

# TUC

Changing the world  
of work for good

# Justice for Palestine

**Promoting decent work and respect for  
Palestinian rights**



Crossing the border to work in Jerusalem.  
Photo: Kris Pannecoucke/Panos

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# Executive summary

Palestine is one of the worst countries in the world to be a worker. This report sets out TUC policy and the evidence base in support of Palestinian workers' rights. The TUC has long-standing policy in support of justice for Palestine, guided by international law and UN resolutions, as demonstrated by Congress motions passed in 2010, 2012, 2014, 2018, 2019 and 2020.

In order to secure decent work for Palestinians, the TUC believes we need:

- Respect for Palestinian rights, including the right to collective self-determination and the right to return.
- An end to the illegal military occupation of Palestinian territories and annexation of East Jerusalem, an end to the blockade of Gaza, and for the permanent halt to any further annexation.
- Support for genuine efforts towards a just, comprehensive, and lasting peace that is consistent with international law and based on a two-state solution.

The illegal military occupation of Palestine, expansion of Israeli settlements, blockade of Gaza and ongoing threat<sup>1</sup> of official annexation contravene multiple international laws. They also undermine Palestinian rights to collective self-determination and efforts to find a peaceful two state solution, and have led to numerous human rights abuses over many decades. A 2019 UN report declared that the human rights situation for Palestinians "deteriorates day-by-day".<sup>2</sup> Human rights violations in the occupied Palestinian territory (OPT) include land confiscation, home demolitions, excessive use of force and torture, lack of freedom of movement, and the imposition of a two-tier system of political, legal, social, cultural and economic rights based on ethnicity and nationality.<sup>3</sup>

The International Trade Union Confederation's (ITUC) Global Rights Index (2020) places Palestine in its worst ranking with "no guarantee of fundamental labour rights" due to a breakdown in the rule of law.<sup>4</sup> And in recognising that the occupation is a barrier to achieving decent work, the International Labour Organisation's (ILO) Decent Work Programme 2018-2021 aims to support the State of Palestine's National Policy Agenda through three pillars: i) the path to independence, ii) ending the occupation and iii) sustainable development.<sup>5</sup>

We recognise the importance of working with affiliates, the ITUC and like-minded civil society organisations in the UK, Palestine and Israel to progress justice for Palestine.

## Impact of the occupation on workers and their livelihoods

### Economic impact

Between 2000 and 2017 the fiscal cost of the illegal military occupation to the Palestinian people was US\$48bn (£36bn). If this US\$48bn had been injected through expansionary

fiscal policies, UN Conference on Trade and Development (UNCTAD) estimates that this would have generated 2 million job opportunities (111,000 new jobs per year) during the same period.<sup>6</sup>

Unemployment for Palestinians is high, reflecting the discrimination and precarity faced by Palestinian workers. In the second quarter of 2020 (April-June), unemployment in Gaza stood at 49 per cent in general, and 66 per cent for women.<sup>7</sup> In the West Bank, unemployment for the same period was 15 per cent, and 26 per cent for women.<sup>8</sup> According to the ILO, “nowhere in the world does the labour market situation of women appear so dire”.<sup>9</sup>

Wages in Gaza are 36 per cent lower than those of employees in the West Bank, and over 70 per cent lower than average Palestinian wages in Israel and the settlements. Poverty is pervasive in Gaza where 68 per cent of households are moderately or severely food insecure.<sup>10</sup>

## **Working in the settlements and Israel**

Poor working conditions and employment prospects in the OPT leave workers with little choice other than to seek work in the illegal settlements and Israel. In 2019, an estimated 110,000 Palestinians from the occupied territories were employed in Israel and a further 29,000 worked in settlements.<sup>11</sup> Work in the settlements is often informal and unregulated and Palestinian workers report multiple employment abuses including being paid below the minimum wage, unregulated hiring, and incidences of child labour, especially in agriculture. Virtually no labour inspections take place, meaning violations are rarely penalised and rights are seldom enforced.<sup>12</sup>

In addition, Palestinian workers have been required to have a permit to work in Israel or the settlements. This has exposed them to exploitation through unscrupulous labour brokers and through binding them to an employer. Finally, the Israeli government has announced<sup>13</sup> it will improve the permit system, so that Palestinian construction workers in Israel will receive their permits directly. This is a step forward and should establish a direct employment relationship between workers and employers, rather than through labour brokers, but enforcement will be vital. More information about this policy change is needed, and we want to see a system where every worker is treated fairly and has decent work. Currently, around 28,600 Palestinians do not have a permit and face even greater exploitation.<sup>14</sup>

## **Wage deductions and freedom of association**

Palestinian workers are subject to a series of taxes enforced by the Israeli government but receive no protection or rights in return. The Paris protocol stipulates that these taxes should be transferred to the Palestinian Authority (PA) monthly, however, Israel regularly withholds large sums of these taxes. Between 2006-2013 Israel retained a total of €164m (£146m) of ‘equalisation taxes’.<sup>15</sup>

The Israeli government’s Pay Department is meant to guarantee Palestinian workers entitlements to benefits, but frequently fails in its duty. Inaccuracies have resulted in many

Palestinians being paid below the minimum wage, and payslips failing to record accurate information about benefits such as sick pay.<sup>16</sup>

Palestinian workers in Israel cannot join a union of their choosing, unlike their Israeli colleagues and Palestinian unions are prevented from acting legally in the settlements because they are under Israeli control, leaving Palestinian workers with few avenues to pursue their employment rights.<sup>17</sup>

## **Covid-19**

During the Covid-19 lockdown period 52 per cent of Palestinian workers did not receive their salary or wages and 25 per cent received only partial wages.<sup>18</sup>

According to the Palestine General Federation of Trade Unions (PGFTU), 75,000 workers have been arbitrarily dismissed. By April 2020, over 453,000 Palestinian workers had lost their jobs and over 115,000 families were pushed into poverty.<sup>19</sup>

## **Health and safety**

Many Palestinians work in unhealthy and unsafe conditions. The construction industry is particularly dangerous for Palestinian workers. Numbers of fatalities and injuries on Israeli construction sites are higher than many other developed countries. In 2019, 47 construction workers died on site, 31 of whom were Palestinians.<sup>20</sup>

## **Israeli control of natural resources in occupied Palestinian territories**

The potential contribution of natural resources to the Palestinian economy is large, but Israeli control of Palestinian natural resources finances the settlement enterprise and keeps the settlements economically viable for the Israeli state. At the same time, this hinders Palestinian economic development and access to decent jobs, forcing Palestinians to work as cheap labour for Israeli settler industries in precarious and exploitable conditions, as mentioned previously. This can be seen in the case of quarrying, use of Dead Sea resources and farming, for example.

## **Trade, business and human rights**

The UK carries out significant trade with Israel, but to date has not used this relationship to try to ensure adherence to human and workers' rights.

The current minister of state for trade policy has stated that throughout the continuity trade deal programme there will be no diminution of UK standards, including on human rights.<sup>21</sup> However, the UK-Israel Trade and Partnership Agreement signed in 2019 (in force January 2021) has no binding safeguards for protecting human and labour rights, nor enforcement mechanisms or sanctions if there are violations of rights.

The UK has consistently sold arms to Israel, despite the illegal occupation and its own guidance relating to the overseas business risk and the OPT. The guidance emphasises that involvement in business activities could have reputational implications as well as leading to possible abuses of individual's rights.<sup>22</sup> Yet between 2014 and 2018, the UK issued Single

Individual Export Licenses (SIELs) for arms sales to Israel to a value of £361m, demonstrating a lack of policy coherence.<sup>23</sup>

International law is clear. Israeli settlements are illegal and a war crime, they are discriminatory and give rise to human rights abuses. Business activity within the settlements helps to legitimise the illegal situation and maintain and expand the settlements. The UN Guiding Principles for Businesses and Human Rights clearly state that “business enterprises should respect human rights” and this is expected wherever they operate, including in situations of conflict.<sup>24</sup> Companies are therefore expected to carry out human rights due diligence, not only on their directly controlled operations, but on all their sub-contractors and suppliers.

### **Our work and trade union solidarity**

The TUC works closely with affiliates and the ITUC in support of justice for Palestine. Affiliates collaborate with like-minded civil society organisations and have supported campaigns and projects that build capacity in organising and collective bargaining and help increase workers’ knowledge and understanding of their rights. Through policy, advocacy and campaigns, the ITUC seeks to improve working conditions for Palestinians and promote peace, while global union federations also run projects in support of strengthening Palestinian workers’ rights.

In 2020, the TUC passed a motion stating full opposition to the Israeli government’s stated intention to officially annex parts of the West Bank in violation of international law, with such a move being another significant step in the creation of a system of apartheid, and calls to action. Whilst the TUC cannot make a legal judgement on the issue of apartheid, it is important that we root our language in international law. We recognise the use of the term ‘apartheid’ brings challenges when it is used as a comparator to South Africa. We believe we must use language carefully and not risk trivialising the critical situation for Palestinians.

TUC policy calls for:

- respect for all Palestinian rights, including the right to collective self-determination and the right to return
- an end to the illegal occupation and a halt to further annexation
- support for a just, comprehensive and lasting peace that is consistent with international law and based on a two-state solution, which must promote equality and respect for human and labour rights.

We call on the UK government to publicly support the same goals and to recognise the State of Palestine.

UK trade policy and business should ensure Palestinian labour and human rights are protected and respected, and support an end to the occupation. The TUC calls for an ethical policy on all UK trade with Israel which must include:

- suspension of the UK-Israel Trade and Partnership Agreement, which replicates the EU-Israel Association Agreement, until Palestinian rights are respected

- a ban on trade with the illegal settlements, and requiring mandatory labelling of food produced in illegal settlements in line with the European Court of Justice ruling in 2019
- an end to arms trading with Israel and to military collaboration.

We also encourage affiliates, employers and pension funds to disinvest from, and boycott the goods of companies that profit from illegal settlements, the occupation and construction of the wall.



## Section One

# Occupation and annexation

The TUC opposes the illegal military occupation of Palestinian territories which denies Palestinians their basic rights. In this section we set out how Palestinian territory is illegally occupied, and the impact of this on the human rights of Palestinian people. We then look at the continued threat of annexation, and lastly consider the debate over how the internationally defined crime of apartheid may be being committed within Palestinian territory.

## The illegal occupation of Palestinian territory

Israel's occupation of Palestinian territories has continued for over 50 years in violation of international law and relevant UN resolutions.<sup>25</sup> UN Security Resolution 242 (1967) emphasizes "the inadmissibility of the acquisition of territory by war" and calls for the withdrawal of Israel from territories occupied in the 1967 conflict.<sup>26</sup> The unilateral annexation of East Jerusalem by Israel in 1980 was condemned by the UN Security Council (Resolution 476) with measures to alter the status of Jerusalem deemed "null and void".<sup>27</sup>

According to the ILO the Oslo Accords, which have steered Palestinian-Israeli relations towards a two-state solution since the 1990s, are now losing their capacity to serve as reference points, because for many years "facts have been created, ranging from settlements to shifting borders and restrictions on movement and trade" that contradict decisions in the Oslo and Paris Protocols.<sup>28</sup>

In 2016, the UN Security Council reaffirmed a number of existing relevant resolutions and stated that the establishment of settlements in the occupied Palestinian territories (OPT) including East Jerusalem, by Israel has "no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-state solution and a just, lasting and comprehensive peace". The resolution also called on Israel to abide by its legal obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.<sup>29</sup>

## Palestinians experience grave human rights violations

Despite numerous resolutions and calls for Israel to respect international law, a 2019 report by the UN's special rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, states that the human rights situation "deteriorates day-by-day".<sup>30</sup> Collectively, UN rapporteurs have referred to human rights violations in the occupied Palestinian territories that include labour exploitation, land confiscation, home demolitions, forcible population transfer, excessive use of force and torture, lack of freedom of movement, the targeting of women activists, and the imposition of a two-tier system of political, legal, social, cultural and economic rights based on ethnicity and nationality.<sup>31</sup>



In 2018, Israel passed the 'Basic Law: Israel as the Nation State of the Jewish People'. This law recognised Israel as "the national home of the Jewish people", and enshrined that the right to exercise national self-determination in the state is "unique to the Jewish people".<sup>32</sup> Concerns about the possible discriminatory effects of the law on non-Jewish people, have been raised by the UN Committee on Economic, Social and Cultural Rights, which also expressed concern that recognising the development of Jewish settlement as a national value, could further deteriorate the economic, social and cultural rights situation in the occupied territories. The committee called on the Israeli state to repeal the law or bring it into line with the relevant Covenant, and increase efforts to eliminate discrimination faced by non-Jews.<sup>33</sup>

In the first six months of 2020, 21 Palestinians were killed by Israeli Occupying Forces (IOF) with at least half being shot, according to Palestinian human rights organisation, Al Haq.<sup>34</sup> In August 2020, Israel bombed targets in Gaza by air and from the ground, injuring five Palestinians, including four children. Palestinian rocket fire injured one Israeli and damaged two homes, and in an Israeli airstrike near a residential compound in al-Bureij refugee camp, two children were injured and four homes damaged, according to Israeli human rights organisation B'Tselem.<sup>35</sup> Abuses by the IOF documented by Al Haq in 2019 included house raids, arrests, beatings, torture, and denial of permits to receive medical treatment, with an accompanying escalation of settler attacks on Palestinians.<sup>36</sup> An average of 198 Palestinian children were in Israeli military detention in 2019, with the most common charge being stone throwing.<sup>37</sup>

## **The settlements and wall violate international law**

An occupying power is prohibited from transferring parts of its own civilian population into the territory it occupies, and from forcibly transferring and deporting protected persons from occupied territory under The Fourth Geneva Convention (Article 49).<sup>38</sup> Under the Rome Statute, this also constitutes a war crime.<sup>39</sup> Yet, around 600,000 Israeli settlers now live in the occupied West Bank, with about one-third in East Jerusalem.<sup>40</sup> There are approximately 250 settlements. The extensive appropriation of land and the appropriation and destruction of property required to build and expand settlements breaches international humanitarian law.<sup>41</sup>

All of Israel's settlements are in Area C<sup>42</sup> of the occupied West Bank, where Israel retains near exclusive control, including over law enforcement, planning and construction. Demolitions of Palestinian structures have continued even during the coronavirus pandemic, with the majority of demolitions being in Area C. As of October 2020, 557 structures<sup>43</sup> had been demolished and 747 Palestinians had been displaced. Demolitions can include livelihood structures. Although demolitions can result from a lack of Israeli-issued permits, in reality, these are "nearly impossible to obtain", according to the UN Office for the Coordination of Humanitarian Affairs.<sup>44</sup>

Area C remains largely inaccessible to Palestinians, but contains the majority of the occupied Palestinian territory's agricultural land and water resources.<sup>45</sup> Mechanisms of land control in the OPT used by Israel include declaring large areas of land as military zones, state land and nature reserves and a discriminatory zoning and planning regime.<sup>46</sup>



Israeli settlements in the West Bank are built in violation of international law.  
Photographer: JB Russell/Panos

In 2018, UN resolution 73/255 reaffirmed the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources. International law strictly regulates what an occupying power may do with the resources of an occupied territory.<sup>47</sup> The resolution deplored the detrimental impact of the Israeli settlements on Palestinian natural resources “especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences”.

The separation barrier, or wall, built mainly in the occupied West Bank stretches over 700km and encompasses around 80 per cent of the settlers living in the OPT. In 2004, the International Court of Justice advised that the construction of the wall in the OPT, including East Jerusalem was contrary to international law. The court also observed that construction of the wall and its associated regime created a “fait accompli” on the ground that could become permanent and tantamount to de facto annexation. Along with other measures put in place by the Israeli government, the court concluded that the wall would severely restrict the ability of the Palestinian people to exercise their right to self-determination.<sup>48</sup>

Settlement expansion also continues, and in October 2020, Israeli authorities agreed to advance more than 4,900 new settlement building units in the occupied West Bank. This move has been condemned by the UK, France, Italy, Spain and Germany in a joint statement. This emphasised that the expansion of settlements violated international law and imperilled the viability of a two-state solution and called for an immediate halt to settlement construction, as well as to evictions and demolitions of Palestinian structures in East Jerusalem and the West Bank.<sup>49</sup>

The increasing fragmentation of the West Bank, including East Jerusalem, through various policies and practices including settlements, the wall, checkpoints, zoning and planning restrictions may “irreversibly disrupt the contiguity of the West Bank, undermining a just and sustainable two-state solution” argued a former UN special rapporteur in 2014.<sup>50</sup>

## **The blockade of Gaza – a form of collective punishment**

In Gaza, the illegal blockade of land, sea and air has continued for over a decade and according to the UN’s special rapporteur, amounts to a form of collective punishment that is

**In Gaza “enjoyment of the most basic socio-economic rights – employment, healthcare, housing, food, water and sanitation are a luxury in scarce supply, if at all”.**

**(UN’s special rapporteur, 2018)**

prohibited under international law.<sup>51</sup> The blockade controls and restricts the movement of people and goods in and out of Gaza, resulting in economic suffocation, social and familial isolation from the outside world, and worsening living and health standards.<sup>52</sup> The economy is in near collapse, and the “enjoyment of the most basic socio-economic rights – employment, healthcare, housing, food, water and sanitation are a luxury in scarce supply, if at all”. Some 95 per cent of the population of Gaza are without access to

clean water.<sup>53</sup> In 2018, electricity was supplied for only about 6-7 hours a day which is inadequate to maintain large-scale manufacturing or commerce.<sup>54</sup>

The coronavirus pandemic has further exposed the impacts of the occupation and blockade on the lives of Palestinians. The World Health Organisation risk assessment remains high for the occupied Palestinian territories and cases are continuing to rise. WHO has provided medical equipment and supplies, ventilators, PPE and training for healthcare workers in Gaza.<sup>55</sup> Physicians for Human Rights Israel contends that the Palestinian healthcare system bears the burden of budget shortages, with the separation between East Jerusalem, Gaza, and the West Bank, and restrictions that Israel imposes on the freedom of movement of patients, medical equipment, and healthcare personnel structurally impeding its proper functioning.<sup>56</sup>

In March 2019, Palestinians in Gaza marked the first anniversary of the ‘Great March of Return’ demonstrations near the Israeli border. Thousands of Palestinians participated in weekly protests demanding an end to the blockade and the right of return of Palestinian refugees to the land that was lost in the 1948 Nakba. Israeli forces responded forcefully to the weekly demonstrations and in the 12 months after the demonstrations started 275 Palestinians were killed and more than 30,000 injured.<sup>57</sup>

## **Annexation**

It is against this backdrop of violations of international law and human rights and a global pandemic that the Israeli government has threatened to officially and unilaterally annex parts of the West Bank and most of the Jordan Valley, extending its sovereignty to cover

the 235-plus illegal Israeli settlements in the West Bank.<sup>58</sup> Annexation was endorsed by outgoing President Trump in his Peace to Prosperity Plan<sup>59</sup> which proposed violating international law, including the right to return.

The TUC<sup>60</sup> and ITUC<sup>61</sup> criticised the proposals in the Trump administration's plan – with the ITUC stating that “Peace can only be achieved through negotiations based on international law, not through imposing a completely unacceptable one-sided formula on the Palestinian people. The US proposals would severely damage prospects for a just and peaceful settlement.” Fifty former foreign ministers and leaders across Europe jointly stated that the Peace to Prosperity Plan envisages the formalisation of the current reality in the occupied Palestinian territory “in which two people are living side by side without equal rights. Such an outcome has characteristics similar to apartheid – a term we don't use lightly”.<sup>62</sup>

Despite claims by outgoing President Trump and others that annexation is off the table as part of Israel's agreement with the United Arab Emirates,<sup>63</sup> Prime Minister Netanyahu has stated that, “There is no change in my plan to apply sovereignty, our sovereignty, in Judea and Samaria, in full coordination with the US. I'm committed to it, this hasn't changed..... This issue remains on the table.”<sup>64</sup>

The annexation plans have been widely condemned, including by over 130 UK parliamentarians,<sup>65</sup> 47 UN experts,<sup>66</sup> and over 1,000 MEPs.<sup>67</sup> The TUC has written to the secretary of state for foreign and commonwealth affairs stressing that annexation would be in violation of international law and have a significant impact on Palestinian workers and communities. We called on the UK government to publicly state that annexation would be met with serious consequences if it goes ahead, while supporting genuine efforts towards peace based on a two-state solution.

Some have called for sanctions in response to the threat of official annexation. The UN's special rapporteur on human rights in the Palestinian territory has called on the international community to “review its extensive menu of sanctions and countermeasures to stem this march towards further illegality”.<sup>68</sup> In May 2020, nearly 130 British politicians wrote to the Prime Minister and foreign secretary urging them to make clear publicly to Israel that any annexation of occupied Palestinian territory “will have severe consequences including sanctions”.<sup>69</sup>

It is argued that the West Bank has already been annexed de-facto, with Israel using the area as its sovereign territory, which is reflected in its policies and practices such as building settlements and supporting infrastructure, and extending many Israeli laws to settlers and settlements.<sup>70</sup>

## **Considering the crime of apartheid in Israel**

There is a growing body of analysis examining the crime of apartheid in the context of Israel and the occupation of Palestinian territory. Such analyses have drawn on the Rome Statute – which defines apartheid as a crime against humanity, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Suppression and Punishment of the Crime of Apartheid. In this final convention, the crime of apartheid refers to specific inhumane acts “committed for the purpose of establishing

and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them".<sup>71</sup>

Analysis by some experts appears to show that there are apartheid policies and practices being committed in the occupied Palestinian territory. For example, in 2013, legal experts concluded: "On the basis of the systemic and institutionalized nature of the racial domination that exists, there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory."<sup>72</sup>

In 2014, the report of the UN special rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 examined acts that potentially amounted to segregation and apartheid. Evidence cited included that relating to the denial of the right to life and liberty, and measures calculated to prevent participation in the political, social, economic and cultural life of the country and the full development of a racial group – with reference to violations of the right to work, to freedom of movement, to education, to freedom of expression and assembly. The report concluded that, "through prolonged occupation, with the practices and policies which appear to constitute apartheid and segregation, ongoing expansion of settlements, and the continual construction of the wall arguably amounting to de facto annexation of part of the occupied Palestinian territory, the denial by Israel of the right to self-determination of the Palestinian people is evident."<sup>73</sup>

## TUC policy

The TUC has long-standing policy that supports Palestinian rights by calling for an end to the illegal occupation, the blockade of Gaza, settlement expansion, construction of the wall/separation barrier, and condemns the discriminatory Nation State Law, cuts to the United Nations Relief and Works Agency for Palestine Refugees (UNWRA), and the Peace to Prosperity Plan. These policies speak out in support of an inclusive peace process, based on a two-state solution that delivers security for Israel and Palestine, and which respects the right to collective self-determination and the right to return (for example see Congress 2010 Composite Motion 18,<sup>74</sup> Congress 2012 Motion 76,<sup>75</sup> General Council Statement 2014,<sup>76</sup> Congress 2018 Emergency Motion 4,<sup>77</sup> and Congress 2019 Motion 75<sup>78</sup>).

In 2020, the TUC passed a motion stating full opposition to the Israeli government's intention to annex parts of the West Bank in violation of international law, with such a move being another significant step in the creation of a system of apartheid and calls to action.<sup>79</sup>

Whilst the TUC cannot make a legal judgement on this, it is important that we root our language in international law. We recognise the use of the term 'apartheid' brings challenges when it is used as a comparator to South Africa. We believe we must use language carefully and not risk trivialising the critical situation for Palestinians.

In accordance with the motion, the TUC is calling on the UK government to take firm and decisive measures, including sanctions, to ensure that Israel stops or reverses the illegal annexation, ends the occupation of the West Bank and blockade of Gaza, and respects the right of Palestinian refugees to return (see Annex A for the 2020 Congress motion and explanation).

## The impact of the occupation on workers and livelihoods

This section looks at the impacts of the occupation on the Palestinian labour market, systemic abuses of Palestinian workers' rights in the settlements and Israel, and addresses the impacts of the Covid-19 pandemic on workers. Finally, we look at how Israel's control over Palestinian natural resources limits economic opportunities and access to jobs.

### Access to decent work denied

The ongoing occupation has severely impacted Palestinian livelihoods and the Palestinian economy, according to a 2019 report by the ILO Director General. Settlements and their expansion, coupled with restrictions on Palestinian movement and access to resources, infrastructure and markets are central features of the occupation. Restrictions include checkpoints, roadblocks, metal gates, trenches and the separation barrier. These factors impact on Palestinian's social and economic rights including the right to non-discrimination in pursuit of an adequate standard of living and decent work.<sup>80</sup>

The United Nations Conference on Trade and Development (UNCTAD) estimates that the fiscal cost of occupation for the Palestinian people over the period 2000-2017 is US\$48bn (£36bn) and these costs constrain the capacity of the State of Palestine to achieve the UN Sustainable Development Goals. A simulation by UNCTAD which assumes that this money was instead injected through expansionary fiscal policies indicates that the economy would have generated two million job opportunities over this period, an average of 111,000 per year.<sup>81</sup>

### The labour market – bleak prospects for Palestinian workers

**Young women face particularly bleak employment prospects in the occupied Palestinian territories and according to the ILO “nowhere in the world does the labour market situation of women appear so dire”**

**(ILO, 2019)**

Palestinian workers often face precarious work, lower wages, unsafe conditions, exploitation, discrimination and have no voice at work. Decent work is denied.

Given the analysis by the ILO and UNCTAD, it is not surprising that unemployment rates are high in the occupied Palestinian territories. In the second quarter of 2020 (April-June), unemployment in Gaza stood at 49 per cent in general and 66 per cent for women. In the West Bank, unemployment for the same period was



15 per cent, and 26 per cent for women.<sup>82</sup> In Palestine, young women (15-29 years) face particularly bleak employment prospects – with 66 per cent out of the labour force in this period.<sup>83</sup> According to the ILO, “nowhere in the world does the labour market situation of women appear so dire”.<sup>84</sup>

Economic decline is evident, particularly in Gaza. In 2018 alone, construction employment declined by over 45 per cent with a loss of more than 7,300 jobs, the services sector saw a reduction of over 6 per cent with the loss of 9,400 jobs and 13 per cent of manufacturing jobs were lost in Gaza. In the West Bank, agriculture, transport, storage and communications experienced job losses in 2018, and the manufacturing sector remained weak.<sup>85</sup>

Wages in Gaza are 36 per cent lower than those of employees in the West Bank, and over 70 per cent lower than average Palestinian wages in Israel and the settlements. Labour markets in

Israel and the West Bank remain closed to workers in Gaza. Livelihoods for Gazans depend heavily on resources available to the UNWRA, Palestinian Authority wages, and remittances.<sup>86</sup> In 2018, the US ended all funding to UNRWA (US\$359m in 2017). Poverty is pervasive in Gaza with 53 per cent of the population surviving on less than US\$4.60 a day, and 68 per cent of households severely or moderately food insecure.<sup>87</sup>

Palestinian women earn on average 25 per cent less per day than their male counterparts, mainly due to the large wage gap faced by women in the Palestinian private sector and the lack of employment opportunities for Palestinian women in Israel. In the OPT, more women work in the public sector, where the wage gaps are smaller and favour women. However, in the Palestinian private sector, women earn an average of 20 per cent less than men, and nearly 60 per cent earn less than the minimum wage.<sup>88</sup>

The potential of the private sector in Palestine to create jobs remains low, with the investment climate constrained and restrictions imposed by the occupation. The majority of private sector firms are small and evidence suggests there is a significant amount of non-compliance with labour legislation.<sup>89</sup> Analysis by the Palestinian Bureau of Statistics for the second quarter of 2020 shows that 34 per cent of wage employees in the private sector earned less than the minimum wage of 1,450 Israeli New Shekels (ILS), and 46 per cent were hired without a contract.<sup>90</sup> This no doubt leaves workers vulnerable to exploitation and with little or no access to social protection.

The separation barrier has also had an impact on lives and livelihoods. Palestinian communities affected by the wall experience restrictions in their freedom of movement. They are required to have Israeli-issued permits, which involve complex bureaucratic processes, in order to enter or exit the seam zone<sup>91</sup> to carry out everyday activities like leaving and returning from work, accessing farm land beyond the Israeli-controlled gates and accessing various public services.<sup>92</sup>

Employment opportunities are limited for Palestinian jobseekers across all educational groups. Main shares in employment by sector:

West Bank: services/other branches (31%); commerce/restaurants/hotels (21%); manufacturing/mining and quarrying (16%); construction (19%).

Gaza: services/other branches (56%); commerce/restaurants/hotels (20%).

(Labour Force Survey, Apr-Jun 2020)



## Labour rights abuses in the settlements and Israel

Poor working conditions and employment prospects in the occupied Palestinian territory leave workers with little choice other than to seek work in the illegal settlements and Israel.

In 2019, approximately 110,000 Palestinian workers from the OPT were employed in Israel, mostly in the field of construction, as well as many in agriculture, industry, and service jobs. And an additional 23,000 were employed in the Israeli settlements.<sup>93</sup> On average, Palestinian workers in Israel were paid 2.3–2.6 per cent less than Israeli workers in the same sector in 2017.<sup>94</sup>

According to Human Rights Watch, Israel's discriminatory policies in planning and zoning, the allocation of land, natural resources, incentives and access to utilities and infrastructure have benefited business, forced the displacement of Palestinians and placed Palestinians at a disadvantage in comparison with settlers. Discriminatory restrictions on Palestinians have left many dependent on jobs in the settlements, where they are a source of cheap labour.<sup>95</sup>

Work in the settlements is often informal and unregulated, and concentrated in agriculture, industrial undertakings and construction. Women predominantly work in agriculture and industry, though some are engaged in domestic work in private homes. Workers report being paid below the minimum wage, unregulated hiring, and incidences of child labour especially in agriculture. Unregulated work of Palestinians in the settlements appears to exist alongside regulated or semi-regulated employment of Israeli and foreign workers.<sup>96</sup> Many workers receive no wage slips, are not covered by workplace accident insurance, receive few benefits such as pension contributions or sick pay, and have no employment security.<sup>97</sup>



Illegal settlement farms dominate the Jordan Valley. Photo: UNISON

Settlement businesses often exploit the legal ambiguity of settlements under Israeli law to employ Palestinian workers under worse conditions than they would be able to employ Israelis. A decision by the Supreme Court in 2007 held that Israeli labour law should apply

to Palestinians working in the settlements, making it possible for Palestinian workers to file complaints when violations occur. However, if workers complain, they are vulnerable to retaliation because of their dependence on employers for Israeli issued work permits. Abuses of labour rights persist because virtually no labour inspections take place in the settlements to enforce labour laws.<sup>98</sup>

## **A work permit system that exploits Palestinians**

In order to work in Israel and the settlements, Palestinian workers also require a permit, which is issued on behalf of an employer and binds or fetters Palestinian workers to an employer. The system of binding workers to a particular employer has created an industry of paying for permits, also known as brokerage fees. The majority of Palestinians working in Israel are employed through a labour broker and have no fixed contract with Israeli employers. By avoiding contractual agreements, employers attempt to illegally avoid responsibility for workers' rights and working conditions and arbitrarily reduce or withhold wages.<sup>99</sup>

In 2019, the ITUC wrote to the Prime Minister of the Palestinian National Authority welcoming the cabinet's decision to ban the practice of labour brokers, acknowledging that half of Palestinian workers spend between a third and a half of their wages to obtain a permit to work in Israel. The ITUC stressed that permit brokerage violates the agreement signed between the Palestine Liberation Organisation and the Israeli government, and also promotes forms of modern slavery, which contravenes international human and labour rights standards. The letter proposed that the decision to abolish the labour brokerage system be the first step in a comprehensive reform aimed at breaking labour bonding.<sup>100</sup>

Finally, the Israeli government has announced<sup>101</sup> it will improve the permit system, so that Palestinian construction workers in Israel will receive their permits directly. This is a step forward and should establish a direct employment relationship between workers and employers, rather than through labour brokers, but enforcement will be vital. More information about this policy change is needed. There should be a system where every worker is treated fairly and has decent work. Some 28,600 Palestinians in the Israeli labour market do not have permits and experience greater levels of exploitation. If wages are withheld or they are injured, they have no recourse to official support.<sup>102</sup>

Even when Palestinian workers have a permit to work in Israel, their movement is strictly regulated. Kav LaOved, an NGO that provides a workers' hotline service in Israel, reports that Palestinian workers are driven to their worksite by the employer after passing through a checkpoint (and driven back there at the end of the day), they are not allowed to leave the bounds of the worksite, and even workers who stay overnight in Israel with a permit are not allowed to leave their workplace-residence, including to see a doctor. Employers are therefore seen as "the long-arm of the authorities and deny them any free movement".<sup>103</sup>

## **Wage deductions and freedom of association denied**

Palestinian workers in Israel cannot join a union of their choosing, unlike their Israeli colleagues. This violates ILO Convention 087 (Freedom of Association and Protection of the Right to Organise). Palestinian workers in Israel have to pay their union dues to the

Histadrut, and 50 per cent of fees are transferred to the Palestine General Federation of Trade Unions (PGFTU), which has responsibility for delivering services to workers.

Palestinian trade unions are prevented from acting legally in the settlements, because these are under Israeli control.<sup>104</sup>

The Israeli government imposes a series of tax deductions on Palestinian workers in Israel, deducting large contributions from their wages while providing no protection or rights in return. Israel deducts an 'equalisation tax', income tax and health insurance. According to the Paris Protocol, these taxes should be transferred to the PA monthly. However, Israel regularly withholds large sums of these taxes; between 2006-2013 Israel retained a total of €164m of 'equalisation taxes'.<sup>105</sup>

For more information about tripartite social dialogue, see for example, ILO Reports of the Director General, The situation of workers of the occupied Arab territories [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_745966.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf)  
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Evidence indicates that the Israeli government's Pay Department is not fulfilling its role of guaranteeing Palestinian workers' entitlement to benefits. Incorrect calculations resulted in some workers being paid below the minimum wage, and in cases, pay slips have not recorded accurate information about social benefits such as sick pay and overtime payments.<sup>106</sup>

Having access to sick pay is a challenge for Palestinian workers. In 2015, 53m ILS was paid into the fund for sickness benefit that is managed by the Payment Department. However, only 878 workers out of 55,000 exercised the right to payment of sick leave. This has been attributed to the lengthy and complex process required to receive it, and a lack of information about the benefit and how it can be accessed. Even though more than half of workers injured in the construction industry are Palestinian, only 5 per cent of construction workers who received workplace injury payments are Palestinian. The State Comptroller has found that around 168m ILS collected for sick leave benefits was not used for this purpose and was transferred to the coffers of the Israeli Ministry of Finance.<sup>107</sup>

## Unsafe working conditions

To access work in Israel and the settlements, Palestinian workers have to use crossings and are often required to queue for hours. An increasing number of Palestinian workers are employed in construction. Numbers of fatalities and injuries on Israeli construction sites are higher than many other developed countries. In 2019, there were 47 deaths in construction, 31 of which were Palestinians.<sup>108</sup> Reasons for these injuries and fatalities include insufficient monitoring and sanctioning of violations, and fatigue as many Palestinian workers are tired when they arrive at work after leaving home in the early hours and due to the exhausting crossing procedures. In November 2018, the Construction and Wood Workers Union signed a new collective agreement that establishes a joint safety committee in support of training for workers and access to adequate PPE.<sup>109</sup>



Palestinian workers face unsafe conditions in Israel's construction industry. Photo: ILO

## **Covid-19 and Palestinian workers**

In the context of the Covid-19 pandemic, 52 per cent of workers did not receive their salary/wages during the lockdown period, and 25 per cent received only partial wages. Nearly two-thirds of households are worried about not having enough food.<sup>110</sup>

According to the PGFTU, 75,000 workers have been arbitrarily dismissed. By April 2020, over 453,000 Palestinian workers had lost their jobs and over 115,000 families were pushed into poverty.<sup>111</sup>

In March 2020, the PGFTU signed a tripartite agreement to ensure payment of salaries of West Bank workers during the lockdown in March and April. However, the union federation reports that it received a number of complaints from workers saying employers did not pay their salaries as per the agreement.

In response to the lack of social protection for workers, the PGFTU financed a fund to support the incomes of 35,000 workers providing 750 ILS (approx. £170) per worker. Food aid has also been provided to 14,000 workers by the PGFTU, but an estimated 200,000 workers also need support. The PGFTU has raised with the PA the situation faced by at least 400,000 workers who are unemployed, but it contends that the PA's focus has mainly been on securing wages in the public sector.

Occupational health and safety violations have continued and the PGFTU has recorded a number of cases involving employers in the West Bank and Israel.



Further outstanding issues are the non-payment of tax deductions that Israel owes to Palestine. The PGFTU has called for the PA and Israeli finance ministers to meet to resolve this issue.

The mistreatment of workers by Israel's security forces continues and the PGFTU has reportedly filmed what it describes as brutal and inhumane treatment of two young Palestinian workers who were beaten on their way to work. The PGFTU reports that the Israel Defence Forces continue to harass Palestinian workers.<sup>112</sup>

## **Israel's control of natural resources in the occupied Palestinian territory**

The potential contribution of natural resources to the Palestinian economy is large, but Israel uses these natural resources in the OPT as a sovereign country would use its own assets in violation of international law.<sup>113</sup> This can be seen in the case of quarrying, use of Dead Sea resources and farming, for example, and further restricts Palestinians' economic opportunities and access to work.

Since 1967, Israel has unlawfully appropriated vast portions of Palestinian land in the occupied Dead Sea area primarily to establish settlements and through these exert firm control over the region, including over its natural resources, according to Al Haq. Through the implementation of harsh restrictions on planning and movement, Israeli authorities have severely limited the ability of Palestinians to use and access their land and other natural resources in the region. The presence of settlers who directly utilise and profit from the Dead Sea wealth has severely exacerbated this situation and contributed to the over exploitation of the area.<sup>114</sup>

Stone and marble quarrying is one of the most important industries in Palestine, employing around 13,500 people.<sup>115</sup> However, Israeli restrictions prevent Palestinian businesses from realising the full potential of this industry, and according to the Palestinian Union of Stone and Marble, Israel has refused to issue any new permits to Palestinian businesses for quarrying in Area C since 1994.<sup>116</sup> According to the Israeli human rights organisation, Yesh Din, Israel has an explicit and direct economic interest in increasing the number of quarries in the West Bank. Between 2009 and 2015, the Civil Administration received over 285m ILS worth of royalties from quarries in Area C of the West Bank.<sup>117</sup>

The import of produce grown on Palestinian land using Palestinian natural resources finances the settlement enterprise and keeps the settlements as a viable economic option for the Israeli state. But at the same time, this hinders Palestinian economic development and access to decent jobs, forcing Palestinians to work as cheap labour for Israeli settler industries in, as described, precarious and exploitable conditions. This is particularly evident in the Jordan Valley, where Palestinian farmers have lost over 98 per cent of productivity due to Israeli occupation policies – forcing them to relocate to urban areas in Areas A and B, or to work as cheap labour in the settler industries in the region.<sup>118</sup>



The blockade has decimated the Gazan fishing industry. Photo: ILO

In Gaza, the blockade places significant restrictions on Palestinians' use of resources. Gaza has rich farmland and 40km of coastline, yet poverty rates are high. Since imposing the blockade, Israel has repeatedly changed the permitted fishing zone, which has harmed the livelihoods of Gazan fishermen, 95 per cent of whom now live below the poverty line.<sup>119</sup> According to B'Tselem, the Israeli navy routinely takes action against fishermen on various grounds including for allegedly sailing beyond the permitted area. Fishermen have been shot and killed by the navy and dozens injured with rubber bullets, they may be arrested or have their fishing boats confiscated. This has contributed to the collapse of the sector.<sup>120</sup>

## **TUC policy and action**

The TUC promotes respect for Palestinian workers' rights through our advocacy and campaigning work, and is exploring projects to further support Palestinian workers' rights.

## Trade, business and human rights

The UK carries out significant trade with Israel, but to date has not used this relationship to try to ensure adherence to human and workers' rights. This section examines this trading relationship and addresses business complicity in the occupation and Palestinian human rights violations. It then provides examples of ethical business decisions and companies being held to account. Finally, it looks at local government pension schemes and the option to invest to promote peace.

### UK trade with Israel ignores violations of Palestinian rights

**The Trade and Partnership Agreement signed between the UK and Israel (in force January 2021) has no binding safeguards for protecting human and labour rights.**

According to the continuity trade agreement signed between the UK and Israel, the total trade in goods and services between the two countries was £3.9bn and involved approximately 10,000 UK VAT registered companies in 2017.<sup>121</sup> Forty per cent of this trade involved medium-large businesses. Goods and services traded include vehicles, railway stock, mechanical devices, pharmaceutical products, transport, and travel.<sup>122</sup>

The current minister of state for trade policy has stated that "throughout the continuity trade deal programme that there will be no diminution of UK standards, and that also applies to human rights.... we are a world leader in ensuring and guaranteeing human rights".<sup>123</sup>

However, the Trade and Partnership Agreement<sup>124</sup> signed between the UK and Israel, in force from January 2021, has no binding safeguards for protecting human and labour rights, nor enforcement mechanisms or sanctions if there are violations of rights.

Despite the illegal occupation, Campaign Against the Arms Trade states that the UK has consistently sold arms to Israel – prompting questions about being a world leader in ensuring and guaranteeing human rights. UK arms exports include equipment and technology, especially for aircraft and radar systems. In addition, component parts from the UK go into US-built equipment destined for Israel, which has been used to bomb Palestinian towns and villages. Between 2014 and 2018, the UK issued Single Individual Export Licenses (SIELs) for arms sales to Israel to a value of £361m<sup>125</sup>

The UK government sets out clear guidance relating to the overseas business risk in the OPT advising that "financial transactions, investments, purchases, procurements as well as other economic activities (including in services like tourism) in Israeli settlements or



benefiting Israeli settlements, entail legal and economic risks stemming from the fact that the Israeli settlements, according to international law, are built on occupied land and are not recognised as a legitimate part of Israel's territory". The guidance emphasises that involvement in business activities could have reputational implications as well as possible abuses of individual's rights.<sup>126</sup>

Selling arms to Israel as an occupying power while warning business about the risks of doing business in the OPT reflects a lack of policy coherence on the part of the UK government, or an unwillingness to recognise the human rights impacts of its own trading relationship. All states are at all times bound to respect, protect, promote and fulfil the human rights enshrined in international legal instruments to which they are parties, as well as those human rights that are considered part of customary international law.<sup>127</sup>

## **Mandatory labelling of settlement produce**

The Trade and Partnership Agreement between the UK and Israel states that its main aim is to preserve the preferential trading conditions that existed in the EU-Israel Association Agreement.<sup>128</sup> The EU's position regarding the occupied Palestinian territories is clear: all settlement activity is illegal under international law.<sup>129</sup> Since 2005, products produced in the Israeli settlements are not entitled to benefit from preferential tariff treatment under the EU-Israel Association Agreement.

The UK government has, however, only issued voluntary guidelines related to labelling produce from the Israeli settlements. In 2019, the European Court of Justice ruled that food produced in the Israeli settlements in the OPT must indicate that they originate from a settlement and not a "product of Israel".<sup>130</sup>

## **Business complicity in the occupation and human rights violations**

The UN Guiding Principles for Business and Human Rights clearly state that "business enterprises should respect human rights" and this is expected wherever they operate, including in situations of conflict. The obligations exist independently of states' abilities and/or willingness to fulfil their own human rights obligations, and exist over and above compliance with national laws and regulations protecting human rights. Addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation, and mediation.<sup>131</sup>

**Business enterprises should respect human rights, wherever they operate, including in situations of conflict.**

Companies are therefore expected to carry out human rights due diligence, not only on their directly controlled operations, but on all their sub-contractors and suppliers. Amnesty International states that a due diligence framework applied to business activities in or with Israeli settlements in the OPT can be useful in helping companies to determine that: the settlements are illegal and a war crime; they are inherently discriminatory and give rise to widespread, systematic and serious human rights violations; business activities in or with

the settlements help to normalise and legitimise the illegal situation; and business activities contribute to the settlement economy, and in so doing help maintain, develop and expand the settlements, perpetuating an illegal situation. Amnesty International contends that any basic preliminary risk mapping would show these findings and should be sufficient for any company to reach the conclusion that it cannot do business in or with the settlements in a way that is consistent with international humanitarian law and human rights law.<sup>132</sup>

In 2013, an independent fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of Palestinian people throughout the OPT, including East Jerusalem, found that business enterprises had directly and indirectly enabled, facilitated and profited from the construction and growth of the settlements. Business activities that had raised particular human rights violations concerns included the supply of equipment and materials facilitating the construction and expansion of settlements and the wall; the supply of surveillance and identification equipment for settlements, the wall and checkpoints directly linked with the settlements; the supply of equipment for the demolition of housing and property; and the provision of services and utilities supporting the maintenance and existence of the settlements, such as transport.<sup>133</sup>

In February 2018, in accordance with UN resolution 31/36,<sup>134</sup> the UN General Assembly published a database<sup>135</sup> of business enterprises involved in activities listed in the 2013 fact-finding report (paragraph 96). The UK government opposed the creation of this database.<sup>136</sup>

While the database is a step forward in identifying companies that profit from and help sustain Israel's illegal occupation of Palestinian territory, it is by no means complete, and does not include, for example, the financial sector. UK companies listed are JC Bamford Excavations Ltd; Opodo Ltd; and Greenkote PLC (licensor/franchisor). The list includes a number of well-known companies including Airbnb Inc; Booking.com B.V; Trip Advisor Inc; and also others used in UK government procurement, such as Alstom and Egis Rail.

In 2019, the former UN special rapporteur for the occupied Palestinian territories argued that if statements made by some EU member states (including the UK as a former member) protest the expansion of the settlements and reiterate their illegality, then steps should be taken to ensure that related actions show a genuine commitment to human rights and respect for international law by, for example, ceasing trade with the settlements.<sup>137</sup>

## **Companies: ethical decisions and accountability**

Some companies have taken the decision to end business activities related to the illegal Israeli settlement enterprise. In 2013, Dutch company, Royal HaskoningDHV announced it was terminating a contract with the Jerusalem Municipality to build a waste water treatment plant in Jerusalem. Vitens, another Dutch company, cut ties with Merkorot, the Israeli national water company, citing concerns in relation to adherence to international law. Swedish-Norwegian bank Nordea excluded Cemex from its investment portfolio, due to its extraction of non-renewable natural resources from occupied Palestine.<sup>138</sup>

Other companies have been held to account. In 2015, following successful activism by the Palestinian-led Boycott, Divestment and Sanctions campaign, Veolia completed its withdrawal from the Israeli market with the sale of its last holdings in the Jerusalem Light

Rail.<sup>139</sup> And following a complaint made by NGO Lawyers for Palestinian Human Rights against G4S PLC, in 2015 the UK's National Contact Point found the company to be in violation of three human rights obligations under the OECD Guidelines for Multinational Enterprises in relation to its involvement with Israel's human rights violations against Palestinians. The complaint focussed on contracts that included servicing and maintaining baggage scanning equipment and metal detectors used at military checkpoints and along the separation barrier.<sup>140</sup>

## **Local government pension schemes can invest to promote peace**

In the UK, local government pension scheme funds collectively invest billions in companies complicit in Israel's grave violations of Palestinian human rights. As a result of a successful judicial review brought by the Palestine Solidarity Campaign, the Supreme Court overturned government regulations that banned local government pension schemes (LGPSs) from making investment decisions that differ from government foreign and defence policy, in April 2020. Now local government pension schemes can choose to invest ethically or divest, as long as those decisions do not undermine the pension fund.<sup>141</sup> Palestine Solidarity Campaign working with trade unions have set up LGPS Divest which campaigns to ensure that administering authorities implement adequate investment screening and due diligence procedures to guarantee that scheme members' money is not used to support Israel's violations of international law.<sup>142</sup>

## **TUC policy**

The TUC has policy in support of an ethical policy on all UK trade with Israel and has called for the suspension of the EU-Israel Association Agreement until the rights of Palestinians are respected.<sup>143</sup> This position applies to the Trade and Partnership Agreement signed between the UK and Israel as it substantively replicates the EU-Israel Association Agreement.

We have joined with others in calling on the UK government and EU to immediately end arms trading with Israel including all military industrial collaboration,<sup>144</sup> and support efforts to stop arms trading with Israel that is used in violation of Palestinian human rights.<sup>145</sup>

The TUC has policy to work with affiliates and in alliance to pressure companies complicit in arms trading, the settlements, the occupation and the wall to cease their activities and withdraw from the OPT.<sup>146</sup> TUC policy also supports working with the Palestine Solidarity Campaign to encourage affiliates, employers and pension funds to disinvest from, and boycott the goods of, companies that profit from illegal settlements, the occupation and construction of the wall.<sup>147</sup>

Even though the UK has left the European Union, we believe that it should change its policy and require mandatory labelling to help ensure that food products from the illegal settlements are not receiving preferential access while helping to sustain the illegal occupation.

## Section Four

# Our work and trade union solidarity

The TUC works closely with affiliates and the ITUC in support of justice for Palestine. TUC affiliates have, for example, supported campaigns and projects that build capacity in organising and collective bargaining, and help increase workers' knowledge and understanding of their rights. Through advocacy and policy work, the ITUC works to improve working conditions for Palestinians and for peace, while global union federations also run projects in support of strengthening Palestinian workers' rights.

As an organisation, the TUC works to deliver our democratically agreed policies on Palestine set out in this report.

TUC policy calls for:

- respect for all Palestinian rights, including the right to collective self-determination and the right to return
- an end to the illegal occupation and a halt to further annexation
- support for a just, comprehensive and lasting peace that is consistent with international law and based on a two-state solution, which must promote equality and respect for human and labour rights.

We call on the UK government to publicly support the same goals and to recognise the State of Palestine.

UK trade policy and business should ensure Palestinian labour and human rights are protected and respected, and support an end to the occupation. The TUC calls for an ethical policy on all UK trade with Israel which must include:

- suspension of the UK-Israel Trade and Partnership Agreement, which replicates the EU-Israel Association Agreement, until Palestinian rights are respected
- a ban on trade with the illegal settlements, and requiring mandatory labelling of food produced in illegal settlements in line with the European Court of Justice ruling in 2019
- an end to arms trading with Israel and to military collaboration.

We also encourage affiliates, employers and pension funds to disinvest from, and boycott the goods of companies that profit from illegal settlements, the occupation and construction of the wall.

## Appendix A

### Motion 66 – Solidarity with Palestine and resisting annexation

This motion was passed at Congress 2020 with an explanation (see below).

Congress stands united in its full opposition to the Israeli government's declared intention to annex great swathes of the West Bank, a move that is illegal under international law and that makes clear there is no intent on the part of the Israeli government to end the occupation and recognise the Palestinian people's right to self-determination. It will be another significant step in the creation of a system of apartheid.

For too long the international community has stood idly by as the Israeli state has been allowed to carry out its crimes and this cannot be tolerated or accepted any longer. Decisive action is now urgently needed in relation to Israel's illegal actions against the Palestinians.

Congress therefore resolves to:

- i. fully support and play an active role in the Palestine Solidarity Campaign's actions to build a broad coalition against the proposed Israeli annexation and to urge all affiliates to do likewise
- ii. send a letter to the prime minister demanding that the UK take firm and decisive measures, including sanctions, to ensure that Israel stops or reverses the illegal annexation, ends the occupation of the West Bank and blockade of Gaza, and respects the right of Palestinian refugees to return
- iii. communicate its position to all other national trade union centres in the International and European Trade Union Confederations and urge them to join the international campaign to stop annexation and end apartheid.

### Explanation

The General Council stands united in condemning the ongoing occupation of Palestinian territories and expansion of illegal Israeli settlements. We condemn the blockade of Gaza and the daily violations of Palestinians' human rights.

Respect for international law and human rights continues to guide our policy on Palestine.

The General Council strongly opposes the Israeli government's stated intention to annex parts of the West Bank, covering all of the 235 plus illegal Israeli settlements, and most of the Jordan Valley. A number of UN rapporteurs have confirmed that such annexation would be in violation of international law and following annexation, violations of Palestinian human rights would intensify.

The UN's special rapporteur on human rights in the Palestinian Territory has called on the international community to "review its extensive menu of sanctions and countermeasures to stem this march towards further illegality".

Motion P66 introduces the term apartheid. There is a growing body of analysis examining the crime of apartheid in the context of Israel and the occupation of Palestinian territories. This has drawn on the Rome Statute, which defines apartheid as a crime against humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention on the Elimination of All Forms of Racial Discrimination. Some experts find that there are apartheid policies and practices being committed.

In February 2020, in response to the publication of President Trump's Peace to Prosperity plan, an open letter signed by a cross-party group of former foreign ministers stated "The plan envisages a formalisation of the current reality in the occupied Palestinian territory, in which two peoples are living side by side without equal rights. Such an outcome has characteristics similar to apartheid – a term we don't use lightly."

Whilst the TUC cannot make a legal judgement on this, it is important that we root our language in international law. We recognise the use of the term 'apartheid' brings challenges when it is used as a comparator to South Africa. We believe we must use language carefully and not risk trivialising the critical situation for Palestinians.

Congress has longstanding policy in support of a two-state solution based on security for both Israel and Palestine in accordance with UN resolutions and we continue to support efforts to this end. UK trade unions have consistently supported the voices of Palestinian civil society in calling on the international community to take effective measures to stop the illegal annexation and ongoing infringements on human rights in the Palestinian territories.

We will support efforts towards genuine peace, justice and equality for all Palestinians and Israelis, with respect for the collective right to self-determination and the right to return. The General Council extends our solidarity to all workers and our sister and brother trade unionists.

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