowded, with greater living space and more activities.

Israeli law obligates employers to provide adequate living quarters for foreign workers, specifically in which: "One room will not house more than six people" (article 4(B)); "each eight workers living on a site will be allocated at least one shower, which will supply both cold and hot water" (article 8(B)); "an employer will take all necessary actions to prevent ongoing sanitation hazards in the housing and around it, including preventing hazards stemming from insects, rodents and other harmful pests." (article 12(A)).

Working Conditions

"We used to leave the camp, my friends and I, for construction work at 5:30 a.m. on a company bus. The bus would usually reach the work site at 6:30. Although the workday was supposed to last for only 12 hours, sometimes we only finished working at 9 p.m. without any prior notice... at times we worked for 24 hours straight – in two back-to-back shifts. When we complained, they told us that those who don't want to work this way can go back home to Turkey."[22]

"My work hours over the years were 12 hours in a row during the summer, and 11 hours straight in the winter. During these hours, they would push us to work faster and faster. They would put a small number of people on each job and give them the work that a crew twice as large should perform. In a 12-hour day of construction work, there is a lunch break exactly 40 minutes long. If we came back 5 minutes late from lunch, they would delay the end of the workday by 20 minutes. A five-minute delay cost us 20.

If you want to rest for a minute, you are forbidden to do so. We have to drink water while standing. We are not allowed to sit down during the workday. We were told specifically we are not allowed to sit down. We cannot look at our phone, and we are not allowed to answer calls."[23]

"All the time they tell us to work as fast as possible. The work manager says we must hurry, work without a break. We are not allowed to take a cigarette break while sitting, only while standing and for two minutes only. Those who do not work fast enough are sent back to Turkey. We are not allowed to speak on the phone during the work hours. We are not allowed to eat except during the one lunch break."[24]

The workday lasted at least 11 hours and at times even 24 hours straight, six days per week. Morning shifts started at 6:30 a.m. and night shifts at 6:30 p.m., and at times were extended without warning. Under article 2(A) of the Law on Hours of Work and Rest (1951) "The workday should not exceed eight work hours."[25]

Those who complained about the long work hours were threatened with deportation to Turkey. During the workday, the employees were granted a 40-minute lunch break, for which they were not paid.

According to the workers, most of the 40 minutes break was consumed by travelling to the location where food was distributed and waiting in line to receive it. Workers reported that they were forbidden to leave the construction site, even if it was located near shopping centers.

22 Affidavit of T.K., April 22, 2018.
23 Affidavit of A.A., July 12, 2018.
24 Affidavit of S.G., April 17, 2018.
25 1951 Law on Hours of Work and Rest.

Work Accidents

"A friend who works with me fell from a tall building and was killed. As far as I know, his family paid to return the body to Turkey. The company did not cover the costs. This tragedy affected me deeply. Every time I worked on skyscrapers, I remembered him and what had happened to him. I asked the work manager not to place me on sites with tall buildings. The manager screamed at me 'Why did you come here if you don't want to work, go back to the housing.' I was forced to work on skyscrapers too, despite my fear."[26]

"I witnessed several work accidents during my time at Yılmazlar. When there is an accident, they don't call an ambulance. They take the worker in a car to a particular doctor in Kafr Qassem. They don't call an ambulance and prefer not to send [the worker] to the hospital because the company thinks the police will come asking questions."[27]

"We were working on the ground floor, and a few floors above us there were workers who dropped things on the floor below while working. I told the supervisors that they should do something because something may fall on our heads if this keeps up. A minute after I said this, right after we moved from where we stood, a pole fell from a high height. I was seconds away from death."[28]

"I broke my wrist after I fell from a two-meter-tall scaffolding. I did not have a [safety] harness on. [The Y'lmazlar [representative] refused to call an ambulance for me and screamed at me for falling. I waited with a broken wrist for a taxi to take me to Hadassah Hospital in Jerusalem. I spent several hours at the hospital; they did not discover anything, and I got an expensive medicine. The medical insurance did not cover the medicine and the company refused to help me buy it. I suffered excruciating pain for three days and in the end, asked to go to the hospital again. When I went again, it turned out that I have a broken wrist. I spent three months with a cast on in Kafr Qassem and could not work. For these months, I did not receive more than NIS 3,000 ($870), which I received in cash from the company. If the National Insurance provided money to the company for the accident, I was not aware of it. I did not get that money, except that small sum that I received in cash. At the time, the company had not opened

a bank account for me, and I would receive my entire salary in cash. To this day I suffer from pain, and I cannot bend my arm properly."[29]

According to the workers, proper safety measures were not implemented at the work sites. Many reported experiencing or hearing about work accidents and deaths due to safety lapses. The workers reported that although they underwent safety training, afterwards their managers ordered them to work quickly and ignore security precautions. Some of the workers reported that they were, at times, not provided with basic safety equipment such as gloves, harnesses and helmets; at other times the equipment was worn out and defective. Workers reported that they were sometimes forced to pay out of pocket for alternative gear or that the work manager was forced to choose who among the workers on the top floors would work with a harness and who would have to make do without. After suffering a work accident, the laborers were told to continue working while injured. If their health conditions did not allow it and they needed time to recuperate, they received no compensation for the days lost due to the injury. Workers who had been injured reported having to endure pain for prolonged periods until they received medical care.

The Law on Work Safety (1970) promulgates clear instructions on the prevention of work accidents, how hazardous areas and workplaces in tall buildings should be fenced, which security precautions should be taken in such cases, etc. The descriptions provided by the laborers of their working conditions indicate that the company did not follow these instructions.[30]

26 Affidavit of A.S., December 17, 2018.

27 Affidavit of S.G., April 17, 2019.

28 Affidavit of O.B., April 17, 2019.

29 Affidavit of A.A., July 12, 2018.

30 The Law on Work Safety, chapter B, Health. See for example article 50 concerning protection from falls, and article 87 on working on construction cranes. https://www.nevo.co.il/law_html/Law01/051_002.htm#Seif48 (Hebrew)

Wages

"During the period when I worked day shifts, I earned NIS 6,000 ($1,740), and when I worked more hours and at night, I earned NIS 8,500 ($2,460). I never received a pay slip, so I don't know what the hourly rate was and how much was deducted or added."[31]

"When I started working, a deposit was deducted from my first two salaries. I did not know about this ahead of time. I discovered this only in Israel. The deduction was from the part of the salary paid in cash, so for the first two months, I only received NIS 500 ($145) monthly as an allowance. The person who handed out the allowance said that the deduction is to prevent me from escaping."[32]

"During my entire time with Yilmazlar, I did not receive a pay slip so I cannot say what my wage and benefits were exactly. I do not even know my hourly rate. However, on the first month, they deducted about $1,500 from my salary. The company claimed that this sum is security in case I leave the company and return to Turkey. In addition, based on calculations I made, the company did not pay me for overtime, and every month they deducted between 20-30 hours [of pay] from my salary."[33]

According to the workers, they received pay slips only intermittently. The pay slips were unclear to them, written in English and Hebrew; they did not match the actual working hours and included ambiguous deductions that do not conform to Israeli law. Until 2017, the workers' salaries were paid to bank accounts in Turkey, and they received only a basic allowance in Israel. This method of payment made it difficult for the workers to track their income. The workers said that when they complained about the salary, company representatives would threaten to fire them and deport them to Turkey. In May 2017, the workers were told to open accounts in Bank Leumi in Kafr Qassem. They reported that they were not given the option to choose another bank or branch.

In addition to the incongruities between the hours actually worked, and the hours paid, the company often delayed payment. The workers said that, to ensure they would not "abscond," the company deducted sums from their salaries which they

could receive only at the end of their employment period upon their return to Turkey. They claimed they were rarely allowed to use their vacation days, and were not paid for the few sick days they dared to take. Some complained they did not receive a raise, although a raise had been promised to some of them in Turkey.

Israeli law obligates employers of foreign workers to provide them with the same basic rights to which Israeli workers are entitled, including minimum wage, payment for overtime and travel, and compensation in case of termination.[34]

31 Affidavit of A.Y., April 16, 2018.

32 Affidavit of S.G., April 17, 2018.

33 Affidavit of O.E., June 26, 2018.

34 Ministry of Labor, Welfare and Social Services website.

Surveillance and Control over the Company Employees' Lives

"During my time at Yilmazlar, the company was characterized by a sense of terror and fear. The work manager would tell us: 'We beat people. We will do whatever we want, we decide who is sent back to Turkey and whom to keep.' They used to threaten us, and I did not know what to do. Many friends told me that Yilmazlar is in reality a criminal gang, and I was afraid of complaining."[35]

"Our apartment building was locked every night from about 10–10:30 p.m. The guard would lock us in and stay inside with us. As far as I am concerned, that was the only difference between this and a prison, the fact that the guard slept with us (but in his own room by himself). This means, if I wanted to get out, it meant waking him up. If he hid the key and lost consciousness we would have no way of getting out."[36]

"Our building was locked every night between 10 to 10:30 p.m., from Saturday night until Friday morning. I couldn't even go to the shop near the building after we were locked in. The only way to leave the building was if the guard agreed to it, and he had complete discretion. He would also watch us and report to his supervisors."[37]

The company's workers attest that throughout their employment period, and not merely during work hours, their time and all aspects of their lives were closely watched and controlled by the company. The central housing compound in Kafr Qassem was locked nightly at 10 p.m., which prevented workers from entering or leaving after this hour. Arriving late to the living quarters was punishable with a fine. The workers were allowed to leave Kafr Qassem only on weekends and could not invite guests to their quarters. These prohibitions were backed by threats of deportation to Turkey or deductions from their salaries.

The company maintained near-total control over the lives of workers in the other living quarters as well. They were sent to work on projects across the country without prior notice or preparation.

35 Affidavit of O.A., November 19, 2004.

36 Affidavit of O.B., April 17, 2019.

37 Affidavit of B.E., April 17, 2019.

In most cases, they did not know where or for how long they would work at a certain location and what the conditions there would be. According to the workers, they were not allowed to choose their work location or to refuse to go to a certain site. The enforcement of rules was carried out through supervisors and administrators who threatened the workers with beatings, deportation or actualization of the promissory note they had signed in Turkey. The workers were kept under constant surveillance, at work and in their living quarters, and particularly during inspections by Israeli authorities of the working conditions. At times, the company's managers organized large meetings in which they threatened the workers not to "abscond;" that company representatives would find them and deport them; and that in any case, they wouldn't be able to work for any other company.

However, after HRM and KavLaoved filed a petition in 2004 against the company's abusive working conditions, these conditions improved, to a certain extent.

In the first years of its operation in Israel, workers reported that Yilmazlar completely banned workers from holding a cell phone and that the punishment was confiscation of the device or threats of deportation. Over the past decade, workers have reported that they are only prohibited from using a cell phone during work hours.

During its first years of operation, the workers reported that they were not allowed to leave their living quarters on Saturday, their day of rest. But over the past decade, the workers report that they are allowed to leave the housing compound on Friday after work and that they must return only on Saturday night. During this day off they can move freely around the country. In the past, workers complained about the company holding their passports, while in recent years, it appears that many are allowed to keep their passports, except when the company recalls them for the purpose of renewing their visas.

Persecution of Workers after Leaving the Company

"The Yilmazlar company did not let me be; they found me... and four workers from Yilmazlar ... assaulted me on Allenby Street, while telling me "only God will save you from us."[38]

"On October 26, 2003, about 20 men from Yilmazlar whom I knew from when I worked for the company, came to our construction site. I recognized among them Nihat, Suleiman, Orhan, Namik, Feyzullah and Bakhtiar. I recognized the rest, but I don't remember their names. They came in four taxis and a minivan. They got out of the taxis, grabbed us and threw us into their cars. They told us that they are taking us back to Yilmazlar, but they took us to Ben Gurion Airport. They punched my friends. When we arrived at Ben Gurion Airport, the rest of my friends left [Israel], but I refused to go until they paid me my salary. There was screaming and a brouhaha, and then the Yilmazlar workers called the police at the airport and told them that I don't want to go to Turkey. The cops took me and moved me to Ramleh [prison]."[39]

"A few months after I escaped the defendant [Yilmazlar], I was assaulted by a man named [...] whom I knew from my time working for the defendant. He loaded me into a service taxi. He threatened me, saying that I could not escape the company and live quietly in Israel. I asked him 'Why are you threatening me?' and told him I would file a complaint against him with the police. So that he could not find [where I live], I got out at a place far from home. He got out with me and kept arguing with me and began beating me. At that point he called [... another person] to also come. I called Sigal Rozen from the Hotline and when he heard me speaking to her, he began backing off.

Because of the beatings I sustained, I needed medical treatment. I sent Sigal my location by WhatsApp, she came to my location, took me to my home, calmed me down and then took me to the hospital for medical care. Ever since the beating, I don't see well, and I have problems in my eyes. As far as I know, he is part of a group charged with catching defectors who receive money for each worker they catch."[40]

The harsh working and living conditions compelled some workers to try to leave the company. Some were worried that the promissory note they had signed would be actualized and they would lose their property and cause harm to their families. Others were afraid of the "bounty hunters" searching for those running away from the company, after hearing about those who had been caught and punished. All the workers whom we interviewed on this matter did not know of the option to ask to remain in Israel and work legally.

But even had they known, experience shows that the option of arranging an alternative work visa for workers employed by contracting companies in Israel is almost non-existent, even if the worker retains legal counsel. In response to a freedom of information request, the director of services to employers and foreign workers at the Population, Immigration and Border Authority (PIBA) reported that between 2015 and February 2018, only five workers from the Yilmazlar Construction Group had switched to another construction company.[41] Since November 2018, only eight requests were filed by Yilmazlar workers to switch employers, and of those, only six were approved. All eight are workers represented by the human rights NGOs authoring this report.[42] Because of this, only a handful of workers have tried to leave the company over the years and attempted to remain in Israel legally to fully obtain the rights to which they are entitled. Workers who remained with the company reported that at times they were questioned as to the whereabouts of friends who dared to escape. Those interrogations by Yilmazlar representatives were accompanied by threats.

Over the years, a number of workers reported that they or their friends were taken by force to the airport after complaining about the working or living conditions, or after they had sustained a work injury.

38 Affidavit of M.M., November 19, 2004.

39 Affidavit of M.B., November 19, 2004.

40 Affidavit of O.B., April 17, 2019.

41 "Freedom of information request on the matter of Yilmazlar," February 4, 2018; authored by Anat Twito, Director of the Payment Department at the Population, Immigration and Border Authority in response to a request by Kav LaOved.

42 "Freedom of information request on the movement of workers to and from contracting companies, and from the Yilmazlar company to other companies," June 10, 2019, authored by Mali Davidyan, the Freedom of Information Officer at the Population, Immigration and Border Authority in response to the Hotline for Refugees and Migrants.

Others, who manage to escape the company's henchmen, were arrested by PIBA inspectors, jailed and deported from Israel without fully receiving the rights and benefits to which they were entitled, and without receiving any information about their status, their rights and the options open to them.

Israel's penal code defines many of the policies implemented by the company's representatives as crimes. For example, Israeli law prohibits using violence, threats, false imprisonment and withholding of passports. The experimental regulation concerning employment of migrant workers in foreign contracting companies promulgated in 2017 determined that "All contracting companies should act in accordance with labor laws and Israeli law when it comes to the foreign workers employed by it. Among other things, there is a complete prohibition on the use of any illegal tactics toward the migrant workers, such as violence, threats, false imprisonment, withholding of passports, forcible deportation based on false information, false reporting of abandoning the work site, or any other violations of the 1977 Penal Code."[43]

43 "Experimental Procedure on Employment of Foreign Workers in the Construction Sector by Foreign Contracting Companies" number 9.4.0002, October 15, 2017. https://www.gov.il/BlobFolder/policy/foreign_construction_companies_procedure/he/9.4.0002_0.pdf

44 Affidavit of B.E., April 17, 2019.

Circumventing Oversight of the Company's Conduct

"When we were told that there is an inspection of the living quarters, we were ordered to reorganize the room and remove beds from it; we were told to keep just five beds in the room. We were told to put the beds that we removed in the stairwell. In total, we were told to expect two or three inspections throughout my entire employment period."[44]

Government decision no. 3195 that approves employment of Yilmazlar workers states that the government is committed to "...instructing the supervisor to carry out special periodic oversight of the employment conditions of Yilmazlar employees and to ensure the payment of salaries and additional benefits to Yilmazlar employees, in accordance with the law. This includes instructing the supervisor to carry out sample inspections every month throughout the different sites of the company, and at least twice a year at each of these sites, to ensure the payment of salaries to the workers, their living conditions, etc. The supervisor will submit a report to the Minister of Industry, Trade and Employment and the legal counsel of his office concerning the employment conditions of Yilmazlar workers every three months, with a detailed list of the inspections carried out, the sites inspected and the findings of his visits. He will provide copies of these reports to the Ministry of Defense, Ministry of Interior and Ministry of Justice."[45]

In their affidavits, the workers describe how they were told to lie about their hours of work and living conditions during these inspections, and present forged documents. They were prevented from speaking to authorities except in the presence of a representative from Yilmazlar.

In a response to a freedom of information request, the Minister of Labor, Welfare and Social Services reported that over the years, three criminal enforcement cases were opened against the company (before implementation of the law increasing enforcement) and four administrative enforcement cases, the last among them in 2018. Between 2016-2017, authorities carried out three checks on salaries paid by the Yilmazlar and did not find any violations.[46]

45 Government decision no. 3195 "Permission to Employ Foreign Construction Workers from Turkey in the Construction Sector," February 24, 2008.

46 Response of Ms. Ronit Sapit, the officer in charge of providing information to the public at the Ministry of Labor, Welfare and Social Services, October 30, 2019, in response to a freedom of information request submitted by Kav LaOved on June 26, 2019.

Landmark Legal Proceedings Concerning Rights Violations of Yilmazlar Employees

In 1999, HRM filed the first complaint against Yilmazlar to Mr. Ephraim Cohen, at that time the head of the Foreign Workers' Department at the Ministry of Industry, Trade and Employment.[47] 200 Turkish workers were employed by the company at the time. Testimonies of workers who left the company gave rise to suspicion of multiple violations of their rights: delays in payment of wages, restrictions on their freedom of movement, employment for long hours in violation of the Law of Work and Rest Hours and more. In 2002, Adv. Zvi Ben Eliezer approached the human rights organizations following an illegal attempt to deport his clients, Yilmazlar workers, and their detention ahead of deportation from the country. In his appeal to the Detention Review Tribunal, Adv. Ben Eliezer stated: "On March 12, 2002, after a member of their family left the company, my clients (as well as other workers who were connected to the workers who dared to leave the company) were taken by thugs to Ben Gurion Airport and an attempt was made to forcibly remove them from the country against their will. A complaint about this was filed, with my assistance, to the Ben Gurion Airport police the same day, and my clients provided detailed testimonies... Before the police submitted a response to the complaint, my clients were arrested prior to deportation from the country."[48]

The "Offset" Agreement and HCJ Case 10843/04: the Hotline for Migrant Workers and others vs. the Government of Israel

In 2004, Yilmazlar was awarded a prominent role in an agreement between Turkey and Israel concerning an upgrade of Turkish tanks. Under the "offset" agreement, which was repeatedly renewed, Israel agreed to grant temporary work permits to hundreds of Turkish construction workers whose salaries would be paid in their homeland.[49] To fulfil this obligation, Israel granted Yilmazlar an exclusive permit to bring workers from Turkey and employ them at construction sites in Israel.

47 Letter titled "The Yilmazlar manpower agency" by Sigal Rozen of the HRM to Ephraim Cohen, head of the Department of Enforcement of Labor Laws at the Ministry of Labor, September 28, 1999.

48 Appeal of Adv. Zvi Ben Eliezer to the Detention Review Tribunal, December 31, 2002.

49 Government decision no. 2222, July 11, 2004, and no. 4024, July 31, 2005.

Theoretically, the governmental decision allows the company's workers to switch from one employer to another in the construction sector, in cases of grave abuses of their working conditions,[50] but authorities avoid investigating and determining that their rights have indeed been violated.

Upon the signing of the agreement, HRM and Kav LaOved filed a petition to the HCJ demanding that Yilmazlar be prevented from employing workers in conditions binding them to the company, and that workers should be allowed to leave the company and switch to another employer. The petitioners argued that, based on affidavits they presented, Yilmazlar employees are subjected to harsh and illegal working conditions; their salaries are not in line with Israeli law; workers are forced to sign unlimited promissory notes that remain in the hands of the company, allowing it to confiscate money and assets of the workers without any preconditions and for whatever sum it sees fit; and that upon the arrival of workers in Israel, their passports are confiscated.[51] Therefore, the petitioners argued, the fact that the policy that does not allow Yilmazlar employees to switch to another employer grants Yilmazlar complete authority over the workers. To counter the affidavits of the workers presented at the proceedings, Yilmazlar filed its own affidavits, but Justice Edmond Levi argued that the company's affidavits "...fail to address the rate of the salary paid to the workers, the content of the work contracts, the claims about workers being forced to sign open promissory notes, the matter of the workers' dependency on the company, including the claim about withholding of passports, the quality of the living quarters provided by the company, the matter of vacation days and rest days... these affidavits were all identically worded, as if they are exact copy of each other."[52]

Despite this, in September 2007, the Supreme Court justices rejected HRM and Kav LaOved's petition (in a majority opinion authored by justices Rivlin and Hayut versus a minority opinion authored by Justice Levi), determining that there is no justification for abrogating the agreement. Justice Rivlin ruled that the agreement concerning Yilmazlar workers does not amount to a binding agreement (prohibited by the Court), because Yilmazlar workers are not obligated to pay recruitment fees to come to Israel, and because of the strict supervision and monitoring of Yilmazlar's conduct in Israel.

50 See governmental decision no. 597, August 25, 2015, and no. 1321 "Bringing Foreign Construction Companies," March 24, 2016.

51 HCJ 10843/04 the Hotline for Migrant Workers and others vs. the Government of Israel. Ruling issued on September 19, 2007. See footnote 1.

Justice Levi, in his minority opinion, stated that the ruling should have been in favor of the petitioners and that the arrangement regulating the employment of Yilmazlar workers amounts to binding.[53] He also detailed the inherent conflict of interest at the heart of supervising Yilmazlar, which undermines effective monitoring.[54]

"Oftentimes, there is an inherent conflict of interest, even if an unspoken one, between the legal framework of policies whose main purpose is to bring cheap and effective labor to various sectors of the market, and between the area in jurisprudence concerned with labor rights... the protection of the rights of foreigners, who exist on the margins of society, is usually deprioritized by governments, and only limited efforts are invested in it. As a direct result, in many countries that host foreign workers, enforcement mechanisms struggle to prevent infringement upon their rights... Even [when] these same principles, explicitly enshrined in the country's labor laws, and whose solid grounding and application, not just to local employees but also guest workers in the labor market, are not in doubt, [they] are not sufficiently enforced. Many times, even if the laws are well-developed on paper, they remain a hollow and ineffectual tool when it comes to implementation."[55]

Justice Hayut, who joined Justice Rivlin in their opinion to reject the petition, qualified her ruling, writing that "We can accept this arrangement as an exception because it is limited in time. If the **rejection of the petition at hand '...gives rise to similar decisions in the future,' there will be a need to reexamine the legality of these decisions."**[56]

Thus, although the HCJ ruled that the binding arrangement is a form of "modern-day slavery" and abrogated it,[57] it avoided abrogating the binding of Yilmazlar workers.

Appeal to Recognize Yilmazlar Employees as Victims of Trafficking and Modern-Day Slavery, and Permission to Transfer them to Other Employers

In February 2016, representatives of HRM found protocols of hearings held for 15 construction workers who told the Detention Review Tribunal that they had fled the Yilmazlar Construction Group.

52 Ibid., paragraph 19.
53 Ibid., paragraphs 3-15 of Justice Edmond Levi's opinion.
54 Ibid., paragraphs 16-18 of Justice Edmond Levi's opinion.
55 Ibid., paragraph 16 of Justice Edmond Levi's opinion.
56 Ibid., in Justice Hayut's opinion.

13 workers wished to return to their homeland directly. Only two wished to file a complaint against the company. One of them, A. T., who arrived in Israel in July 2015, told the border control officer about the harsh working conditions, but the officer ignored the information and issued a deportation order for him. When A. T. was brought before the Detention Review Tribunal two days later, he told the Tribunal:

"I escaped because the conditions were very harsh. I worked nights. The work started at 6:30 p.m. and ended at 6:30 a.m. They brought us back by bus to the apartment in Kafr Qassem. There were eight people inside one room. There were cockroaches in the rooms. We were threatened. We were told that if we plan to escape, we should know that there are people outside who can beat us. We were afraid. I felt myself like I'm inside a prison".[58]

After hearing the testimonies of the workers, the Tribunal decided to transfer the protocol of their hearings to the Legal Aid Department at the Ministry of Justice to examine the possibility that the situation meets the criteria of modern-day slavery. Adv. Michal Pomerantz, who was sent to interview the workers, found their testimonies to be credible and recommended that the National Investigating Officer of Israel's Police recognize them as victims of modern-day slavery. Commenting on the workers she interviewed, she wrote: "Based on his description, it appears he was held by the Yilmazlar Construction Group in conditions that, in actuality, completely controlled his liberty: he was kept under surveillance and monitored; he was threatened with violence if he escaped; he was forced to work long hours performing highly dangerous tasks, without proper food, with a salary that did not cover the hours he actually worked; he was forced to sign a note whose content he did not properly understand that allows the company to demand large sums of money if he leaves the company."[59] The police refused to recognize them as victims, claiming that their testimonies were too general.[60]

After his release on bail two months later, A. T. appealed to the Immigration Authority, with the assistance of HRM, asking to be allowed to remain in Israel as an employee of a different construction company.

57 HCJ 4542/02 Kav LaOved and others vs. the Government of Israel. https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C02/420/045/o28&fileName=02045420.o28&type=4

58 Detention Review Tribunal protocol, February 3, 2016.

59 Appeal of Adv. Michal Pomerantz to the National Investigating Officer, Israel Police, February 8, 2016, on the matter of A. T. and S. Q.

60 Response of the Israel Police to the request to recognize them as victims of modern-day slavery, March 7, 2016.

In March 2016, the Immigration Authority rejected his request, claiming that he had only complained after he had been arrested, and that the police had not found any evidence that he was held in conditions amounting to modern-day slavery.

HRM filed an appeal on A. T.'s behalf demanding that he be allowed to work for another employer, but during the legal proceedings, A. T. was forced to return to Turkey due to an urgent personal matter. HRM filed a request to grant him a visa that would allow him to return to Israel, and although the Detention Review Tribunal accepted HRM's position and determined that he could return to Israel within three months, A. T. could not return in time and was therefore unable to fully benefit from his rights.[61]

In the ruling, Tribunal Adjudicator Elad Azar referred to the testimonies brought before him concerning the working conditions at Yilmazlar:

"The appellant, and two other workers of the employing company who were arrested with him, all provided an identical version in their testimonies to the Israel Police, according to which they were employed for 12 hours at construction sites, some of them during night shifts; when they slept in the company housing quarters they were locked in the rooms; and that representatives of the employer made it clear to them that they would be punished if they left their work." An affidavit by Mr. Olozay, a former employee of Yilmazlar, provided detailed testimony about the existence of a "bounty hunter team" tasked with catching defectors, which operates on behalf of Yilmazlar to catch and punish its workers who left the company and remained in Israel. This testimony included details about the "head" of the team and a description of an incident he personally witnessed in which such a team located a former worker and ferociously beat him. "The heart of the claims of the appellant are credible, in my view, and the respondent has not directly attacked their credibility."[62]

In 2017, five former workers of Yilmazlar, represented by Adv. Yossi Carmeli, petitioned the Appeals Tribunal after they were barred from filing political asylum applications with the Ministry of Interior.[63] The company wished to join the legal proceedings in what was an apparent effort to undermine the claims of its workers. As had happened in several earlier cases, the five workers severed communication with their attorney before the end of the proceedings, leading the attorney to ask to vacate their case.

61 Appeals Tribunal cases (Jerusalem tribunal) 1795-16 and 2042-16, verdict issued on September 17, 2017.

62 Ibid., paragraphs 40-44.

63 Yasser Akhoi and others vs. the Ministry of Interior, December 14, 2017.

However, the Tribunal found that "The circumstances of the matter, once they were brought to light as part of the proceeding, are very worrying... despite the decision to vacate the appeals, I believe that authorities should consider continuing to handle the matter of the appellants, to examine whether it is appropriate to investigate further and draw conclusions, including what appears to be an attempt by the Yilmazlar Construction Group to prevent its workers from filing asylum requests, and to constrain the ability of the workers to turn to an attorney or legal instances." In addition, the court declared that "Access to the asylum system for the purpose of applying for asylum is the basic right of every foreign citizen present in Israel."[64] Despite this ruling, there is no indication that any measures were taken against the company.

Ongoing Proceedings for Approval of Transfer of Yilmazlar Workers to Other Companies

"Yilmazlar workers, before they serve as a pair of working hands, are first and foremost humans. We must acknowledge that. This needs to be reflected in our legal framework."[65]

In late 2017, two Yilmazlar employees turned to HRM and Kav LaOved after they left the company, hoping to receive their pay from the company as well as to obtain a work visa in Israel. During the first few months of 2018, four additional workers joined them. The NGOs turned to the Population, Immigration, and Border Authority, requesting that it allow the laborers to work at other construction companies which have permission to employ migrant workers, in line with Immigration Authority proceedings. The Authority refused and the human rights NGOs filed an appeal to the Appeals Tribunal.[66] On May 10, 2018, the Appeals Tribunal issued an order preventing the detention and deportation of the workers. At first, the State claimed that the workers could work for one of the six foreign contracting companies that operate in Israel (all of them Chinese), but not with any other company.[67] The NGOs argued that the Chinese companies are not interested in hiring Turkish construction workers, and also showed documents indicating that the companies maintain policies binding their workers to them.

64 Ibid.

65 HCJ 10843/05 ruling issued on September 19, 2007 the Hotline for Migrant Workers and others vs. the Government of Israel. https://supreme.court.gov.il/Pages/SearchJudgments.aspx?&OpenYearDate=2004&CaseNumber=10843&DateType=1&SearchPeriod=8&COpenDate=null&CEndDate=null&freeText=null&Importance=null (Hebrew), paragraph 32 of the opinion of Justice Edmond Levi.

66 Appeal (Jerusalem Tribunal) 3251-18, May 8, 2018.

67 Response of the State in Appeal 3251-18, July 23, 2018.

In addition, four of the companies had yet to begin operation in Israel, and of the two companies that were partially active, all their employees and managers speak Chinese only, which would make it difficult for a Turkish worker to join their ranks.[68]

In July 2018, the appeal was rejected, adopting the decision of the Immigration Authority that allowed the workers to work for any of the six construction companies, despite the fact that all the efforts made by the workers and human rights organizations to facilitate their employment with the Chinese companies failed. After a number of preliminary proceedings in various legal instances, on June 11, 2019 the Appeals Tribunal accepted the position of the workers and ordered the State to issue them work visas until the police investigation on their matter is concluded.[69] Following an appeal filed by the State, the Israel Police began summoning the workers to provide their testimonies, and the investigation into the company's apparent misconduct is continuing.

It should be mentioned that in May 16, 2019, the Israeli Police announced that after examining the materials of the case, there does not appear to be evidence that the appellants are human trafficking survivors, or victims of modern-day slavery or forced labor. However, there is a suspicion that the company carried out a number of punishable offenses against the workers that require further investigation. In early June 2019, a hearing was held in which the suspicion emerged that the company engaged in extortion and threats against the workers.[70] In the second half of 2019, the Israeli Police summoned the workers to interviews in an effort to ascertain whether they were the victims of felonies during the period of legal employment in Israel.[71] To the best of our knowledge, the investigation is continuing.

The Workers' Lawsuit at the Labor Tribunal[72]

On August 7, 2018, five of the company's workers filed a lawsuit with the regional Labor Tribunal, represented by the Labor Rights Clinic at the Faculty of Law at Tel Aviv University. The lawsuit, comprising about 50 pages, details a long list of alleged violations of the rights of the workers, including deprivation of liberty, harsh working and living conditions, employment under the threat of actualizing a promissory note, threats at the workplace, disregard for worker safety, and severe violation of their rights as workers and their dignity as human beings.

68 See footnote 67.

69 Appeal (Jerusalem) 5722-18 ruling issued on June 11, 2019.

70 Ibid., paragraph 5-7.

71 Ibid.

72 Lawsuit 14051-08-18 the Tel Aviv Regional Labor Tribunal, filed on August 7, 2018.

The lawsuit details how the plaintiffs were forced to sign multiple documents before they boarded their flight to Israel, without a proper chance to read them and without receiving copies; how they lived in an overcrowded, closed and policed compound which is locked at night; how they were forced to work for shifts lasting 15 and even 20 hours, and on rare occasions, double shifts of 24 hours. The lawsuit also details how workers injured in work accidents were forced to lie about the circumstances of the work accident, and how they had been deprived of medical care or given improper medical care. The lawsuit details a work regime based on a semi-military hierarchy of officials and collaborators, with the use of threats, humiliation and screams as a matter of routine. According to the lawsuit, the workers were ordered to lie to inspectors and remove some of the beds from their rooms to create the false impression that the rooms were less crowded than they truly are. The lawsuit also describes how their employment involved wage theft, manifested in non-receipt of pay for all of the hours of work they performed, and non-payment of social benefits to which they are entitled. The total sum of the lawsuit for all the plaintiffs amounts to about NIS 2 million ($580,000).

Due to the compounded damage to the workers' rights stemming from Yimazlar's abusive employment practices, the lawsuit, extraordinarily, includes a demand for individual compensation based on new grounds of a civilian lawsuit detailing abusive employment conditions amounting to modern-day slavery or forced labor, beyond the ordinary recourses of the labor rights jurisprudence. If this lawsuit is accepted, it will add a new legal tool to address the phenomenon of human trafficking in Israel, which would join the administrative and criminal measures that currently exist in Israeli jurisprudence. As of the writing of this report, the case is still pending.

Summary and Recommendations

"The heart of the matter is that in the normative situation created by the government's decision, an opening has been created – and it is an incredibly wide one – that harms "Yilmazlar" workers, as well as other future foreign workers. As life and experience teach us, where there is such an opening, there will always be those to try to enter it. I cannot abide by this."[73]

The testimonies detailed here raise grave suspicions of significant abuse and violation of the rights of migrant workers by the contracting company Yilmazlar Construction Group, and demonstrate a need to thoroughly examine the legality of the company's conduct. Although the testimonies presented here are about one company only, this does not mean that other companies are conducting themselves any better. The manner of employment of foreign contracting companies - employing workers who only speak their own native language, isolating the workers through closed and remote living quarters, not providing information to workers about the ability to change employers if labor conditions are abusive - all serve as fertile ground for exploitation, violations of rights and human trafficking.

The binding arrangement of migrant workers to their employers has already been deliberated by the HCJ and has been determined to be "a form of modern-day slavery."[74] Despite this, the workers of foreign contracting companies continue to be held in binding conditions because they do not have an effective way to legally change their employers in Israel.

73 HCJ 10843/04 ruling issued on September 19, 2007, Hotline for Migrant Workers and others vs. the Government of Israel and others. https://supreme.court.gov.il/Pages/SearchJudgments.aspx?&OpenYearDate=2004&CaseNumber=10843&DateType=1&SearchPeriod=8&COpenDate=null&CEndDate=null&freeText=null&Importance=null

74 HCJ 4542/02 the Kav LaOved NGO vs. the Government of Israel: https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C02/420/045/o28&fileName=02045420.o28&type=4

75 Governmental decision no. 4408 dated March 15, 2013; governmental decision 4194 dated January 29, 2012; governmental decision 3453 dated July 10, 2011.

The State's negligence in applying its labor laws against the contracting companies, the detention and deportation of any worker who dares to leave his company, and the opposition of the State to grant work visas for alternative working places to the handful of workers who do dare to leave, who try to fully realize their rights and seek recourse from the courts, are all policies that allow companies that seek to maximize their profits at the expense of the workers to do so unhindered.

To minimize the harm done to migrant workers who know no other language than their native tongue, Israeli authorities should:

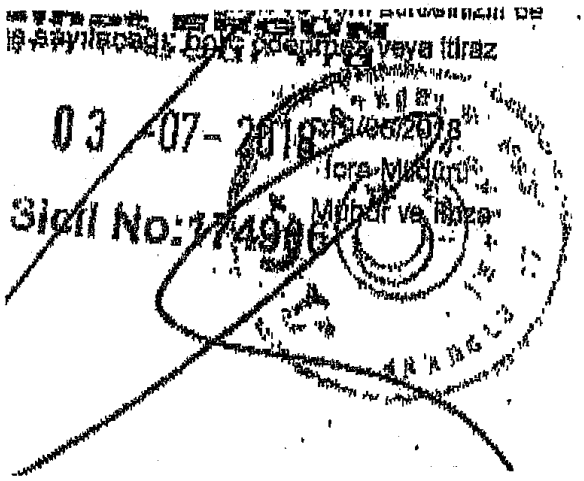
- Abide by governmental decisions to recruit migrant workers only through bilateral agreements that ensure proper oversight of employee working conditions and ban employment through foreign contracting companies.[75]
- Ensure that as long as workers are employed under the supervision of foreign contracting companies, tight and effective oversight be imposed on the employment conditions and salaries of workers, while conducting unannounced inspections and ensuring to speak to as many workers as possible, without the presence of the employers.
- Allocate specific budgets for the enforcement activities of labor laws, administrative and criminal enforcement and training of inspectors.
- Ensure that the law be enforced against employers and companies that violate the rights of their workers, while taking administrative enforcement steps and using criminal proceedings in cases when abuses reach the level of criminal activities.
- Promulgate clear regulations concerning workers who have lost their legal status in Israel: how to conduct investigations of labor rights abuses they may have suffered and how to ensure they are fully able to find recourse before they are deported. Authorities should apply these laws diligently.

Annex

Photograph of an order to summarily pay a representative of the company based on a promissory note without applying to courts in Turkey, sent to one of its workers who left the company. The promissory note is for the sum of **$40,000.**

03-07-2018 (חותמת עגולה רשמית של הרפובליקה של טורקיה)
Nihat Ergun (חתימה) מספר רשמי 17499

מספר חשבון בנק בהוצאה לפועל :
שם בנק: Turkiye Vakiflar Bankasi
IBAN:TR350001500158007297937096



T.C.
İSTANBUL ANADOLU 17.İCRA MÜDÜRLÜĞÜ
No: [1265]
Dosya No:2018/16028
ESAS

Örnek No: 7

Kart

İLAMSIZ TAKİPLERDE ÖDEME EMRİ

1-Alacaklının ve varsa kanuni temsilcisinin ve varsa vekilinin adı, soyadı,vergi kimlik numarası ve yerleşim yerindeki adresi, alacaklı yabancı ülkede oturuyorsa Türkiye'de göstereceği yerleşim yerindeki adresi :

FETHİ YILMAZ (TC Kimlik No 46624923332)
ALTINTEPE MAH.ÜSTÜNDAĞ CAD. NO: 16
MALTEPE/İSTANBUL
Vekili Av. SURHANETTİN AKTÜRK
SOYAK EVREKA REZİDANS-118 KARTAL/İSTANBUL yakaok V.D. 3934529364

2-Borçlunun ve varsa kanuni temsilcisinin adı, soyadı ve yerleşim yerindeki adresi, alacaklı tarafından biliniyorsa vergi kimlik numarası:

1-[redacted] (TC Kimlik No [redacted]
[redacted]
KADIKÖY/İSTANBUL

3-Alacağın veya istenen teminatın Türk parasıyla tutarı ve faizli alacaklarda faiz miktarı ile işlemeye başladığı gün,alacak veya teminat yabancı para ise alacağın hangi tarihteki kur üzerinden talep edildiği ve faizli
(*) 11/06/2018-19/06/2018 arası yıllık %6

40.000,00 USD Asıl Alacak
52,60 USD İşlemiş Faiz
+ ----------
40.052,60 USD (faizi ile birlikte fiili ödeme günündeki TL kafşılığı ile) Tutarındaki toplam alacağın icra gideri, vek.ücr. ve takip tarihinden itibaren asıl alacağa işleyecek (40.000,00 USD yıllık %6,00 Amerikan Doları - Merkez Bankası Azami Mevduat Faiz Oranları (Kamu Bankalarınca Uygulanacağı Bildirilen),) faiz ile tahsili emridir. (Faizlere dair %6 faiz oranlarındaki artıştan doğan talep hakkımız saklıdır) TBK. 100.mad. gereğince kısmi ödemeler öncelikle işlemiş faiz, masraf ve ferzilere mahsup edilecektir.
40.052,60 USD x 4,5217TL = 181.105,34TL, 11/06/2018 tarihinde
1USD = 4,5217TL
Borcunuzu itiraz süresi içerisinde ödersenİz:
Takip Toplamı: 181.105,34TL + Vekalet Ücreti: 18.012,26TL +
Hesç: 9.281,42TL + Masraf 2: 0,00TL =
TOPLAM BORÇ: 201.999,02TL + Günlük Faiz2 Ödemeniz Gerekmektedir.

4-Senet ve tarihi ve senet yoksa borcun sebebi:

11/06/2018 29/04/2015 TARİHLİ SÖZLEŞME VE TAAHHÜTNAME SEBEBİYLE BORÇ

5-Bir terekeye karşı yapılan takiplerde mirasçıların adı, soyadı, yerleşim yerindeki adresleri :

İşbu ödeme emrinin tebliği tarihinden itibaren borcu ve takip giderlerini (7) gün içinde ödeme emrini gönderen icra dairesine ait banka hesabına yatırmanız (teminatı vermeniz); borcun tamamına veya bir kısmına veya alacaklının takibat icrası hakkına dair bir itirazınız varsa, senet altındaki imza size ait değilse yine bu (7) gün içinde ayrıca ve açıkça bildirmeniz; aksi halde icra takibinde bu senedin sizden sadır olmuş sayılacağı; imzayı reddettiğiniz takdirde icra mahkemesi önünde yapılacak duruşmada hazır bulunmanız; buna uymamanız itirazınızın geçici olarak kaldırılacağı; senet veya borca itirazınızı yazılı veya sözlü olarak icra dairesine yedi gün içinde bildirmediğiniz takdirde aynı müddet içinde 74 üncü madde gereğince mal beyanında bulunmanız, aksi halde hapisle tazyik olunacağınız, hiç mal beyanında bulunmaz veya gerçeğe aykırı beyanda bulunursanız hapisle cezalandırılacağınız; dava ve takip işlemlerine esas olmak üzere kendinize ait bir adresi itirazla birlikte bildirmek zorunda olduğunuzu; adresinizi değiştirdiğiniz halde yurt içinde yeni bir adres bildirmediğiniz ve yeni adresinizin de tespit edilemediği durumda, takip talebinde gösterilen adrese çıkarılacak tebliğatın size yapılmış sayılacağı, borç ödemeye veya itiraz edilmezse cebri icraya devam edileceği ihtar olunur.
(İc.İ.K.60)
Yönetmelik Örnek No: 7

03-07-2018 İcra Müdürü
Sicil No:17498 İmza

İcra Dairesi Hesap Bilgileri
Banka Adı: TÜRKİYE VAKIFLAR BANKASI T.A.O.
İban No : TR35 0001 5001 5800 7297 9370 96

