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Ofer Eini's false fight for manpower workers

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It's not nice to spoil the party which so many prominent names have joined. However, Ofer Eini's call to struggle against the exploitative system of employment via manpower agencies lacks all credibility. If the Histadrut chairperson has looked back on his career so far and come to recognize the evils of this employment framework, he must admit his responsibility for creating it and go home.

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During the last couple of decades, Israel has become a paradise for tycoons. They have received gifts and enormous benefits from the state, and amassed unprecedented wealth and power. All of Israel's governments without exception have adopted neo-liberal capitalism as their guiding star.

Together with this destructive trend, Israel has undergone an employment counter-revolution. Instead of direct employment with peripheral benefits such as sickness compensation, vacation and pension payments, a slew of employment frameworks granting minimal rights have become the norm – contract labor, manpower agencies, third sector employment, freelancing, private subcontracting, personal contracts, “first generation” and “second generation” arrangements, and various others. At the same time, the state permitted the import of hundreds of thousands of migrant laborers under exploitative terms which come close to modern slavery.

The Histadrut had a hand in all this

The system which gave tycoons a super-status at the apex while hundreds of thousands were employed in conditions of exploitation and poverty could not have survived twenty years without the Histadrut's connivance. When Histadrut Chairperson Ofer Eini calls Israel's current economic system “cannibalistic capitalism”, he inadvertently points the finger at his own organization and indicts himself. When Eini declares a general labor dispute against the system of employment via manpower agencies, it seems he is fighting against himself.

This indirect employment system enables firms, factories and even the state to avoid concerning themselves about their workers. It began as a trickle in the seventies with the creation of the Histadrut's manpower agency Mancur (which later became ORS), and soon became a flood. At first it affected Arab workers, migrant laborers, workers of Ethiopian or Russian origin, and the unemployed who were thrown to the Wisconsin program. But it then spread. Industry, hospitals, nursing, schools, social work, the Israel Broadcasting Authority, the Israel Antiquities Authority, government ministries, the Israel Postal Company, universities – all were affected. Today, thousands are employed in these places either as “self-employed,” or via service providers, or as freelancers, or via third sector organizations which act as manpower agencies in all but name.

Manpower contractor workers at the IAA

In most of these places there is a Histadrut workers' committee and collective agreements which enabled these contemptible employment frameworks to flourish on the side. Such arrangements were always accompanied by excuses such as “the best of bad options,” or “to avoid layoffs.” But the bottom line is the acceptance of a system which creates first and second class workers, and sometimes even third or fourth.

The Israel Antiquities Authority (IAA) is a prime example of the dynamics of exploitation and the Histadrut's condoning of the system. The IAA is a statutory body, operated by public directive, overseen by and with a budget

from the Ministry of Culture and Sport. Furthermore, the IAA had a national cultural mission which was to provide decent employment for hundreds of academics and manual workers alike. However, reality today is very different.

Some seven years ago its archeological dig workers were transferred to a manpower contractor, even though the IAA is a state body regulated by law. The manpower agency does nothing except supply manpower to the IAA. It employs hundreds of workers in sites around the country, where their task is "emergency excavation" before the construction of buildings, roads, bridges and suchlike. Funding comes from public and private construction projects, and wages are determined according to the Antiquities Law. However, instead of paying these wages directly to the workers under fair employment terms, the IAA uses a manpower company. This company took on Arab workers, new immigrants, older workers and the unemployed – workers that can be generally described as weak – without peripheral benefits, vacation, sick pay, pension payments or injury compensation. These workers also suffer from high turnover, which creates a feeling of instability and dependency on the good wishes of the regional manager responsible for calling them to a job.

Eini is proud that he brought about the application of the 2008 amendment to the Employment of Employees by Manpower Contractors Law. This amendment determines that the contracting party (in this case the IAA) takes on the contractor workers after nine months. However, at the IAA, where the amendment was tested for the first time, we saw that it could not offer a real solution to the ills of indirect employment.

In January 2009, 21 excavation workers came to the WAC-Ma'an office in East Jerusalem after they had been told they would no longer be called to work because they had worked more than nine months. When they had gone to the Employment Bureau, they had found the same manpower contractor recruiting new workers. WAC's attorney requested an injunction to prevent the dismissals and said the amendment required that the IAA take on the workers. In March 2010 at the Jerusalem Regional Labor Court, Judge Daniel Goldberg ruled in favor of the workers and WAC. The IAA appealed the decision, and the case now awaits the National Labor Court.

It is a well-known secret that when the amendment came into effect, the IAA instructed the manpower contractor to lay off the workers after eight months to avoid having to take them on as regular workers. Even after the court ruling, in which the IAA said the amendment did not apply because of the temporary nature of the excavation work, the IAA continues to fire the workers after eight months with the contractor's compliance – thus making law enforcement a farce and the lives of the workers hell.

During the entire period, not a peep was heard from the Histadrut workers' committee at the IAA or from the Histadrut's Social Sciences and Arts Foundation, which organizes the IAA's professional employees. Senior employees at the IAA informed us that in 2004, when the manpower contractor was introduced, these two bodies made no objection then either.

Political manipulation

This is not an unusual case. This is the situation in all government ministries and in the private sector. The carte blanche Eini's Histadrut gave to this system of employment makes the Histadrut management complicit in its expansion. It is no coincidence that Eini, together with his partner Israel Manufacturers' Association President Shraga Brosh, was central in attempts to extend the term of office of the Olmert government. It is no coincidence that Eini mediated and assisted in the creation of the Netanyahu-Barak coalition and agreed, at the famous "round table," to the Finance Ministry's privatization program. It is no coincidence that Eini rushed to force through the social worker agreement, which legitimized the system of outsourcing – i.e. the demolition of public services in this critical field.

Eini is signatory to Steinitz's biennial budget. As we have seen, even the small legislative concessions he achieved

are merely cosmetic when compared to the fact that the entire system is calculated to crush the workers. Moreover, Eini has recently expressed his support for increasing the migrant labor quotas for construction, for the sake of his friends in the Association of Contractors and Builders in Israel. For years the Histadrut avoided taking any steps against the import of migrant labor for agriculture, and during last year's debate with farmers the Histadrut was silent – this was a thundering silence which enabled the government to increase the quotas again and leave thousands of local workers jobless.

The protest in confusion

It must be recalled that last summer the protest movement leaders repulsed Eini's attempts to take over the protest. At that time, Eini called for his own demonstration on August 2, 2011, to prove his strength. Histadrut committees organized transport to the demonstration and managed to recruit thousands of people. Two days later, 280,000 people demonstrated without the benefit of laid-on transport and without the Histadrut's organizational apparatus, and marched in the first giant protest of the tent movement.

Now, when the protest movement stumbles along a path of confusion with no clear agenda, and after its partner MK Shelly Yechimovich has become the Labor Party leader seeking her own political niche as the elections approach, Eini returns to the arena calling against employment via manpower contractors. But his call lacks all credibility. Not a single Histadrut leader and not a single leader in the Histadrut opposition raised his voice against this system of employment before Eini declared a labor dispute on the issue. Furthermore, the Histadrut has no serious plan for fighting this employment system.

If Eini is serious about his new-found opposition to this exploitative system, he should go home. He should acknowledge that the path he took, of cooperation with employers and the government, was a path to failure, and that a new leader and a new path are now required. His attempt to position himself at the forefront of the struggle against the system he himself helped create is at best a delusion, and at worst a cynical attempt to ride the wave of protest, gain public support and enter negotiations with the government – in order to once again reach a rotten compromise which will leave the situation just as it is.

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Post-scriptum :



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