DECENT WORK CHECK
PALESTINE 2023

Razan Ayesha
Iftikhar Ahmad
WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

The Authors

Razan Ayesha works as a Research Associate at The Centre for Labour Research, Pakistan.

Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research which is the global labour law office of the WageIndicator Foundation. He can be contacted at iftikharahmad@wageindicator.org

Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Palestine. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Cecon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the Centre for Labour Research, Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

Bibliographical information


For an updated version in the national language, please refer to https://rawateb.org/palestine/

Copyright 2023 by WageIndicator Foundation. All rights reserved.

WageIndicator Foundation, 2023


Email office@wageindicator.org
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR</td>
<td>2</td>
</tr>
<tr>
<td>01/13 WORK &amp; WAGES</td>
<td>3</td>
</tr>
<tr>
<td>03/13 ANNUAL LEAVE &amp; HOLIDAYS</td>
<td>7</td>
</tr>
<tr>
<td>04/13 EMPLOYMENT SECURITY</td>
<td>9</td>
</tr>
<tr>
<td>05/13 FAMILY RESPONSIBILITIES</td>
<td>13</td>
</tr>
<tr>
<td>06/13 MATERNITY &amp; WORK</td>
<td>15</td>
</tr>
<tr>
<td>07/13 HEALTH &amp; SAFETY</td>
<td>18</td>
</tr>
<tr>
<td>08/13 SICK LEAVE &amp; EMPLOYMENT INJURY BENEFIT</td>
<td>22</td>
</tr>
<tr>
<td>09/13 SOCIAL SECURITY</td>
<td>25</td>
</tr>
<tr>
<td>10/13 FAIR TREATMENT</td>
<td>28</td>
</tr>
<tr>
<td>11/13 MINORS &amp; YOUTH</td>
<td>31</td>
</tr>
<tr>
<td>12/13 FORCED LABOUR</td>
<td>33</td>
</tr>
<tr>
<td>13/13 TRADE UNION</td>
<td>35</td>
</tr>
<tr>
<td>QUESTIONNAIRE</td>
<td>38</td>
</tr>
</tbody>
</table>
INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!
MAJOR LEGISLATION ON
EMPLOYMENT AND LABOUR

2. Amended Basic Law, 2003
3. Labour Law No. (7) of 2000
5. Decree-Law No. (3) Of 2019 Regarding Occupational Safety and Health Committees and Supervisors in Establishments
7. Criminal Code Ordinance, 1936
8. The Trade Unions Law, 1954
9. Education Law No. (1), 2013
ILO Conventions

Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117 (1962)

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.
Regulations on work and wages:

- Labour Law No. (7) of 2000

Minimum Wage

According to the Labour Law of Palestine, the minimum wage for all types of works is set through collective labour agreement. The wage of the workers is not allowed to be less than the legally approved minimum wage limit.

The minimum wage is determined by the Committee on Wages, which is established by the Council of Ministers based on recommendation of the Minister. This Committee is composed of representatives of government, the employers and the workers. The Committee examines the public policies related to wages and the extent it is compatible with the living standards in addition to submitting recommendations to the Council of Ministers. It also determines the minimum wage limit which has to be issued through a decision by the Council of Ministers.

The Committee on Wages convenes on regular basis at least once a year. It also convenes, when necessary, based upon a request by its chairperson or by representatives of any of its three parties.

Source: §57, 86-89 of the Labour Law No. (7) of 2000

Regular Pay

Labour Law defines wage as “the full wage, which includes the basic wage, added to it the applicable bonuses and allowances”, whereas the basic wage is defined as “the agreed upon cash and/or in-kind payment which the employers pay to the workers in return for their work”. Bonuses and allowances are excluded from wage amount.

Labour law ensures timely as well as regular payment of wages. Wages are paid at the end of each month in case of workers working on monthly basis and at the end of each week in relation to workers, working on unit production or hourly or daily or weekly basis. Employers are obliged to make payments in circulated legal currency on the working days and in the workplace. Law does not allow the workers’ wage payment to be delayed for a period exceeding five days from the regular wage payment date. Workers are entitled to wage if they are present at the workplace even if they do not perform a work for reasons related to the installation.

Law prohibits deductions from workers’ wage except in case of pursuance of a final judicial judgement; for any loan due for the employers, provided that each deduction does not exceed (10%) of the related workers’ basic wage and in case of any fines imposed upon the workers. The total deduction for later two cannot be more than 15% of basic wage.

Source: §1, 81, 82 & 83 of the Labour Law No. (7) of 2000
**02/13 COMPENSATION**

**ILO Conventions**

Compensation overtime: Convention 01 (1919)
Night work: Convention 171 (1990)

**Summary of Provisions under ILO Conventions**

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.
Regulations on compensation:

- Labour Law No. (7) of 2000

Overtime Compensation

The general working hours in Palestine are 45 hours per week. As the law provides a 24 hours rest day in a week, the working hours per day are calculated to be 7.5 hours. Workers are entitled to one hour rest periods during daily working hours so that workers should not work for more than 5 consecutive hours of work. The working hours for hazardous and night work are reduced at least by an hour.

The daily working hours for minors have been reduced by one hour per day. Hence the working hours per day are 6.5 hours per day and 39 hours per week. The daily working hours include rest breaks of a maximum of 60 minutes. Minors must get a rest break after four consecutive hours of work.

Workers may be required to work overtime hours; however, the overtime hours may not exceed 12 hours per week. The compensation for overtime work is 150% of the hourly salary for each extra working hour. The maximum working hours inclusive of overtime are 57 hours per week.

Source: §68-72 & 96 of the Labour Law No. (7) of 2000

Night Work Compensation

Under the Labour Law, night is defined as a period of successive twelve hours between 8:00 pm until 6:00 am. The law does not stipulate a premium rate for night workers. However, it entitles night workers with at least one hour reduction in their daily working hours.

No minors may be employed for night work. Women are also prohibited to work night hours, except for the works defined by the Council of Ministers.

Source: §1, 69, 95(2) & 101 of the Labour Law No. (7) of 2000

Compensatory Holidays / Rest Days

There is no statutory provision for a substitute day off when the overtime work is commenced. Law only prescribes overtime premium.

Weekend / Public Holiday Work Compensation

There is no statutory provision about premium payment in the legislation of Palestine.
03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.
Regulations on annual leave and holidays:

- Labour Law No. (7) of 2000
- Cabinet Resolution No. (16) of 2003 Regulating Paid Religious and Official Holidays

Paid Vacation / Annual Leave

Labour Law provides for paid annual leave of two weeks per year worked at the same place and three weeks for the work in hazardous or health damaging occupations and for those workers who have spent five years or more at the installation.

Law permits splitting and accumulation of annual leave. However, it cannot be accumulated for more than two years. The religious and official holidays are not counted in annual leave period. The worker may be absent from work for a demonstrated contingent cause for a period of ten days per year to be counted from his/her annual leave, provided that such leave does not exceed three consecutive days each time.

The worker is entitled to one week of paid cultural leave per year, such paid leave shall be regulated through a decision issued by the Minister.

Minors are entitled to three weeks of annual leave.

Source: §74, 75, 76, 78 & 97 of the Labour Law No. (7) of 2000

Pay on Public Holidays

Workers are entitled to paid official and religious holidays.

Public holidays are regulated under Cabinet Resolution No. (16) of 2003 Regulating Paid Religious and Official Holidays, which are fully paid. The religious holidays in which workers are granted leave with full pay, taking into account the special holidays for Muslims and the holidays for Christians, are as follows: Eid al-Fitr (End of Ramadan), Eid al-Adha (date depends on lunar calendar), the Prophet’s birthday (date depends on lunar calendar) and Christmas (25 December). The official holidays include; New Year’s Day (1 January), Labours’ Day (1 May) and Independence Day (15 November).

A worker who has completed a continuous service period of five years at the same workplace, shall be granted a one-time, paid leave lasting no less than two weeks to fulfil their religious duty of performing the Hajj ritual.


Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week after six continuous working days. The weekly rest period is reckoned as a paid time. The weekly rest day is generally Friday. Workers have right to combine the rest days and take once a month. The percentage of the days during which the workers have been absent from work are deducted from such rest period.

Source: §70, 72 & 73 of the Labour Law No. (7) of 2000
**ILO Conventions**

Convention 158 (1982) on employment termination

**Summary of Provisions under ILO Convention**

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).
Regulations on employment security:

- Labour Law No. (7) of 2000

Written Employment Contract

An individual employment contract is a contract under which a worker undertakes to work with and under the management and supervision of an employer in return for a wage. The employment contract may be explicit or implicit written or verbal and can be concluded for definite or indefinite periods. The contract should include all necessary details especially the wage, type, place and duration of the work, to specify the parties' rights and obligations and be written in Arabic and one copy will be delivered to workers for them to use it as legal proof.

Employers are prohibited from assigning work that substantially differs from the nature of work agreed upon in the contract, unless the necessity requires performing such work to prevent the occurrence of an accident, or in case of force majeure. The work in such cases should be temporary and should not carried on for more than two months.

If a subcontractor implements the work on behalf of the original employer or for his/her interest, in such instance the two shall be jointly liable for implementing of the obligations stemming from the contract. The worker shall not be obliged to work in a place other than the one agreed upon in the contract in case the new place will force him/her to the change of his/her place of residence.

Source: §24, 28 & 30-32 of the Labour Law No. (7) of 2000

Fixed Term Contracts

According to the Labour Law, if the contract is for a specific period, the period could not exceed two successive years/24 months with renewals. A fixed-term contract turns into an indefinite term contract if it continues to be implemented after the expiration of its duration.

The workers with fixed term contract have same rights and obligations as the workers with indefinite period contract.

Source: §25, 26 & 27 of the Labour Law No. (7) of 2000

Probation Period

Under the Labour Law, the probation period may not exceed 3 months. The probationary period can only be renewed once for 3 more months. Hence, the maximum length probation period is 6 months.

Source: §29 of the Labour Law No. (7) of 2000

Notice Requirement

Under the Labour Law, an individual contract can be terminated on the agreement between both parties, at the end of temporary or seasonal work and during probation period. Employees are required to serve a notice before termination at their initiative. The period of such notice is one month for workers paid on monthly basis, and one week for workers paid on weekly basis.

Employment contract can also be terminated due to death and after six months of permanent disability or sickness.

Source: §24, 28 & 30-32 of the Labour Law No. (7) of 2000
The employees have right to terminate the contract in the following cases after notifying the employers: if the employers assign work that is substantially different from work agreed upon in contract, the work demands a change of residence, if the work is hazardous for life, they are being assaulted by employers and when employers fail to fulfil their obligations mentioned in the employment contract.

The Labour law permits employers to terminate an employment contract without serving a notice period when employees impersonate a personality or submit false certificates or documents to the employers; commit an error due to a confirmed negligence which results in a grave loss caused to the employers, provided that the employers have to report the incident to the competent authorities within (48) hours from the time they became aware of the incident; violates regulations related to work safety and workers’ hygiene; are absent without an acceptable excuse for more than seven consecutive days, or more than 15 periodic days within the same year (after providing a written warning letter three days prior in first case and 10 days prior in second case); employees fail to fulfil their obligations under the work contract; disclose secrets related to the work, which may cause a grave damage; convicted through a final judgement of a felony or a misdemeanour, which violates honour, trust or public morals; employees are in a state of intoxication or being affected by the consumption of a narcotic drug, during working hours; finally, when they assault or slander the employers or their representative. Employers can also terminate employment contract due to technical reasons that made it necessary to reduce number of workers.

Workers have right to be absent from work during the second half of the notice period and the absence is waged equivalent to their normal wage. The termination of an employment contract without any justified reason is considered as arbitrary termination. In this case the workers are entitled to a compensation equivalent to the amount of the wage of two months for each year they spent at work, up to a maximum of two years of wages.

A worker’s employment contract may not be terminated on the ground of trade union membership. The employment contract may not be terminated because the worker files a complaint or institutes proceedings against the employer.


Severance Pay

Severance pay is regulated under the Labour Law. Employees are entitled to an end of service bonus, the amount of which is equivalent to one month wage for each year they spent at work. It is calculated based on the employees’ last wage earned, excluding overtime hours. To be eligible for severance pay, workers are required to complete one year at a workplace.

The workers are entitled to one-third (33%) of the end of service bonus if they resign from work within the first five years and two-third (67%) of severance if the resignation takes place within the following five years. Workers with ten or more years at same work are entitled the full amount of the severance pay.

The mandatory payment of severance pay (end of service indemnities) to workers...
stipulated by the Labour Law are replaced by the employers’ contribution to the old age, disability and natural death insurance for insured workers from the date of implementation of the social security law.

However, the Palestinian Supreme Constitutional Court has issued a decision on 17/10/2018 stipulating that a worker is entitled to one month of salary for every year of employment as severance pay for the period prior to the implementation of the social security law, except if the regulations of the establishment or a collective agreement stipulate higher benefits. It further decided that the employer is under no obligation to pay these benefits immediately to the worker, but that it should be done within a reasonable timeframe and that the Minister of Labour shall issue directives concerning the time limit for payment of these benefits.

If an employment contract is unjustifiably terminated, the workers have right to compensation equivalent to the amount of the wage of two months for each year they spent at work, up to a maximum of two years of wages.

**Source:** §42, 45 & 47 of the Labour Law No. (7) of 2000; §116 of the Decree-Law No. (19) Regarding Social Security, 2016; The Palestinian Supreme Constitutional Court’s decision on 17/10/2018
05/13 FAMILY RESPONSIBILITIES

ILO Conventions


Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.
Regulations on family responsibilities:

- Labour Law No. (7) of 2000

Paternity Leave

No provisions could be located in the law allowing paternity leave to new fathers.

Parental Leave

No provisions could be located in the law allowing parental leave for parents after exhaustion of maternity leave and paternity leave. However, law entitles working women with an unpaid leave to foster their child or accompany their husbands.

Source: §105 of the Labour Law No. (7) of 2000

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities. Article 105 of the labour law allows working women to take unpaid leave to take care of their child or accompany their husbands.

Source: §105 of the Labour Law No. (7) of 2000
06/13 MATERNITY & WORK

**ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Summary of Provisions under ILO Convention**

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker’s income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.
Regulations on maternity and work:

- Labour Law No. (7) of 2000

Pregnancy testing/ inquiry in Recruitment

No provisions could be located in the law prohibiting pregnancy testing during recruitment.

Free Medical Care

The Social Security Law provides the maternity insurance of monthly cash benefits during maternity leaves. No other provisions relevant to free medical benefits during pregnancy and/or maternity leave are provided.


No Harmful Work

No provisions could be located in Labour Law regarding the prohibition of unwholesome and hazardous work to women during pregnancy and after childbirth to protect the mother and child. However, law prohibits employing women for extra working hours during pregnancy and first 6 months of childbirth.

Law prohibits women, in general, from working in dangerous or hard works and during night hours except for the works defined by Council of Ministers.

Source: §101 of the Labour Law No. (7) of 2000

Maternity Leave

The primary legislations to regulate maternity leave are Labour Law and Social Security Law.

When women submit medical certificate confirming the expected maternity date, they are entitled to 12 weeks of paid maternity leave. The maximum length of pre-natal leave is five weeks. The minimum length of post-natal leave is seven weeks. To be eligible for maternity leave employees are required to pay contributions for three months during the year preceding the maternity leave.


Income

In line with the Social Security Law, maternity leave is a fully paid leave, and workers are entitled to their full wages during such leave. Maternity benefits are paid through contributory Social Insurance System where employers are required to contribute at a rate of 3% of insured workers’ wage and deductions from employees are made at the rate of 2% of their wage. It also includes benefits and fines that result from non-compliance of provisions regarding maternity insurance and Loans, grants or gifts provided by the government in the event of the institution's inability.

Employees are entitled to a monthly salary equivalent to the average monthly salary in accordance with the last three months in which contributions were paid prior to maternity leave.

The insured women have the right to...
combine maternity benefits with their entitlements to the permanent partial disability pension or the permanent total disability pension, whether the disability is natural or accidental. The maternity benefits are suspended when the insured workers joined work during maternity leave.

As per Instructions No. (1) of 2018 to start registration and insurance, if women workers are registered with the social security system but do not fulfil the conditions to obtain the maternity benefit, i.e., three contributions have not been paid yet at the time they should be entitled to their maternity leave, the dispositions of the Palestinian Labour Law are applicable. This means that the employers remain responsible for paying full salary during a maternity leave period of 10 weeks provided they have been employed for 180 days prior to the leave.

**Source:** §103 of the Labour Law No. (7) of 2000; § 89-93 of the Decree-Law No. (19) Regarding Social Security, 2016; §5 of the Instructions No. (1) of 2018 to start registration and insurance

### Protection from Dismissals

Labour Law states that the working women may not be dismissed from work on the account of the maternity leave unless it is proven that they worked another job during such leave.

**Source:** §103 of the Labour Law No. (7) of 2000

### Nursing Breaks

The Labour Law provides for nursing breaks to the nursing/breastfeeding mothers. The nursing breaks can be taken for a period of one year from the date of delivery, and can be taken in multiple periods in a work day, provided that the total duration should not be less than one hour. Nursing breaks are included in the daily working hours.

**Source:** §104 of the Labour Law No. (7) of 2000

### Right to Return to Same Position

There is no specific provision in the law granting a worker the right to return to the same position after her maternity leave.

However, it is implied from article 103 of the Labour Law that a worker cannot be dismissed during maternity leave, which means that the right to return to work is guaranteed under the law.

**Source:** §103 of the Labour Law No. (7) of 2000
07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals. Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe. The employer should provide protective clothing and other necessary safety precautions for free. Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits. In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.
Regulations on health and safety:

- Labour Law No. (7) of 2000
- Decree-Law No. (3) Of 2019 Regarding Occupational Safety and Health Committees and Supervisors in Establishments

Employer Cares

The Labour Law requires employers to issue the instructions on occupational safety and health in addition to the list of penalties related to such instructions. The instructions and the list are provided once approved by the Ministry. Employers are required to post the instructions on visible locations at the workplace.

The Council of Ministers issue the regulations governing occupational safety and health and work environment based on Minister’s suggestion. The regulations include:

a) Personal protection and prevention methods for workers from the work hazards and occupational diseases,
b) necessary health conditions that should be present at the workplaces,
c) first medical aid means provided for workers at the workplace, and
d) the periodical medical examination of workers.

The employers are obliged to bear all the expenditure and they are not allowed to make any deductions related to occupational safety and health from the employees' wages.

If a work injury occurs due to employers’ violation of the conditions and standards of occupational safety and health prescribed according to legislation, a fine of five thousand Jordanian dinars or its equivalent in the legally circulated currency or 30% of all costs of medical care, whichever is less, is imposed.

According to the law, employers are obliged to hire supervisors for compliance with standards and regulations related to occupational safety and health in the workplace. The employer must form an occupational safety and health committee in the establishment and its branches that employ (40) workers or more, and approve it from the Ministry. The employer is obligated to provide the Ministry with the names of the committee members immediately upon its formation or any change therein.


Free Protection

According to Social Security Law, the employers are obligated to provide the conditions and standards of occupational safety and health and their tools in the workplace. There is no statutory provision regarding provision free personal protective equipment to the employees. However, the employers are obliged to bear all the expenditure and they are not allowed to make any deductions related to occupational safety and health from the employees' wages.

Training

Employers are obliged to hire or assign specific personnel dedicated to supervising compliance with standards and regulations related to occupational safety and health in the workplace. The supervisor is either a worker already employed in the workplace or externally hired personnel with the required qualifications. It is the responsibility of the supervisor to organize training programs for occupational safety and health for workers and members of the committee in the facility, taking into account the needs of workers with disabilities.


Labour Inspection System

According to the law, employers are obliged to hire or assign specific personnel dedicated to supervising compliance with standards and regulations related to occupational safety and health in the workplace. The law also stipulates the formation of occupational safety and health committee in establishments with 40 employees and more. The committee consists of the employers or their representative as its head, the supervisor as its secretary and an equal number of representatives of the workers and the employers.

The role of occupational safety and health committee is to undertake the following tasks:

i. strengthening cooperation between workers and employers to raise the level of occupational safety and health in the workplace,
ii. providing necessary facilities to the supervisor,
iii. making sure that the supervisor undertakes the tasks specified by the law, and notifying the Labor Ministry of any problem in this regard,
iv. elaborating occupational safety and health policies and plans, assessing the work environment and ensuring that it is adequate, investigating any information or recommendations submitted by workers or the employer regarding risks at work and what is necessary to prevent them.

The committee must meet at least once a month and keep records of its meetings. It must also meet within 24 hours of a work accident or injury to identify its causes.

The law gives labour inspectors competencies to monitor its implementation. They are required to make sure that occupational safety health committees have been formed and occupational safety and health supervisors have been appointed, and that they perform their respective duties. They are obliged to undertake inspection of occupational safety and health conditions, and submit legal and technical recommendations, as well as provide information and guidance to the employer, the supervisor and the committee that contribute to the implementation of this law.

The law foresees fine of a minimum 1000 JD and maximum 3000 JD that can be imposed on employers for contravening the dispositions of law. These sanctions are doubled if the employers repeat the contravention or fail to take measures to abide with the law within two months from the issuance of a first fine.
Source: §5, 18, 19, 20, 21, 24 & 25 of the Decree-Law No. (3) of 2019 Regarding Occupational Safety and Health Committees and Supervisors in Establishments
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Summary of Provisions under ILO Conventions

A worker’s rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker’s average wage in periodical payments.
Regulations on sick leave & Employment Injury Benefits:

- Labour Law No. (7) of 2000

Income

Labour Law entitles employees with fully paid sick leave of 14 days per year. The leave is extendable for 14 more days where workers are paid half of their wage during leave.

The sickness benefit/daily allowance for temporary disability due to work injury is paid at the rate of 75% of the last wage employees received before the injury occurred. Employers are responsible to pay this allowance. The daily allowance is paid until insured employees are able to work again or until permanent disability is proven or death occurs. The benefit is paid from the date of injury occurred.


Medical Care

Employees have right to work injury benefits which include: the medical care required by the health condition of the insured workers, daily allowances due to the injured insured workers in the event of his temporary disability due to a work injury, the due monthly salaries or lump-sum compensation for the injured insured workers in the event of permanent total or partial disability resulting from a work injury, monthly salaries due to the inheritors of the injured insured workers in the event of their death due to a work injury and funeral grant in the event of the death of the insured workers as a result of a work injury.

The medical care benefits in this case consist of costs of medical treatment and hospital stay, transportation costs resulting from a work injury incurred by the injured insured workers as a result of traveling back and forth from the place of work or residence to the place where he receives treatment, providing rehabilitation services and devices including prosthetic limbs, the specifications of which are determined by the medical reference.

It is employers’ duty to transport the injured insured workers immediately upon the occurrence of a work injury at the workplace to the nearest hospital. A fine of five hundred Jordanian dinars is imposed on the employers who fail to provide transportation to injured insured employees.


Job Security

Law stipulates that individual contracts can be terminated when sickness/illness or disability that prevents employees from working exceeds six months period and there is no vacant work position that suit their occupational capabilities and new health conditions.

Source: §35 of the Labour Law No. (7) of 2000
Disability / Work Injury Benefit

The work injury benefits are regulated by Labour Law as well as Social Security Law. According to the Labour Law, the employers are required to insure all their workers against work injuries at licensed insurance providers.

Social Security Law stipulates that the benefits of work injuries provided through work injury insurance include the medical care required by the health condition of the insured workers, daily allowances due to the injured insured workers in the event of his temporary disability due to a work injury, the due monthly salaries or lump-sum compensation for the injured insured workers in the event of permanent total or partial disability resulting from a work injury, monthly salaries due to the inheritors of the injured insured workers in the event of their death due to a work injury and funeral grant in the event of the death of the insured workers as a result of a work injury.

The insurance is financed through monthly contributions paid by the employers at the rate of 16% of the wage of the insured workers; the benefits and fines; grants, aid, donations, wills, loans, and any other income accepted by the Board; Loans, grants or gifts provided by the government in the event of the institution’s inability and investment proceeds.

Employers are obliged to pay injured insured workers at the rate of 75% of the last wage they received prior to the temporary disability. The daily allowance is paid until insureds are able to work again or the injury is deemed permanent.

In case of permanent total disability, the injured are entitled to a monthly monetary compensation equivalent to 80% of the last wage they received before the occurrence of the injury. The benefits for permanent partial disability are calculated on the basis of 20% of salary provided during permanent total disability and percentage of disability. If the benefits are calculated at less than 20%, such workers are entitled to a lump sum compensation which is calculated on the basis of permanent total disability, percentage of disability and working days.

Law also entitles the survivors to a monthly death salary equivalent to 80% of the last wage they received before the occurrence of the injury. The eligible heirs include widows, children (including unmarried daughter) and Parents.

The injured insured worker or a member of his family has the right to notify the organization, the Ministry of Labour and the police station of the work injury within a maximum period of six months from the date of its occurrence.

The right of an injured person to compensation shall forfeit, in case,

a) the work injury is a deliberate act of the injured insured worker
b) work injury is caused by taking intoxicants
c) the injured insured person violates basic standards of safety and health

However, the above conditions would not apply if the work injury resulted in the death of the insured worker or in the case of permanent total disability or permanent partial disability at a rate of (20%) or more.

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Medical Care and Sickness Benefits: Convention 130 (1969)

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.
Regulations on social security:


Pension Rights

Under the Social Security Law, the retirement age for both male and female workers is 60 years. The retirement age for employees working in dangerous work is 50 years old. Employees have right to compulsory as well as voluntary old-age pension. The voluntary old-age pension is paid through contributory insurance system and it is financed through the contributions paid by the employers and employees. Monthly contributions paid by the employers at a rate of 9% of the insureds' wages whereas monthly contributions deducted by employers at the rate of 7% of the insureds' wages.

To qualify for retirement salary, the employees are required to have a total of 180 monthly contributions. Law permits early retirement at the age of 55 with the minimum monthly contributions of 300 for men and 240 for women.

Employees have right to request old-age retirement pension the day following the day the work ends due to the insured reaching the mandatory retirement age. Employees who do not satisfy the requirements of retirement pension upon reaching the retirement age, have right to One-time compensation.

The pension amount is calculated at the rate of 2% for each year of contributions. There is a complex formula to calculate old-age pension. The mandatory pension amount of an insured person should not constitute less than 75% of the minimum wage or the individual poverty line, whichever is more advantageous.


Dependents' / Survivors' Benefit

The Social Security legislation stipulates survivors’ benefits. In the event of the death of an insured person, first degree relatives (spouse(s), children, parents) are eligible for obtaining a share of the survivors’ pension. To be eligible for survivors’ pension the deceased insured persons have paid at least 12 contributions if death occurred during the period of insurance, or the deceased persons have paid at least 60 contributions if death occurred outside the period of insurance or the deceased persons have retired and receives a pension or were entitled to a pension at the time of death.

According to law, the spouses have right to 33.3% if the deceased insured person had several children as well as parents, 50% in other cases. To be eligible, children must have been financially supported by the deceased insured person. They should be less than 21 years, or aged more than 21 and less than 26 years and pursuing a university education, or Unable to secure an income due to a health condition (after confirmation by the medical reference), Aged more than 21 years and have a disability and no source of income and an unmarried daughter with no source of income.

According to the law, the natural death (survivors) pension should not be less than 75% of the minimum wage or the value of the individual poverty line, whichever is more advantageous.
more advantageous. Heirs, who do not meet eligibility conditions to obtain a survivors’ pension, are entitled to a one-time compensation payment.

Payment of survivors’ pension will be suspended in case any of the eligible heirs joins a regular business relationship or the widow or unmarried girl receiving the pension gets married.

According to the instructions of the Council, eligible heirs shall be paid a grant in lieu of funeral expenses equivalent to three times the minimum wage.

**Source:** §64-71 of the Decree-Law No. (19) Regarding Social Security, 2016

**Unemployment Benefits**

No provisions could be located in the law about unemployment benefits.

Social Security Law 2016 however states that the scope of application of this decree includes unemployment insurance too along with others.

**Source:** §13 of the Decree-Law No. (19) Regarding Social Security, 2016

**Invalidity Benefits**

The Social Security legislation provides for invalidity benefits in the case of non-occupational accident / injury / disease resulting in permanent invalidity. To qualify for invalidity benefits, the disability must have occurred outside the period of insurance and the insured persons have at least 60 contributions. It is calculated at the rate of 2% for each year of contribution (as per the average wage for the past 3 years).

Insured persons, who do not meet eligibility conditions for obtaining a natural disability pension, are entitled to a one-time compensation. It is equal to the value of cumulated contributions to which the interest thereon is added.

Law also stipulates that the full permanent natural disability pension should not be less than 40% of the average wage during the period in which contributions were paid for up to 10 years before the occurrence of the disability, or 75% of the minimum wage or the individual poverty line, whichever is most advantageous.

The pension is paid from the beginning of invalidity until the insureds’ reach the legal age of mandatory retirement (60) years.

**Source:** §56-60 of the Decree-Law No. (19) Regarding Social Security, 2016
ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden. Convention 100 (1952) is about Equal Remuneration for Work of Equal Value. Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.
Regulations on fair treatment:

- Amended Basic Law 2003
- Labour Law No. (7) of 2000
- Penal Code No. (16) Of 1960 (valid in West Bank)
- Criminal Code Ordinance, 1936

Equal Pay

There are no clear provisions regarding equal pay for everyone but the Labour Law prohibits discrimination in relation to the work conditions and circumstances between workers. However, law does not regulate payment of equal wages for work of equal value.

Source: §16 of the Labour Law No. (7) of 2000

Sexual Harassment

There is no clear prohibition of sexual harassment in the workplace in Palestinian law.

According to the Criminal Code valid in Gaza strip, anyone who commits or attempts to commit an indecent act upon another person against their will by the use of force or threats, or when the victim is incapable of resisting such an act is guilty of a felony and is liable to imprisonment for five years. In addition, where consent is obtained by deception as to the nature of the act, or whoever induces or attempts to induce any person to submit to any indecent act, will be guilty of a misdemeanour and is liable to imprisonment for two years or to a fine of one hundred pounds.

The Penal Code, 1960, applicable in West Bank, finds that whoever commits an indecent act upon a person against their will by the use of force or threats shall be punished by imprisonment for a minimum of four years. Moreover, the Penal Code criminalizes unwanted sexual conduct (sexual molestation) of men and women who are above the age of 18 years. The punishment is one year imprisonment.


Non-Discrimination

According to the Basic Law, Palestinians are equal before the law and the judiciary, without discrimination based on race, gender, colour, religion, political opinion, or disability.

According to the provisions of Labour Law and its regulations, it is prohibited to discriminate between men and women.

Labour Law provides right to work for every citizen who is capable of working. It obliges the National Authority to provide work to the citizens on equal opportunities basis and without any kind of discrimination. Discrimination in relation to the work conditions and circumstances between workers in Palestine is forbidden.

Source: §9 of the Amended Basic Law 2003; §2, 16 & 100 of the Labour Law No. (7) of 2000

Equal Choice of Profession

Women are not allowed to perform dangerous or hard works defined by the Minister, to work for extra working hours during pregnancy and during the first six

The text in this document was last updated in September 2023. For the most recent and updated text on Employment & Labour Legislation in Palestine in Arabic, please refer to: https://rawateb.org/palestine/
months after delivery, and during night hours except for the works defined by the Council of Ministers.

Women may be employed in night work in certain establishments such as hotels, restaurants, airports, hospitals, pharmacies among others. However, the employer must provide the working women with all protection and transfer guarantees.

**ILO Conventions**

Minimum Age: Convention 138 (1973)
Worst Forms of Child labour: Convention 182 (1999)

**Summary of Provisions under ILO Conventions**

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances.

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.
Regulations on minors and youth:

- Labour Law No. (7) of 2000
- Education Law No. (1), 2013

Minimum Age for Employment

The minimum age for employment is 15 years under Labour Law.

Minors are required to undergo through medical examination before they join the work in order to make sure that their health condition is compatible with the work they will perform. Such medical examinations are repeated every six months. The daily working hours for minors are reduced by at least one hour per day. They are entitled to one or more rest periods during the daily working hours a maximum of one hour so that the minor does not work for more than four consecutive working hours. The annual leave of minors set to be three weeks and may not be postponed.

The compulsory schooling age is 16 years. According to law, the education till basic stage is compulsory.

Source: §93, 94, 96 & 97 of the Labour Law No. (7) of 2000; §3 & 18 of the Education Law No. (1), 2013

Minimum Age for Hazardous Work

Law defines minors as persons who already reached fifteen years of age but did not exceed eighteen years of age yet. Minors are prohibited to work in dangerous industries or those harmful to health, which are defined by the Minister, nightly jobs or during official or religious holidays or official off days, to work overtime or employ such minors the basis of unit production, and at work areas which are remote or distant from inhabited areas.

Hence the minimum age for hazardous work is 18 years.

A Decree of the Minister of Labour in 2004 specified a list of hazardous or health-damaging works and industries in which juveniles are not to be employed. The list includes works such as those performed underground, those dealing with hazardous chemicals and heavy machinery.

Source: §1 & 95 of the Labour Law No. (7) of 2000; Resolution of the Minister of Labour No. (1) of 2004
12/13 FORCED LABOUR

**ILO Conventions**

Forced labour: Conventions 29 (1930)
Abolition of Forced labour: Conventions 105 (1957)
Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Summary of Provisions under ILO Conventions**

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.
Regulations on forced labour:

- Labour Law No. (7) of 2000

Prohibition on Forced and Compulsory Labour

Compulsory labour is declared unlawful in Palestine’s Criminal Code, applicable in Gaza Strip. Any person who unlawfully compels any person to labour against the will of that person, is guilty of a misdemeanour and is liable to imprisonment for one year.

In the Labour Law, a worker cannot be assigned to work that significantly differs from what was agreed upon in their work contract, except in cases of necessity to prevent accidents or in situations of force majeure. However, such assignments must be temporary and not exceed a period of two months.

Source: §32 of the Labour Law No. (7) of 2000; §261 of Criminal Code Ordinance 1936

Freedom to Change Jobs and Right to Quit

Labour Law states that the workers should not be forced to work in a place other than the one agreed upon in the contract in case the new place will force them to change their place of residence.

Source: §31 of the Labour Law No. (7) of 2000

Inhumane Working Conditions

Working time may be extended beyond normal working hours of 45 hours per week.

However, total work hours inclusive of overtime must not exceed 57 hours per week, as overtime hours are 12 hours per week.

For more information on this, please refer to the section on compensation.

Source: §68 & 71 of the Labour Law No. (7) of 2000
ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.
Regulations on trade unions:

- Constitution of Palestine, 2003
- Labour Law No. (7) of 2000
- The Trade Unions Law, 1954

Freedom to Join and Form a Union

The Constitution of Palestine stipulates that organization of unions is a right that is regulated by the law. It also provides right to form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.

Palestinian Labour Law entitles employees with right to establish union organisations on professional basis with the aim of supporting their interests and defending their rights. Employers are not allowed to terminate employment contract on the basis of affiliation with a union or participating in a union’s activities after working hours, or during working hours in case the employers give their consent.

The Law on Trade Unions (applicable in Gaza only) also provides the right to form trade unions, however, it prohibits establishment of more than one trade union in the same profession. To be eligible to establish trade union, the number of founding members is at least 25. The minimum age limit to join a union is 15 years. Minors below the age of 18 are not allowed to be a member of the board of direction of a union.

The public as well as private sector has been given the right to form trade union.


Freedom of Collective Bargaining

Labour Law defines collective negotiation as the dialogue that takes place between any of workers’ unions or representatives and the employer or employers or their representatives in order to settle the collective dispute or to enhance the work conditions and requirements or to elevate productivity competency. Each party have the right to nominate their own representatives in writing.

The collective labour agreement is drafted in Arabic and concluded by the collective negotiations. The agreement includes provisions related to improving the work’s terms and conditions in addition to elevating productivity. A copy of agreement is given to both parties each and a copy is given to the Ministry. The duration of collective agreement is three years. It includes freedom to exercise union’s activities, the minimum wage limit for all types of work, the conditions governing the employment of workers and releasing them from work and a bipartite committee in order to settle any disputes that may arise from the implementation of the agreement.

Individuals who are not originally part of the collective labour agreement can join it through a written agreement between them and the existing parties. This agreement must be submitted to the Ministry.

A tripartite advisory council is formed by the Council of Ministry under the chairmanship of Minister of Labour as well as equal number of members representing Government, employers and employees. The tripartite council is named as the Committee on Labour Policies and is responsible for proposing public policies.
particularly in the field of employment, training and occupational guidance.

Collective negotiations occur at different levels:

a) At the workplace level, between the employer/management and workers’ representatives.

b) At the economic activity level, between employers’ representatives and relevant labour unions.

c) At the national level, between employers’ associations and workers’ unions associations.


Right to Strike

The constitution of Palestine provides right to strike which is to be exercised within the limits of the law.

The right to strike is regulated by Labour Law. It states that the workers’ right to strike is a guaranteed right in order for them to defend their interests. The notice period for strike is two weeks prior to strike. If the strike is related to public facilities, the notice period increases to four weeks prior to strike. Law requires at least 51% of total number of employees at the workplace to sign the written notification.

It is prohibited to go on strike during the review proceedings of a collective work dispute. Strike is halted once the collective labour dispute is submitted to the competent authority.

However, no provisions could be located in law about protecting employees’ jobs during strike.

Trade unions are prohibited from inciting strikes or sit-ins through any form or means, encouraging collective complaints, or adopting a hostile stance towards recognized bodies in this field.

QUESTIONNAIRE
Decent Work Check Palestine is a product of [WageIndicator.org](https://www.wageindicator.org) and [www.rawateb.org/palestine](http://www.rawateb.org/palestine/)

<table>
<thead>
<tr>
<th>01/13 Work &amp; Wages</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I earn at least the minimum wage announced by the Government</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>02/13 Compensation</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Whenever I work overtime, I always get compensation (Overtime rate is fixed at a higher rate)</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4. Whenever I work at night, I get higher compensation for night work</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5. I get compensatory holiday when I have to work on a public holiday or weekly rest day</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>03/13 Annual Leave &amp; Holidays</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. How many weeks of paid annual leave are you entitled to?*</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8. I get paid during public (national and religious) holidays</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>04/13 Employment Security</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. I was provided a written statement of particulars at the start of my employment</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>12. My probation period is only 06 months</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>14. My employer offers severance pay in case of termination of employment</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>05/13 Family Responsibilities</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. My employer provides paid paternity leave</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>16. My employer provides (paid or unpaid) parental leave</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>17. My work schedule is flexible enough to combine work with family responsibilities</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>06/13 Maternity &amp; Work</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. I get free ante and post natal medical care</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>20. My maternity leave lasts at least 14 weeks</td>
<td>☑️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

* On question 7, only 3 or 4 working weeks is equivalent to 1 “YES”. 
21. During my maternity leave, I get at least 2/3rd of my former salary

22. I am protected from dismissal during the period of pregnancy

23. I have the right to get same/similar job when I return from maternity leave

24. My employer allows nursing breaks, during working hours, to feed my child

07/13 Health & Safety

25. My employer makes sure my workplace is safe and healthy

26. My employer provides protective equipment, including protective clothing, free of cost

27. My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident

28. My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace

08/13 Sick Leave & Employment Injury Benefits

29. My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness

30. I have access to free medical care during my sickness and work injury

31. My employment is secure during the first 6 months of my illness

32. I get adequate compensation in the case of an occupational accident/work injury or occupational disease

09/13 Social Security

33. I am entitled to a pension when I turn 60

34. When I, as a worker, die, my next of kin/survivors get some benefit

35. I get unemployment benefit in case I lose my job

36. I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident

10/13 Fair Treatment

37. My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination

38. My employer take strict action against sexual harassment at workplace

39. I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:

- Sex/Gender
- Race
- Colour
- Religion
- Political Opinion

* For a composite positive score on question 39, you must have answered “yes” to at least 9 of the choices.
### Nationality/Place of Birth

- [ ]

### Social Origin/Caste

- [ ]

### Family responsibilities/family status

- [ ]

### Age

- [ ]

### Disability/HIV-AIDS

- [ ]

### Trade union membership and related activities

- [ ]

### Language

- [ ]

### Sexual Orientation (homosexual, bisexual or heterosexual orientation)

- [ ]

### Marital Status

- [ ]

### Physical Appearance

- [ ]

### Pregnancy/Maternity

- [ ]

#### 11/13 Minors & Youth

- 41. In my workplace, children under 15 are forbidden

- 42. In my workplace, children under 18 are forbidden for hazardous work

#### 12/13 Forced Labour

- 43. I have the right to terminate employment at will or after serving a notice

- 44. My employer keeps my workplace free of forced or bonded labour

- 45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week

#### 13/13 Trade Union Rights

- 46. I have a labour union at my workplace

- 47. I have the right to join a union at my workplace

- 48. My employer allows collective bargaining at my workplace

- 49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination
Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

is your amount of “YES” accumulated.

Palestine scored 38 times “YES” on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don’t tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don’t adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You’re pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.