



Twinning Fiche

Project title: Promoting protection of labour rights of foreign workers

Beneficiary administration: The Commissioner for Foreign Workers' Labour Rights,
Ministry of Economy, State of Israel

Twinning Reference: IL 18 ENI SO 02 22

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EU-funded Project

TWINNING INSTRUMENT

1. Basic Information

For UK applicants: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement¹ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014² and Annex IV of the ACP-EU Partnership Agreement³, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom⁴. Those persons and goods are therefore eligible under this call.

All cooperation is subject to the requirements set out in the "Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards", publication reference 2013/C-205/05, published on the OJEU C-205 dated 19.07.2013.

1.1 Programme

ENI/2018/042-315 - "Support to ENP Action Plan 2018 Israel" – Direct Management

The ENP applies to Israel although the country receives limited funding from the ENI, as it is a member of the OECD. There is no Single Support Framework for Israel. While formal decision on the identification and adoption of new EU-Israel Partnership Priorities (PPs) in line with the revised European Neighbourhood Policy is pending, the EU-Israel ENP Action Plan has been extended until January 2025 and constitutes the basis of the EU-Israel cooperation.

No Association Committee or Association Council meetings were held since 2012, however cooperation actions and policy dialogue in several areas continued actively throughout.

The Israeli economy has showed strong resilience during the global economic downturn of last decade and has maintained high Gross Domestic Product (GDP) growth rates. Like many other countries, the Corona crisis has affected also Israel, but since it reached the crisis in a relatively strong and stable economic situation, after a 2.2% GDP decrease in 2020, its GDP has increased in 2021 by 8.1%, higher than the OECD level of 2.1% growth⁵.

The EU is, and for the near future will remain, Israel's largest trading partner, currently representing 30% of Israel's total trade. Institutional Twinning and Technical Assistance and Information Exchange Instrument (TAIEX) are the modalities used in ENI co-operation with Israel. Israel made use of TAIEX and Twinning instruments to increase legislative approximation in areas such as market regulation, statistics, agriculture policy, welfare services and, most recently, environment. All cooperation is subject to the requirements set out in the "Guidelines on

¹ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

² Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

³ Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

⁴ Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

⁵ OECD data refers to the period between the 3rd and 4th quarters of 2021

the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards”.

Actions financed by the EU have to reflect Israel's interest and capacity to implement the jointly agreed priorities and have to follow the rules set for institutional Twinning instrument on the “acquis communautaire”.

1.2 Twinning Sector

Social affairs and employment

1.3 EU funded budget

EUR 750,000

1.4 Sustainable Development Goals (SDGs)

This programme is relevant for the Agenda 2030 to which both the EU and Israel are committed. It contributes primarily to the progressive achievement of Sustainable Development Goals (SDG), and in particular, Goal 3 "Good Health and Well-Being", Goal 5 "Gender Equality", and Goal 8 "Decent Work and Economic Growth", and Goal 10 "Reduced Inequalities".

2. Objectives

2.1 Overall Objective

The overall objective (expected impact) of the action is to improve the protection of foreign workers⁶ labour rights in the caregiving sector.

2.2 Specific objective

The specific objective (expected outcome) is to enhance the Commissioner’s efficiency in the empowerment of foreign employees and their employers for self-enforcement of the labour rights in the caregiving sector.

The main groups of current problems can be characterized as follows:

- Insufficient regulatory coverage of the foreign workers’ rights in the legislation concerning the length of the working day, vacation, holidays, payments, pensions etc.
- Insufficient knowledge of the migrant workers of the legislation and institutions protecting their rights.
- Sensitivity of the sector, where employer and employee relationships are not ordinary and are subject to many personalized or individualized circumstances.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

⁶ “Foreign worker” is defined in the Foreign Workers Law 5751-1991, as a worker who is not a citizen of Israel or a resident of Israel. “Foreign worker” and “Migrant worker” are used interchangeably in the Twinning Fiche.

The European Neighbourhood Policy (ENP) applies to Israel. There is no Single Support Framework for Israel and cooperation is based on the EU-Israel ENP Action Plan.

The Twinning intervention builds on the political, economic, and social priorities jointly developed in the Action Plan and supports the ever-growing relationship between the EU and Israel based on shared values.

The project will respond to specific objectives a) and c), Article 2, of ENI Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11th March 2014, respectively, by providing for an environment with improved protection of the rights of the vulnerable groups of population and by creating conditions for the better organisation of legal migration.

Finally, the fundamental conventions of the International Labour Organization (ILO) provide an additional common framework for this Twinning intervention.

3. Description

3.1 Background and justification

Israel signed bilateral agreements with relevant countries (government to government agreements), which create a legal and normative framework for recruiting foreign workers in Israel. According to these agreements, recruitment is carried out by government agencies, thus preventing the involvement of unauthorized agencies in the country of origin and in Israel in order to avoid illegal fees and to protect labour rights.

The caregiving field of employment has the largest number of foreign workers in Israel with over 57,000 legal workers and some 12,000 illegal workers. That being said, this field, as opposed to other fields, does not apply any quota to arriving migrant employees and is expected to grow in the upcoming years due to the aging of the population and the rising of life expectancy. In addition, the sector is highly complex and sensitive, given that the main stakeholders are vulnerable people – both the migrant caregiving workers and their employers, who are the care recipients. While in sectors such as construction and agriculture the employer is usually a corporation with employment skills, in the homebased caregiving sector it is an unskilled employer, which can cause many violations in the field of workers' labour rights. The growing scope of this field emphasizes the great importance of the knowledge and skills of employers and other stakeholders in this sector, when it comes to protecting the labour rights of foreign workers, given the reality that exists today. The project will help improve the knowledge, relationships, and general social behaviour of all those involved in labour relations in the sector - employees, patients, family members, bureaus, government ministries, etc. The project will also help the Unit of the Commissioner for Foreign Workers' Labour Rights (hereinafter – the Commissioner) to learn from the current best practices in the EU Member States, and to fulfil the gaps in the legal framework allowing for concordance of the current legislation with the realities on the ground.

In Israel, labour migration is permitted only in sectors approved by the government and in accordance with established quotas. Home-nursing and caregiving is not subject to quotas, and citizens receive an authorisation to hire a caregiver depending on their medical records. Before the entry into force of bilateral agreements between Israel and the countries of origin, foreign workers were often unaware of their rights and, even when they were aware, their rights were not always enforced. The main reason for this lies in their fear of losing their job, inter alia, due to illegal hiring schemes.

The field of homebased caregiving requires coordination between a few ministries: Ministry of Economy (Labour branch), Population and Immigration Authority (PIBA), Ministry of Welfare, National Insurance Institute and Ministry of Social Equality.

In the state of Israel, the main authorities dealing with migrant workers are the following: (1) the Population and Immigration Authority, which was established to increase coordination between various government units, and deal with the regulation of the legal status of citizens, residents, and foreigners and enforce laws regarding the residence and employment of foreigners. (2) The Ministry of Economy, which is responsible for the enforcement of labour rights, in which the Commissioner for Foreign Workers' Labour Rights is responsible for civil enforcement, alongside the Ministry's enforcement division, which oversees administrative and criminal enforcement. (3) The National Insurance Institute, which administers the rights to various allowances based on age and social-economic categories.

Caregivers come to Israel through private bureaus (hereinafter referred to as “bureaux”). These bureaus are responsible for recruiting workers in their countries of origin, placing them in the appropriate homes and accompanying workers and patients during the employment period.

The constitutional legal framework:

- Foreign Workers Law No5751-199 defines the conditions of eligibility for the employment of a foreign worker, the methods of obtaining a permit to employ a foreign worker, and the obligations of a foreign worker's employer towards the worker and towards the state.
- Law of Entry into Israel No 5712-1952 regulates the entry into, and stay in, Israel of those who are not Israeli nationals and do not immigrate to Israel in the sense of the Law of Return.
- Procedure for Employing a Foreign Worker in the Nursing Field (Lead - Population and Immigration Authority).
- Procedure for bureaus to Bring in, Broker and Deal with Foreign Workers in the Nursing Field (Lead - Population and Immigration Authority).
- Nursing insurance in the National Insurance Law designed to ensure the homestay of a person who has reached retirement age and needs another person's help in carrying out day-to-day activities, or who needs supervision at home for their safety.
- Hours of Work and Rest Law No 5711 - 1951

The Foreign Workers' Labour Rights Commissioner is a unit within the Ministry of Economy, whose mandate originates from Foreign Workers Law No 5751-1991. This unit is tasked with promoting awareness and implementation of the labour rights of foreign workers employed in the Israeli working fields. As part of its mandate, the unit is tasked, *inter alia*, with investigating complaints where suspicion of violation of foreign workers' labour rights arises, and cultivating public awareness on matters within its area of activities through education, instruction and advocacy. Furthermore, the unit is authorized to promote collaboration within and outside the government, for, *inter alia*, promoting the establishment of protocols and actions, managing legal proceedings, and participating in them.

ANNEX I – Simplified Logical Framework Matrix



In 2020, the unit started operating in accordance with its work plan, in which several goals have been put forward: setting the unit's vision, raising the number of inquiries, increasing the capacity of the unit to respond to the inquiries, creating certainty on complex legal issues and raising awareness on the unit and its work with foreign workers through various partnerships and social media use, and involvement in bilateral agreements to ensure the protection of their labour rights. In addition to dealing with the COVID pandemic, a strategic plan was formulated in 2020 for the years 2021-2022, in which the following goals were set:

- ✓ Writing opinions on legal disputes.
- ✓ Creating and updating labour rights for employers and employees.
- ✓ Creating a mediation system in accordance with effective legislation and the status of the unit.
- ✓ Organize a helpdesk for employers.
- ✓ Convening roundtables on the employment of foreign caregivers.

Given the unit's mandate and size, in order to develop further into a full-scale institution capable of protecting and promoting the Foreign Migrant Workers' (FMW) labour rights, to enhance the institutional and inter-agency cooperation for that purpose, this Twinning intervention is aimed at helping the unit to learn from the best practices effective in EU Member States. Building on the establishment of a well-functioning Unit, the Commission now needs to acquire further expertise to move from the individual response it provides to employees, to establishing and disseminating best practices to create a working environment that in itself protects workers' rights by, *inter alia*, also raising awareness and perception among the relevant stakeholders.

3.2 Ongoing reforms

Home-based caregiving is not a "regular" working place - it is highly complex and sensitive in the sense that the employer is a dependent person: the working environment is extremely intimate for patients, who are also the employers. The employer is dependent on the caregiver in order to be

able to conduct their lives, while the employee is dependent upon the patient’s daily routine. Often this arouses great difficulty in managing collaboration between the parties.

There are issues left unregulated (for example, pension payment, length of a working day, payment for working on holidays, etc.) that create frictions between the parties regarding rights and costs. It should be noted that no working hours and rest laws apply to caregivers in accordance with the Supreme Court ruling (See “Gluten” case – Supreme Court ruling No 1678/07) and, often, the employee does not know what their rights are and has difficulty in exhausting them in the family they are working for.

In addition, there are difficulties in other issues, such as: equal pay to migrant workers in the sector for an equal value work; access for migrant workers to legal aid and representation, and access for migrant workers to professional training and education.

The understanding that the life of a nursing patient (a recipient of care or an employer – in our case) should be regulated underlies an inter-ministerial process that seeks to alleviate the bureaucratic burden on patients and host family members. In the process, discussions are held regarding the obligations and rights of the parties in the labour relationships between the foreign worker as an employee and the patient as an employer.

The Twinning project will further help to analyse and estimate the need for any specific policies in the caregiving sector.

3.3 Linked activities

The Unit has conducted a specific capacity-building and awareness-raising project for the partners / bureaus in the caregiving sector, with a view to improving the relationships and efficiency of the involved partners based on the advanced knowledge of legislation and best practices, and improved skills in the fields of labour and social relationships.

In 2020, we identified the need for bureaus to receive continuous assistance and guidance on labour law issues. We have considered this as an opportunity to establish the protection of the rights of foreign caregivers and to strengthen ties with the bureaus,

As a result, believing that collaboration, knowledge development and dissemination are important tools for the professionalization of all partners in the caregiving sector, we have launched the project "Trustees of labour rights". All bureaus in the country were invited to participate, wishing to allow as many participants as possible to be exposed to the contents of the Labour law. The project was initiated and led independently by the Unit.

As part of the project, a series of meetings were held on various topics in the field of labour legislation and foreign caregivers. The purpose of those meetings was to expand knowledge on labour law, increase professional capacity in other related fields, to develop direct contact with the Commissioner’s Unit and also to improve the image of the work of the bureaus amongst patients and employees.

During the project lectures were given, *inter alia*, on the following topics:

- ✓ Labour law with an emphasis on the caregiving sector.
- ✓ Lecture on migrant workers and human trafficking
- ✓ Lecture on the prevention of sexual harassment
- ✓ Lecture on joint employment with a nursing company

- ✓ Lecture on mediation and creative resolution of labour disputes, with an emphasis on the caregiving sector.

The last meeting was held at the end of October 2021 and certificates were distributed to participants.

3.4 List of applicable *Union acquis*/standards/norms

The EU and Israel are facing some similar challenges in relation to foreign workers' labour rights, in particular in the sectors of caregivers, agriculture, and tourism. EUROFOUND, the European foundation for improvement of living and working conditions, produced a report for the European Commission in 2020, which analyses the long-term care sector where migrant workers are often concentrated (report available [here](#)).

The relevant EU framework is composed of both hard laws and soft laws.

The regulatory framework has to be drawn from various parts of the EU *acquis*, and notably from the following regulations: [transparent and predictable working conditions](#), [working time](#), [fixed-term](#), [part-time](#) and [temporary agency work](#), [information and consultation of workers](#).

As for the soft law framework, the European Pillar of Social Rights⁷, and its action plan adopted in March 2021, establish 20 principles to build a strong social Europe. *Fair working conditions* and *social protection* are among those overarching EU principles.

On 23 February 2022, the Commission adopted a proposal for a Directive on corporate sustainability due diligence. The proposal aims to foster sustainable and responsible corporate behaviour throughout global value chains. Companies play a key role in building a sustainable economy and society. They will be required to avoid adverse impacts of their operations on human rights, such as child labour and exploitation of workers, and on the environment, for example pollution and biodiversity loss. The proposal is part of the “Just and sustainable economy package” of the European Commission that includes as other part the “Communication on Decent Work Worldwide” that reaffirms the EU's commitment to champion decent work both at home and around the world.

In addition, the European Commission and the European External Action Service (EEAS) published, in July 2021, a Guidance on due diligence to help EU companies to address the risk of forced labour in their operations and supply chains, in line with international standards.

The EU framework also falls under the wider framework of the International Labour Organisation (ILO). Hence, the EU's labour standards include 1/ the eight [fundamental rights conventions](#) of the ILO identified in the 1998 [ILO Declaration on Fundamental Principles and Rights at Work](#) ; 2/ standards of general application, such as those addressing protection of wages and occupational safety and health, as well as the governance conventions concerning labour inspection, [employment policy](#) and [tripartite consultation](#) ; and 3/ instruments containing specific provisions on migrant workers such as the [Private Employment Agencies Convention, 1997 \(No. 181\)](#) , the [Domestic Workers Convention, 2011 \(No. 189\)](#) and social security instruments.

⁷ The European Pillar of Social Rights is available [here](#).

At the international level, a number of migrant specific instruments were adopted by the ILO, such as:

Migration for Employment Convention (Revised), 1949 (No. 97)

Migration for Employment Recommendation (Revised), 1949 (No. 86)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Migrant Workers Recommendation, 1975 (No. 151)

3.5 Components and results per component

The project consists of two main components: (i) Institutional capacity building and improvements and (ii) Improved awareness of stakeholders on best practices and improvement of employee wellbeing.

The Mandatory Results of the project per component are the following:

Component 1: Institutional capacity building and improvements

- 1.1. Report on the analysis of Israel’s current legal and institutional framework vs best practices in the field, with recommendations to amend currently effective legislation
- 1.2. Communication strategy for raising the awareness of the target groups in 2023-2025
- 1.3. Improved professional and technical capacity of the Unit and related state agencies (PIBA, Ministry of Welfare, and others)
- 1.4. Enhance the Unit’s information platform for increasing the knowledge of target groups on legislation and best practices

Component 2: Improved awareness of the stakeholders on best practices in the caregiving sector

- 2.1. Improved awareness of state agencies on best practices effective in the EU MS caregiving sector
- 2.2. Improved awareness of caregiving sector participants

3.6 Means/input from the EU Member State Partner Administration

The proposals submitted by the Member State must be concise and focused on the strategy and methodology, as well as on an indicative timetable supporting them, the suggested administrative model, the quality of the expertise mobilised, the structure and administrative capacity of the Member State’s institutions. Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain a fully elaborated project. They should include sufficient details on the strategy and methodology to indicate the sequencing of activities and the main activities that will take place during the implementation of the project to ensure the achievement of general and specific objectives and mandatory results.

Twinning partners shall ensure a high and consistent visibility of the EU-funded Twinning project, in line with the provisions of the document “Communication and Visibility of EU Funded External Actions” available at:

https://ec.europa.eu/international-partnerships/system/files/communication-visibility-requirements-2018_en.pdf

Interested Member States must provide in their proposal the CVs of the designated Project Leader (PL) and the Resident Twinning Adviser (RTA), as well as the CVs of the potentially appointed Component Leaders.

The Twinning project will be implemented through close cooperation between partners with a view to achieving the mandatory results in a sustainable manner.

The EU Member State(s) is/are invited to develop in their proposal the activities necessary to achieve the results set out in this fiche.

The proposed activities will be developed with Twinning partners in the preparation of the successive initial and rolling work plan every three months, bearing in mind that the final list of activities will be agreed with the Twinning partner.

Only the CVs of the Project Leader, the Resident Twinning Adviser and the component leaders must be included in the proposal.

3.6.1 Profile and tasks of the Project Leader

The Project Leader will be based in the Member State and will be responsible for the overall management of the project and the coordination of activities performed, ensuring the overall quality of the services provided on site. He/she will have the overall responsibility for the implementation of all Twinning activities.

Requirements:

- University degree in relevant social science, public policy or law, or equivalent professional experience of 8 years
- A minimum of 3 years of relevant professional experience in an EU MS administration/assimilated dealing with issues related to labour migration sector
- Experience in working on implementation of EU policy and/or regulations
- Experience in formulating long-term strategic plans to implement social change
- Proven experience working on protection of rights of workers or in the labour migration sector
- Expertise in ethics, elderly age groups and caregiving

Assets:

- Experience in international cooperation projects in neighbouring and/or candidate countries as regards alignment on employment and/or migration policies

Tasks:

- Overall management and coordination of the implementation of the twinning project in cooperation with the Beneficiary Country (BC) Project Leader
- Ensure timely and effective implementation of the project and achievements of results
- Monitoring and evaluating the needs and priorities in the respective sector, project risks, progress against the project budget, benchmarks, and outputs, and taking any necessary remedial actions if needed

- He/she will, together with the beneficiary PL, be responsible for the modification of the project work plan as deemed necessary during the life time of the project;
- Providing efficient leadership of the project;
- Together with beneficiary PL, will be responsible for interim, final reports and project reporting;
- Ensuring backstopping and financial management of the project;
- Participation in Steering Committee meetings and communicate with stakeholders.

3.6.2 Profile and tasks of the RTA

The relevant Member State institution will appoint a long-term Resident Twinning Advisor (RTA).

A Member State participating in the Twinning project as Lead or as a Junior partner can propose as a RTA a person who retired from a public institution or a mandated body no more than three years before the date of circulation of the Twinning Fiche.

Requirements:

- University degree in law, social science, public policy or other relevant areas, or eight years of equivalent professional experience
- At least three years of working experience in a relevant MS institution
- Experience in the labour migration sector
- Experience in EU policies/regulations in relation with labour rights and rights of workers
- Proven experience in project management and monitoring of results
- Proven experience in developing institutional structures and working methods intended for state agencies in charge of labour migrants and their rights
- Fluent in spoken and written English

Assets:

- Previous experience of Twinning projects or international cooperation projects

Tasks:

- Coordinate and supervise the activities of all experts and ensure overall coordination within the project through steering the assignment of experts, training measures, conferences, internships, et cetera;
- Ensure timely and effective implementation of the project in accordance with the time schedule;
- Establish and maintain links with the beneficiary and all players involved in the implementation of the project and other related projects, in close coordination with the Project Leaders;
- Ensure day-to-day implementation of all project activities in the country;
- Ensure smooth correlation between activities, deadlines, and the envisioned results listed in the work plan;
- Set up monitoring mechanisms and prepare materials and documentation for regular monitoring and reporting;

- Nominate, mobilize and supervise the short-term experts in collaboration with the Project Leaders.

3.7.3 Profile and tasks of other short-term experts

The Twinning proposal should include a pool of short-term experts to ensure smooth implementation of the action in line with the proposed work plan. Short-term experts will advise the beneficiary administration on the methodologies that are most compatible with their needs and the objective of the action.

The Twinning Contract will elaborate as to the precise number, tasks and working days of short-term experts.

The proposed pool of short-term experts should cover the following range of expertise: EU social policies, EU labour regulations, labour migration, ILO regulatory framework.

The pool of short-term experts' pool should include the following profiles and expertise:

1. Experts in the field of social research, including population groups and caregiving, research and data analysis: main competences (related to the Mandatory Result 1.3):
 - Experience in social research and data analysis, including experience related to elderly age groups and caregiving in EU MS
 - Experience in capacity-building / organising training sessions for data mapping, retrieving, analysis and reporting in the caregiving sector intended for the elderly in the EU MS.
2. Legal-institutional experts in EU MS state administrations dealing with labour migration: main competences (related to Mandatory Results 1.1 and 1.3. as part of capacity-building activities)
 - Significant work experience in state administrations regulating labour migration in the EU MS and Western Balkans, focusing on the development and review of legal and institutional frameworks for labour migration
 - Experience in establishing inter-agency coordination, information flows and decision-making systems for labour migration, preferably in the social – caregiving sector.
3. Experts lawyers in the field of migrant workers' labour rights protection: main competences related to Mandatory Results 1.1 and 1.3 and partially – to Mandatory Results 2.5 and 2.6;
 - Minimum of three years of specific experience in the field of migrant workers' and care recipients' rights protection in EU MS and/or Western Balkans
 - Experience with state agencies in charge of migrant workers' rights protection
 - Experience with specialised civil society organisations is an advantage
4. Public communication and awareness-raising experts: main competences related to Mandatory Results 1.2, 1.4 and 2.5)
 - Minimum of three years of specific experience in supporting the development and implementation of Communication Strategies (Plans) for state agencies in charge of migrant workers and their rights in EU MS and Western Balkans
 - Capacity-building experience with state agencies, civil society organisations and organisations involved in labour migration in EU MS

- Experience in developing guides and information tools intended for migrant workers' and care recipients' rights protection in the caregiving sector
- Experience in the production of videos for the general public and/ or people with disabilities

5. IT experts: main competences related to Mandatory Results 1.3., 1.4. and 2.6

- Minimum of three years of specific experience in case management systems' digitalisation at EU in social sector, preferably, in migration sector
- Minimum of three years of specific experience in web and application development for social sectors and for social and labour administrations, including migrant workers and services to elderly and people with disabilities
- Experience in social marketing and knowledge dissemination, management

4. Budget

Maximum budget available for the Grant: Euro 750,000

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office)

The Implementing Agency which will be responsible for the tendering, contracting, and accounting of this Twinning project is the Delegation of the European Union to the State of Israel.

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5.2 Institutional framework

The Commissioner for Foreign Workers' Labour Rights is a statutory position enshrined in the Foreign Workers Law. The Commissioner operates pursuant to Section 1V (A) of the Foreign Workers Law No 5751-1991 (hereinafter referred to as the "Law") and is in charge of safeguarding the labour rights of foreign workers employed in Israel in the civil area, alongside the activity of other governmental units, such as the Enforcement and Prosecution Division of the Labour Arm and other relevant units of the Population and Immigration Authority. This delegation of power follows an amendment to the above-mentioned Law, which took effect in 2010 and whose purpose is to strengthen the protection of foreign workers' rights.

It has a Unit, which is subordinated to the Ministry of Economy's Labour Department. The Commissioner has four main competences established by law: i. raising awareness; ii. taking part

in regulatory processes and collaborating with stakeholders; iii. handling inquiries and iv. handling legal proceedings. This Unit consists of two lawyers and two students and is subordinate to the Legal Bureau. The main institutional changes expected in the medium-term are the following: (i) more efficient awareness-raising techniques; (ii) quicker and more sophisticated data analysis, supporting a more relevant selection of issues and follow-up publications and clarifications. More detailed and informative publications and selection of issues for the Unit's intervention and clarification; (iii) improved performance of the Unit for resolving the long-standing issues and problems that affect the relationships between employees and employers, and other procedural problems that migrant caregivers face. In the longer-term perspective, the Unit will be subject to institutional improvements and several laws will likely be amended to reconcile effective regulations with the Israeli context and enhance efficiency in handling violations of migrant workers' and employers' rights.

5.3 Counterparts in the Beneficiary administration

5.3.1 Contact person

The Israeli Commissioner for Foreign Workers' Rights, Adv. Shiri Lev-ran.

5.3.2 PL counterpart

Shiri Lev-Ran, Adv.

Israeli Commissioner for Foreign Workers' Labour Rights

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5.3.3 RTA counterpart

Noa Neeman, Adv.

Chief assistant

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6. Duration of the project

18 months

7. Management and reporting

7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

The project aims to assimilate effective work practices that contribute to the unit's day-to-day activities. The project will also provide the Commissioner's Unit with recommendations for further legal-institutional improvement and awareness tools, which may notably increase effectiveness and sustainability, provided the Unit receives adequate financial and political support.

Mostly, it is anticipated that the outcome of this intervention will generate long term impact to the beneficiary.

9. Cross-cutting issues (*equal opportunity, environment, climate etc...*)

The EU recently updated its 2014 Toolbox on the rights-based approach (RBA) thus renewing its commitment to adopt a human rights-based approach (HRBA) in all its external action. This conceptual approach is directed towards strengthening the capacity of rights holders to claim their rights. All Twinning light applications must be designed integrating a HRBA, including gender equality mainstreaming, and must clearly identify the national and international legal basis around which a proposal has been developed.

The Twinning project will have to report against relevant quantitative and qualitative indicators.

The Unit is responsible for protecting and promoting the rights of foreign workers. Over 80 percent of foreign caregivers are female. Therefore, aiding the Unit to improve its performance supports the advancement of human rights and gender equality.

10. Conditionality and sequencing

There are neither special factors nor external conditions pre-required to the launching of the project.

11. Indicators for performance measurement

The Mandatory Results targets are detailed in Annex C1a - Logical framework adapted.

During the implementation process, the project will issue quarterly reports according to the format provided for in the Twinning Manual and will report against the Mandatory Results targets and also related activity benchmarks / deliverables in accordance with the Work Plan. Each Quarterly Report produced jointly by the Twinning partners will include a brief analysis of the background, changes in the policy, legal and institutional environment and the assumptions formulated in the Logical Framework Matrix. In the last implementing quarter, the project will assess the level of contribution to the Outcome (Specific Objective).

While the Twinning partners may not have enough evidence to assess the targets for the Impact-level indicators, preliminary opinion polls may be conducted amongst employers and employees in the caregiving sector to identify the baseline values of indicators.

12. Facilities available

The RTA will be located at the office of the Commissioner.

Among the facilities available to host the RTA are offices and computers, as well as communication and transport, upon the need.

Whenever translation and/or interpretation services might be necessary for the implementation of activities (for instance translation of guidelines, etc.), such costs will be budgeted under the relevant budget heading (see Section 6.2.8 of the Twinning Manual).

ANNEX TO PROJECT FICHE

Annex 1. The Simplified Logical framework matrix

ANNEX I – Simplified Logical Framework Matrix

	Results chain	Indicators (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of verification	Assumptions (external to project)	Risks
Impact	<p>Overall Objective Improved protection of the foreign workers’ rights in the caregiving sector</p>	<p>O1: Level of Exercising labour rights and satisfaction with the workplace among the migrant workers in the caregiving sector</p> <p>O2: Number of illegal migrant workers in the sector applying for help, disaggregated by sex</p>	<p><i>O1: To be updated with 2022 value. In 2021 there were 744 inquiries relating to exercising of labour rights as opposed to acquiring rights.</i></p> <p><i>O2: As of July 2022: 7 inquiries in the caregiving sector.</i></p>	<p><i>O1: An increase of 15% inquiries relating to exercising of labour rights as opposed to acquiring rights by 2025.</i></p> <p><i>O2: Increase of at least 15 % of inquiries. To be updated at the beginning of implementation.</i></p>	<p>O1 and O3: Research among the migrant workers and employers</p> <p>O2: Statistics of relevant agencies (Population and Immigration Authority (PIBA), Ministry of Welfare, National Insurance Institute and Ministry of Social Equality)</p>		

ANNEX I – Simplified Logical Framework Matrix

Outcome	<p>Specific (Project) Objective1 Improved efficiency of the Commissioner’s Unit in the empowerment of migrant employees and employers for self-enforcement of labour rights in caregiving sector.</p>	<p>1.1. Number of inquiries on the selected⁸ controversial topics by the employees and employers</p> <p>1.2. Number of publications of the Commissioner’s Unit clarifying the controversial topics</p>	<p>1.1. Baseline to be determined at the end of 2022 as the variation in inquiries relating to acquiring information about labour rights by workers in the caregiving sector between 2021 and 2022.</p> <p>1.2. Between 2020-2021 there were 3 publications</p>	<p>1.1. A decrease of 20% in inquiries relating to acquiring information about labour rights by 2024 (approximate end of twinning). A further decrease of 15% by 2025 (one year after twinning ends)</p> <p>1.2. By 2024 – 4 new publications.</p>	<p>1.1. and 1.2. Data analysis on the Inquiry Management System⁹</p>	<p>Coordinated work of all related state bodies Continued cooperation by agencies /bureaus</p> <p>Funds and political support for legal-institutional development plans of the Unit</p>	<p>Lack of resources</p> <p>Government bureaucracy</p>
	<p>Component 1: Institutional capacity building and improvements</p>						

⁸ The Commissioners’ Unit jointly with the EU MS partner(s) range of most frequent, important topics in the subject of the inquiries to the Unit

⁹ The system was planned and the equipment will be provided during 2022

ANNEX I – Simplified Logical Framework Matrix

Mandatory result 1	<i>1.1. A report on the analysis of the current Israeli legal and institutional framework vs the best practices in the field, with recommendations to amend the legislation</i>	1.1.1. Status of the report	1.1.1. Not performed by 2022	1.1.1. Performed by 2023, with comparative analysis, specific recommendations, and discussed with stakeholders	1.1.1. The report and records of discussion	The recommendations are further developed and submitted to the Gov. / Knesset	
Mandatory result 2	<i>1.2. A Communication strategy for raising awareness of the target groups for 2023-2025</i>	1.1.2. Status of the Communication strategy	1.1.2. None by 2022	1.1.2. The Communication Strategy is drafted together with the budget, presented to the Ministry of Economy	1.1.2. The Communication Strategy and discussion records	The Communication Strategy is supported with funds, monitoring mechanism and is implemented	

ANNEX I – Simplified Logical Framework Matrix

<p>Mandatory result 3</p>	<p><i>1.3. Improved professional and technical capacity of the Unit and related state agencies (PIBA, Ministry of Welfare, others)</i></p>	<p>1.3. Number of agencies trained on the best practices of the EU MS partners..</p>	<p>1.3. 0 by 2021</p>	<p>1.3. 5 agencies by 2024</p>	<p>1.3. Training records</p>	<p>The people trained remain in their job and use the knowledge in everyday practice</p> <p>An internal training manual is developed by the Commissioner s’ Unit for continuous training of own personnel and that of other state agencies</p>	
<p>Mandatory result 4</p>	<p><i>1.4. An information platform for increasing knowledge of the target groups on the legislation and practices</i></p>	<p>1.4. Feasibility of recommendations included in the report on improvement of web-site sections of Unit.</p>	<p>1.4. Web platforms lack specific sections for most frequent topics, F.A.Q.s, and interactive exchange</p>	<p>1.4. At least 3 relevant upgrades of Web platforms formulated (legal information on the most frequent topics, F.A.Q.s or interactive exchange...)</p>	<p>Web platforms</p>	<p>The web platform is funded and regularly updated</p>	

ANNEX I – Simplified Logical Framework Matrix

	Component 2: Improved awareness of the stakeholders on the best practices						
Mandatory result 5	2.5. Improved awareness of the state agencies on the best practices in the EU MS in the caregiving sector	2.5. Number of agencies reached through awareness raising events.	2.5. None by 2021 with the support of this project	2.5. 5 agencies by end of 2024.	2.5. Dissemination or sign-in lists	The officials remain in their job	
Mandatory result 6	2.6. Improved awareness of the caregiving sector participants	2.6. Number of people reached through the Twinning information campaign, disaggregated by categories (employees, , bureaus, others) and sex (f/m)	2.6. None by 2021 with the support of this project	2.6. 25% of the amount of foreign workers in the caregiving sector (approximately 5000 workers). 70 bureaus out of approximately 100.	2.6. Dissemination or sign-in lists	The target groups learn and continue active inquiries, discussion on the platform	