THE PHENOMENON OF NATION -BASED DISCRIMINATION IN EMPLOYMENT IN ISRAEL – HARM OF EQUALITY PRINCIPLES IN A DEMOCRATIC COUNTRY

Noha ALVAKILLI[*]

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Abstract: *The phenomenon of nationality-based discrimination in the Israeli employment market is known to all groups and communities of all population sectors in Israel. Many researches that were performed over the years have indicated the gaps, in all parameters, between the Arab population occupation and the Jewish population occupation in Israel. There are gaps in the rate of participation in the occupation market, for example, the rate of Arab women's participation is particularly low. There are higher unemployment rates among Arab employees, their average income level, and segregation in specific employment branches such as construction, agriculture, and services among men, and education and retail among women. This article describes nationality-based discrimination in the Israeli employment market as a main factor of civil equality values, which is one of the basic values of a democratic and pluralist country, as the State of Israel would like to be presented to itself and the world.*

Keywords*:* Nationality-Based Discrimination, Segregation, Minorities.

[*] **Noha ALVAKILLI**, Lecturer and pedagogical supervisor, Kaye college, Israel, nohaa2911@gmail.com

FENOMENUL DISCRIMINĂRII NAȚIUNILOR PE BAZA LEGILOR DE ANGAJARE ÎN CÂMPUL MUNCII ÎN ISRAEL. DĂUNAREA PRINCIPIILOR DE EGALITATE ÎNTR-O ȚĂRĂ DEMOCRATĂ

Rezumat: *Fenomenul discriminării națiunilor în baza legilor angajării în câmpul muncii în Israel este cunoscut tuturor grupurilor și comunităților. Mai multe cercetări care au fost efectuate de-a lungul anilor au indicat decalajele, în toți parametrii, de ocupație a populației arabe și ocupația populației evreiești din Israel, arată că există lacune în rata de participare pe piața ocupației, de exemplu, rata participării femeilor arabe este scăzută. Există rate mai ridicate ale șomajului în rândul angajaților arabi, nivelul lor mediu de venit și segregare în ramuri specifice de ocupare a forței de muncă, cum ar fi: construcții, agricultură și servicii în rândul bărbaților, educația și comerțul cu amănuntul în rândul femeilor. Acest articol descrie discriminarea bazată pe naționalitate în segmentul angajării în câmpul muncii. Experiența statului Israel recunoaște valorea egalității civile, care este una dintre valorile de bază ale unei țări democratice și pluraliste, dar studiile arată că aici este influent fenomenul discriminării.*

Cuvinte-cheie: discriminare bazată pe naționalitate, segregare, minorități.

1. Introduction

The phenomenon of nationality-based discrimination in the Israeli employment market is known to all groups and communities of all population sectors in Israel. Many researches that were performed over the years have indicated the gaps, in all parameters, between the Arab population occupation and the Jewish population occupation in Israel. There are gaps in the rate of participation in the occupation market, for example, the rate of Arab women's participation is particularly low. There are higher unemployment rates among Arab employees, their average income level, and segregation in specific employment branches such as construction, agriculture, and services among men, and education and retail among women.

There are many factors for these occupation gaps including gaps in education, infrastructure, welfare services, and economic development in population centers [2; 4]. Discrimination in the Arab employment market

and the transportation accessibility level in these areas are only one of the many causes of employment gaps. Hanan [8] claims that although it is not possible to determine the exact role causing the disparities, research carried out indicated its existence. Mizel [12] notes, for example, that the rate of academic Arabs working in jobs that meet their education level is lower than the rate of Jews of the same characteristics; there are gaps in the salary paid to Arab and Jew employees who have the same skills and work in the same profession; and there is a higher probability for Arab employees to be dropped out of the labor market compared to Jewish employees with the same characteristics. In addition, surveys that have documented the attitudes of employers and manpower managers have exposed a distinct existence of discrimination. According to a survey that was conducted by the government publication bureau in 2022, about 22% of the reviewed employers have declared they discriminate against Arab candidates.

2. The results of the investigation

Discrimination in the recruitment stages. Although discriminating against the Arab population in the employment market is expressed in all the employment stages and aspects, it is most acutely evident in the hiring phase. The Ono report [6] has shown that the strongest reluctance of employers in "quality professions" (the capital market and banking, law and accounting, the civil service, communication, and advertising) is against hiring Arab employees, compared to Ethiopian and ultra-Orthodox employees whose reluctance to promote them was stronger than the reluctance to hire them. Gordon [6, 385 p.] indicate that many of them have reported in the years 2015-2019 that they met rejections they have interpreted as discrimination based on their sectoral belonging. In addition, according to a survey conducted by the Israeli Ministry of Economy [11] in 2020 (before the COVID-19 crisis), about 30% of Arab job seekers. The research took an accepted method to prove discrimination in the hiring phase and used pairs who are identical in their skills and personal characteristics except for a difference in the feature to be examined. In this case, a comparison of the number of invitations for interviews based on resumes and the number of actual jobs offers was 30% higher in the Jewish sector. Such research was conducted in Israel to expose the existence of discrimination in the hiring phase due to age, gender, and origin in the Jewish population, but systematic research of this kind was not

conducted to examine discrimination due to nationality.

Such harm and discrimination are major factors in the disintegration of the democratic principles that are supposed to lead liberal and open discourse, which allows varied population groups to find their way in the country, no matter what their race, religion, gender, or nationality is. What is democracy insisting on? Wilkinson [15] claims that democracy is first of all a principle of human and civil rights. He [15] claims that the democratic state exists for its citizens. The democratic state's role is to ensure its citizens' welfare, well-being, and security. Only a country that grants and guarantees by law to its citizens the most rights and freedoms is a democratic country. It should be remembered that both human rights and civil rights in a democratic state are limited - he must not harm another citizen's rights and he is forbidden to break the state laws. Among the human and civil rights: are the right to life and the right to security, freedom of movement, freedom of thought and opinion, freedom of demonstration, freedom to strike, the right to equality, and more. Abu Asba [1] even emphasizes these rights regarding treating minorities and explains that the principle that bases the democratic government on the majority decision is also the one that gives rights to the minority, which may be elected in the future. Protecting the minority's right to expression and organization allows for a change of government in time if the people desire. Protecting minority rights also means preventing the "tyranny of the majority". Abu Rabia [2] adds and claims that the term "majority" has several meanings. Each democratic system refers to the "majority", but the meaning of this term varies in each system. Despite the differences, every democratic regime is based on some kind of majority decision. In a democracy, minorities are protected, and they have the right to be organized and express their opinions. The minority is protected by law from oppression by the majority, the law gives the minority civil rights, the right to organize and express its positions, and even form an opposition and work for a change of government. The minority rights are protected through a constitution and fundamental laws that protect ideological and ethnic minorities, and through a system of separation of powers that prevents government tyranny [7].

Unfortunately, Arab Israeli citizens are discriminated against almost everywhere - in occupation, in allocating governmental resources for education, and in housing, land, and planning - and they are excluded from

most decision-making centers. Recently, racist positions and practices have also increased. The civil rights association fights against Arab citizen discrimination through legal, public, and educational means, and now it is also proven that they are also discriminated against in employment. According to Goren & Yemini [7], there are several types of employment discrimination in Israel:

1. **Direct discrimination** - direct discrimination in the employment market may be due to several reasons and motives. It is common to distinguish between several types of direct discrimination, by their motives - discrimination that results from a discriminating employer, discrimination as a result of the employer's desire to meet the discriminating character of the other employees or the customers, or the employer's reliance on group affiliation as marking another feature, more difficult to detect or measure (statistical discrimination). Another type is indirect discrimination which results from basing a neutral standard. The Arab population discrimination in the Israeli occupation market expresses all these types.

1.1. Direct discrimination as a result of a discriminating employer - employer stereotypes and prejudices can consciously or unconsciously influence employment decision-making procedures. Negative stereotypes and feelings of alienation and reservation towards the Arab population are very common among the Jewish population in Israel. For example, according to the Center for Fighting against Racism survey conducted in 2020, about 55% of the Jewish participants believed Jews and Arabs should be separated in entertainment places, and 30% declared they feel hate towards Arabs. According to the 2022 democracy index, about 46% of Jewish participants reported they will not live next to Arabs. In addition, research conducted in 2022 about the online car sale market found a high correlation between holding the attitude (among Jewish sellers) that Arabs tend to cheat more than Jews and discriminating against Arab buyers. According to an employer survey conducted in 2021 by the government publication bureau, about 22% of employers have specifically answered that they will not hire Arab employees. Several researches [1;11;4], have documented the attitudes of Jewish manpower managers according to which Arab employees are inferior to Jewish employees in terms of honesty and responsibility, and employers attributed to Arab candidates' lower intelligence, language difficulties, cultural gaps, and even concerned that working re-

lationships with Arab employees would involve a lack of mutual trust. It should be noted that negative stereotypes are attributed more to Muslim Arabs than to Christian Arabs.

1. **Indirect discrimination** that results from the employer's desire to meet the discriminating character of the other employees or the customers. Researchers who were required to explain discrimination in the labor market from an economic perspective have found that employers may discriminate not only from personal motivation out of their own prejudices but also out of business interests to serve the preferences of other employees or business customers. The fear that the clients or other good employees will leave or that there will be tense relationships in the workplace may cause an employer to give up a group of potential employees, even if they are objectively qualified to do the job. There is evidence of discrimination against the Arab population due to a desire to meet discriminatory opinions of other employees in Wilkinson's research [15]. It was also a report about a fear of objections by Jewish employees regarding integration of Arab employees in the workplace, which sometimes even expressed in threats of resignation or a strike, or in greater turnover among the Jewish employees after employing Arab employees.

1.1. **Indirect discrimination** due to employers' desire to meet the discriminating character of the other employees is also shown in the Ono report from 2019. According to this report, most employers believe Arabs will have difficulties integrating with Jewish employees and perceive the group of Arab employees as the most difficult group for integrating into the workplace (compared to Ethiopian and ultra-Orthodox). The employers estimated that a presence of an Arab employee would cause political and national tension in the workplace, especially during national holidays or activities of a Zionist tone in the workplace. Research performed in 2020 by Dan Soan regarding the attitudes of Jewish students who work with Arab colleagues has found that most of the Jewish employees show little openness towards their Arab colleagues (in questions that examined the desire to work with Arabs based on equality, the desire to build social relations with Arab colleagues and social distance between employees in the workplace), and it is likely that such attitudes directly or indirectly influence employers.

1. The issue of security limitations in filling positions in the public sector and quasi-public bodies. Employment in these bodies is up to the General Security Service and it is regulated due to the instructions of security officers in these bodies [1]. The list of classified jobs and the criteria for determining security adjustment are not open, and it is also due to the judgment of the security officers in these bodies. Although there is no official declaration by which an Arab candidate cannot be accepted to a job that requires security clearance, the gray area of judgment and lack of transparency cause such exclusion. The Or committee, which investigated the events of October 2000, stated in its report that Arab candidates seeking employment at the Electric Company, Bezeq, and the Airports Authority were rejected on the grounds of security considerations. Besides the official demands made by the General Security Service and security officers in the public bodies, Wilkinson [15] has documented a phenomenon by which private employers impose security requirements without any official justification. He found, among other things, that factories that signed contracts with the defense industry kept the classification policy even when they were no longer obligated to these contracts. He has also found factory owners who decided that their factory proximity to strategic facilities requires the exclusion of Arabs.

The Central Bureau of Statistics [5] in Israel has revealed data on employee appeals for nationality-based discrimination. These data were a result of appeals to the Civil Service Commission. Figure 1 shows the data.

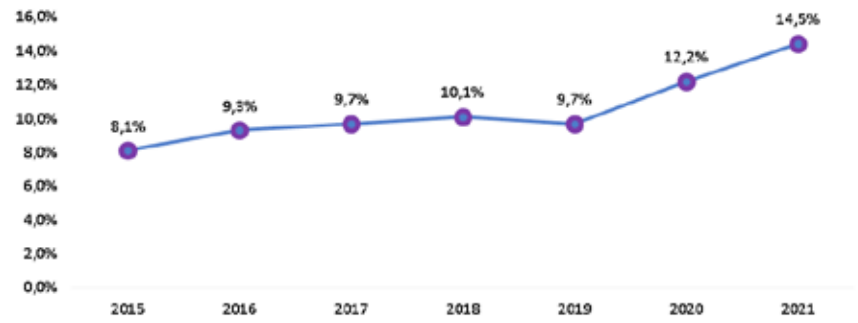


Figure 1. The % of complaints in 2015 – 2021
Source: made by the writer [5]

In the figure's findings, we identify a consistent increase in appeals since 2019, and it may definitely be connected to all discrimination types presented above. Since 2019 there is a continuous increase of more than 1.5% per year. In addition, the Central Bureau of Statistics in collaboration with the State Commission conducted a survey at the beginning of 2023, within Arab society regarding their personal feelings. About 40% of Israeli Arab citizens feel discriminated against in hiring. The survey was pushed out of public attention due to the poverty data published by the National Insurance Institute, by which poverty applicability (the data examining poverty scope) among Arab families increased from 51.7% in 2022 to 52.6% in 2023. The Equal Opportunity Commission has noted in the survey that Arabs suffer from violations of basic protective rights (minimum salary, overtime, pension provisions, etc.) among both Arab and Jewish employers. 39% of the participants said that their Arab identity harms their chances to get a job. 21% said that after being hired, their promotion was harmed because of their identity. Among the participating Arab women, they indicated high levels of discrimination based on nationality, religion, and worldview. The survey presented a grim image of employment discrimination against Arabs because of their origin.

In a country where 20% of its citizens are Arabs if 40% feel discriminated against, including academics, who are supposed to be in demand and not discriminated against because of their education, it is clear that there is an occupational-social problem. The Israeli Democracy Institute, which dealt with the issue of "dealing with discrimination against Arabs in the Israeli employment market", determined as early as 2022 that discrimination against Arabs at work is perceived as the most common discrimination in the labor market - second only to age-based discrimination. The Law of Equal Rights at Work (1988) prohibits private and public employers from discriminating against candidates based on various grounds, including nationality. The law created a dual enforcement mechanism, both a criminal mechanism for filing indictments and a civil mechanism for filing a lawsuit by the employee for financial compensation.

Pinson [14] believes that the ways to cope with the increasing trend are [11;10;5]:

1. A constitutional and productive solution towards affirmative dis-

crimination - to change the situation, several proposals must be promoted to allow fighting against discrimination in the employment of Arabs. The government must increase manpower in the Equal Opportunity Commission and give them the power to impose immediate financial penalties on employers that can legally appeal to the enforcement committee of the Equal Opportunity Commission. Affirmative discrimination will contribute to the economic cycle, enable substantive competition for required professions - and most importantly, will remove the insult Israeli Arabs feel when applying for a job, as shown by the Equal Opportunity Commission's survey. An opportunity for adequate employment is the basis for a healthy and reformed society.

2. Integration in occupational professions with high salary yield - the government decision 2292 at the beginning of 2023 on the subject of a national plan for increasing skilled manpower for the high-tech industry has also stated that a professional team will be established to initiate programs aimed to increase the skilled manpower for the high-tech industry, promote activities that will increase the number of students in high-tech fields and formulate a program that will encourage extra-academic training relevant to the high-tech industry. In addition, the decision states that underrepresented populations must be integrated into the high-tech industry, especially Arab society - women and men. Regarding the minority population, several goals were set:

- A program for integrating minority populations in the high-tech industry will be conducted by the Ministry of Labor, Welfare and Social Services in the amount of 4.83 million NIS in 2023. This program will continue in 2024-2026, and its budgetary source will be in the budget of the Ministry of Labor. This program will continue in the following years.
- The welfare and social services provided to the Arab society - additional plans for integrating the minority population in the high-tech industry will be examined, including the intentions and training in this field.
- Investment in education, especially higher education - the rate and the number of Arab students studying for B.A. degrees in academic institutions in Israel is increasing and that should be continued

and even increased. In the last decade, the percentage of students in higher education has increased from 10% (22,268) in the 2013 academic year to 18.3% (43,454) in the 2023 academic year. The rate and the number of Arab students studying for M.A. degree almost tripled, from 6.5% (3,270) in 2013 to 14.6% (9,252) in 2023, and the rate and the number of Arab students studying for Ph.D. increased from 3.9% (413) in 2013 to 7.3% (855) in 2023.

- Coping with the phenomenon of dropout from higher education frameworks - there are gaps between the number of students and graduates, therefore, this problematic issue should be referred to. The rate of B.A. graduates in Arab society increased from 10.3% in 2015 to 13.6% of all students in 2021. In M.A. studies the increase is much higher, from 4.9% in 2015 to 12.4% in 2021, and in Ph.D. the increase is from 2.8% in 2015 to 6% in 2021.
- The studied disciplines - the directing to professions and faculties should get more attention and importance. Learning professions with high salaries will take the young generation out of poverty. There is a significant increase in the number of computer science students from 6.9% in 2013 to 16.3% in 2023. In accordance, there is a sharp increase in the rate of Arabs employed in high-tech in recent years. In addition, there is a significant increase in the number of Arab students in Medicine faculties from 8% to 12% and in the paramedical professions from 10.8% to more than one quarter (26.7%) in these years. However, there is an increase in the number of teaching students from 11.8% in 2013 to 22% in 2023.

Abu Saad [3] notes that many economists indicate several recommended steps, the vast majority in improving the Arab education system. In the short and medium term - reducing Arab dropout from the formal education system, increasing the rate of eligibility to quality matriculation, improving the Hebrew language, reducing the budgeting gaps between the Arab and the Jewish education systems, improving the quality of teaching staff in the education system and adjusting the learning methods and contents in the Arab education system.

3. Conclusions:

As for 2023, the population in Israel is 9.4 million people, out of which

1.9 million people, who are 21% of the population, are part of the Arab society. Among the Arab population, about 85% are Muslims and the rest are Christians, Druze, and Circassians. All defined minority populations suffer from significant gaps compared to the Jewish population that is not ultra-orthodox, in several life areas, including occupation. Currently, about half of Arab families are defined as poor. A household in Arab society has 4.6 persons, compared to 3.5 persons in Jewish society. While the Arab family expenses are similar to those of a Jewish family, the income is different and indicates a significant gap: the average household income in Jewish society is 18,317 NIS per month, while the average household income in Arab society is 33% lower and is 12,224 NIS per month.

The government should make significant steps to improve the situation and try to get Arab society out of unemployment. Therefore, it has to act in several aspects, especially education and training infrastructures. To adjust the training system to the Arab society and its needs, and for the training graduates to be able to integrate into the labor market, we recommend focusing on some action directions:

- Significant increase in the number of effective trainings with governmental funding, especially in the coupon program, following the 2020 report recommendations and the administration's decision on this subject.
- Increasing the number of participants in training in cooperation with employers, activating a reporting mechanism of Arabs participating percentage in training.
- Directing women to professions with high earning potential, such as computers, electricity, and electronics.
- Creating training programs that combine placement at the end, in collaboration with employers, examine a dedicated response in the construction industry.
- Expanding the rate of training including practice component,
- Making the training system accessible and marketing it to the target populations, emphasizing uneducated Arab men.
- Granting subsistence scholarships to students from the target population in low socioeconomic status, to increase the number of people entering training and reduce dropout rates.

Based on the democratic worldview is the assumption that the majority's power is important yet limited. The majority must maintain democratic rules. These rules are supposed to ensure that the majority does not deprive the minority of rights and does not oppress them. For example, by not preventing occupational-economic issues that influence the minority's ability to have proper welfare life. If the majority violates the rules, for example, cancels the democratic elections or harms the freedom of organization, then the majority decision becomes the majority tyranny over the minority. In addition, there is an understanding that the minority can become the majority in the future (and so forth), so the majority must limit the use of its "power". Therefore, with the principle of majority decision, the other democratic principles must exist, including the principle of pluralism, the principle of consensus, and the principle of tolerance [3] One of the most significant aspects is employment, and as the author referred to in this article what is happening in the State of Israel.

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