AGREEMENT BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA ON THE TEMPORARY EMPLOYMENT OF SRI-LANKAN WORKERS IN SPECIFIC LABOR MARKET SECTORS IN THE STATE OF ISRAEL

Preamble

Whereas the Government of the State of Israel and the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter collectively referred to as the "**Parties**" and individually as the "**Party**") are desirous of increasing and strengthening friendship and cooperation between both Countries;

Whereas the recruitment and temporary employment of foreign workers in Israel is carried out in accordance with Israeli Law in force, the state of Israeli national labor markets, and the Government of the State of Israel's policy regarding the sectors open for employment of foreign workers, as well as the yearly quotas for temporary foreign workers and the preconditions for issuance of employment permits for each such sector;

Whereas the Parties hereby declare their common goal to combat human trafficking, illegal migration, undocumented and illegal manpower recruitment practices, and illegal employment of foreign workers;

Whereas, the Parties share the mutual desire to eliminate the charging and payment of illegal recruitment fees throughout the process of recruitment and employment and declare their willingness to cooperate in order to achieve this goal;

Whereas the Parties wish to ensure legal, fair and well informed recruitment and temporary stay of Sri-Lankan workers arriving for temporary employment in Israel in the specific sectors and according to procedures set out in Implementation Protocols to this Agreement (hereinafter referred to as the "**Implementation Protocols**"), as well as the return of Sri-Lankan workers to their country upon the conclusion of their legal stay in Israel;

The Parties hereby agree as follows:

Article 1 – General

1. The term **"Temporary Employment"** shall mean legal employment of a Sri-Lankan national in Israel in a specific sector, by an employer holding a valid permit issued by the Government of the State of Israel to employ a foreign worker, in accordance with Israeli national law, regulations, rules, procedures and resolutions of the Government of the State of Israel for a limited period of time, after which the Sri-Lankan national must leave Israel.

2. The duration of the temporary employment in each permitted sector will be as specified in the relevant Implementation Protocol and shall not exceed the maximum permitted duration as set out in the relevant national legislation of Israel as well as per relevant resolutions of the Government of the State of Israel concerning yearly quotas for temporary foreign workers in each sector.

3. The Government of the State of Israel shall facilitate issuance of visas and work permits for Sri-Lankan workers recruited for temporary employment under this Agreement in accordance with its national legislation and procedures for each specific sector.

4. The maximum number of workers from Sri-Lanka who may be employed for a temporary period of time under this Agreement in each permitted sector shall be set out in an Implementation Protocol for the specific sector and will be subject to quotas for temporary foreign workers stipulated in Israeli Governmental resolutions, as well as, the number of job offers received from employers in Israel. Nothing in this Agreement or in an Implementation Protocol shall be construed as an obligation of Israel to recruit workers from Sri-Lanka or as giving exclusivity for recruiting workers from Sri-Lanka.

5. The workers, carrying out temporary employment as set out in the relevant Implementation Protocol, shall not be entitled to carry out any other paid labour activity or employment in any sector other than the sector for which they were issued a visa and a work permit.

6. Each Party shall endeavour to take reasonable necessary actions to protect Sri-Lankan temporary workers' rights in accordance with its relevant laws and regulations.

Article 2 –Objectives

The objectives of this Agreement are as follows:

a. To ensure a legal, fair and well-informed recruitment process for Sri-Lankan nationals arriving for temporary work in Israel according to the principles set out in this Agreement, and to prevent illegal fee-taking in connection with such recruitment.

b. To set up a framework for exchange of pertinent information and for ongoing cooperation between the Parties regarding temporary foreign labor issues;

c. To ensure cooperation between the Parties regarding the recruitment, selection, placement, arrival and employment of Sri-Lankan workers as well, as their return to Sri-Lanka after their temporary employment in Israel;

d. To ensure that the Sri-Lankan workers recruited under this Agreement possess the required qualifications for employment in the relevant sector, understand the terms and conditions for legal stay in Israel and their obligation to return to their country upon the conclusion of their legal employment period in Israel;

e. To promote the protection of the labor rights of Sri-Lankan workers carrying out temporary work in Israel throughout the process of recruitment, selection, placement, arrival, employment and return.

Article 3 – Cooperating Authorities

The Parties shall designate and authorize relevant government ministries or agencies to implement this Agreement in the various agreed upon sectors (hereinafter the "**Cooperating Authorities**"). The Israeli Cooperating Authority may be assisted in such implementation by a competent official Israeli body or any other body authorised by it or on its behalf. The relevant Cooperating Authorities for each specific sector should be established in an Implementation Protocol or confirmed by the Parties in official written form via diplomatic channels.

Article 4 –General implementation provisions

1. The Parties agree that the recruitment of Sri-Lankan workers for temporary work in Israel in each specific sector shall be implemented jointly as set out in Implementation Protocols and their addendums for each specific sector.

2. Concluding Implementation Protocols shall be carried out by mutual agreement of the Cooperating Authorities set out in a written arrangement affirmed through diplomatic channels.

3. The implementation of this Agreement and any activity hereunder shall be in accordance with the respective applicable laws, regulations, rules, procedures and mechanisms of each State Party.

Article 5 – General worker qualifications

The Government of the Democratic Socialist Republic of Sri Lanka shall direct the relevant Cooperating Authority on its behalf to ensure that the Sri-Lankan workers recruited for temporary employment under this Agreement shall have all necessary skills, training and experience as required for the relevant sector, have been medically examined, are in good mental and physical health and hold relevant medical certificates and have no criminal record, all as stipulated in the relevant Implementation Protocols.

Article 6- Recruitment process

The Parties agree to take all necessary measures to ensure that the recruitment process is transparent, that all relevant information is provided to the applicants (including their obligations concerning legal stay and employment in Israel and their return to Sri-Lanka upon the conclusion of their legal employment period in Israel) and that no fees or payments, other than any permitted payments set out in the relevant Implementation Protocols, which shall not exceed permitted payments set out in national legislation of Israel, shall be collected from the applicants or the workers in connection with their recruitment, directly or indirectly, in either country, throughout the entire recruitment process or during their employment in Israel.

Article 7 -Joint Coordination Committee and exchange of information

1. The Parties, through their relevant Cooperating Authorities, shall exchange relevant information and updates concerning the existing legislation and procedures regulating labour relations and criminal offences as well as entry, stay, paid employment, obligations of employers and departure of foreign workers which may affect the procedures set out in this Agreement.

2. A Joint Coordination Committee (hereinafter referred to as the "Joint Coordination Committee") comprising representatives of the Parties shall be set up for the purposes of solving problems arising out of the implementation of this Agreement.

3. The Joint Coordination Committee shall meet on an annual basis, if requested by either Party, in each Country alternately according to mutually agreed conditions and dates, or, via any other technological means such as video conference facilities. The Parties will inform each other in writing of the issues they wish to discuss no less than 30 days prior each meeting date.

4. Agreed minutes shall be drawn up after each meeting.

5. Additional special meetings of the Joint Coordination Committee may be convened in case of urgent matters to be discussed, upon a request of either Party.

Article 8 – Personal data protection

Transmitting, keeping and processing of information relating to an identified or identifiable natural person, transmitted under this Agreement and its Implementation Protocols, shall be subject to the respective domestic law concerning the protection of privacy and personal data, of each Party. Such information shall be confidential and shall be used exclusively for the purposes of this Agreement and its Implementation Protocols.

Article 9- Legal Cooperation

The Parties shall cooperate and provide assistance in investigations and prosecutions of offences regarding the matters set out in this Agreement, subject to the Law of each State Party.

Article 10- Return of workers

1. Upon expiration of the authorized stay for employment, the worker shall promptly depart from Israel.

2. Before departure to Israel, the Sri-Lankan workers shall sign a declaration in a language they understand whereby they shall undertake to comply with the conditions for legal employment and stay in Israel, to return to Sri-Lanka upon the conclusion of their legal employment period in Israel as well as to fulfill any other procedures or sign additional declarations or provide any other guaranties as agreed upon by the Cooperating Authorities, to ensure compliance with this Article.

3. The Government of the State of Israel reserves the right to order a national of Sri-Lanka to leave Israel in accordance with Israeli laws, regulations, rules, procedures and resolutions of the Government of the State of Israel, including cases in which, *inter alia*, a worker does not leave Israel at the end of his authorized stay, a worker is in breach of the conditions of his visa, work permit or the declaration signed by him as per paragraph 2 of this Article, or is in breach of this Agreement, or the Government of the State of Israel determines that his presence could constitute a threat to national security, public order or public health.

4. The Parties shall cooperate as necessary to allow speedy and effective return of Sri-Lankan workers recruited under this Agreement to Sri-Lanka at the conclusion of their legal employment in Israel. They shall also cooperate regarding speedy and effective return of Sri-Lankan workers recruited under this Agreement, staying illegally in Israel.

Article 11 - Dispute resolution- General

Any dispute, controversy or claim arising out of or relating to this Agreement, including its invalidity, breach or termination, shall be settled amicably through negotiations between the Parties.

Article 12- Dispute resolution between employers and workers

Any disputes which might arise between employers and workers shall be subject to the exclusive jurisdiction of the Courts of the State of Israel and resolved solely in accordance with applicable Israeli law without regard to its choice of law rules.

Article 13 - Entry in force, duration and termination of the Agreement

1. This Agreement shall enter into force on the date of the latter of the diplomatic notes by which the Parties notify each other of the completion of their internal legal procedures required for the entry into force of this Agreement.

2. Notwithstanding the above, implementation of this Agreement for any specific sector shall begin after the relevant Cooperating Authorities have signed an appropriate Implementation Protocol for that sector.

3. The Parties may amend this Agreement, in writing, by mutual consent. Such amendments shall enter into force in accordance with the procedure set forth in paragraph (1) of this Article. Any modification to an Implementation Protocol shall enter into effect in accordance with the procedure set out in the Implementation Protocol.

4. This Agreement shall be concluded for a period of three (3) years and shall be automatically extended for further one (1) year periods.

5. Either Party may terminate this Agreement at any time by sending a Diplomatic Note to the other Party at least six (6) months prior the requested termination date.

6. In the event that either Party raises concerns regarding the charging and payment of illegal fees from Sri-Lankan applicants or workers throughout the process of recruitment and employment, and the Joint Coordination Committee fails to produce a mutually acceptable solution, or does not convene within forty five (45) days (including via any electronic means available) from the date of the request of either Party to convene the Joint Coordination Committee, either Party may suspend with immediate effect all or part of activities carried out under the relevant Implementation Protocol.

7. Decisions taken under Article 13 (5) or Article 13(6) of this Agreement, shall not affect any person who at the date of such decision already holds a visa issued under this Agreement, including Sri-Lankan workers legally employed in Israel in the framework of this Agreement.

In witness whereof, the undersigned being duly authorized, have signed this Agreement.

Signed in Jerusalem on the 24 day of February 2020, which corresponds to the 29 day of Sherat of 5780, in the Hebrew calendar, in two original copies, in the Sinhalese, Hebrew, and English languages. In case of divergence of interpretation, the English text shall prevail.

For the Government of the State of Israel

For the Government of the Democratic Socialist Republic of Sri Lanka