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ABSTRACT

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During the COVID-19 pandemic, and following the introduction of closures and quarantines by governments, many countries have adopted decommodifying policies, granting employees increased social protections through direct benefits or through support in their continued employment. However, these policies have generally not been extended to non-citizens, who have thus found themselves either without income or deeply commodified, working long hours in sectors designated as 'essential' such as care, agriculture, food processing, construction and the like, often under strict and new restrictions and at risks to their health. In this article, we will map the impact of some of the main policies that were introduced in response to the spread of COVID-19 on temporary migrant workers and other 'unskilled' non-citizen workers in the labour market, focusing on the complex case of non-citizens in Israel (Palestinian workers, temporary migrant workers, and asylum seekers). We will focus on the link between restrictive policies and measures resulting from COVID-19 ('COVID-19 Restrictions') and the increased commodification of workers, putting workers at greater risk for

trafficking and slavery. Yet, some of the new risks also created new – albeit, at times narrow - opportunities for grounds for new rights claims by non-citizens.

As the article highlights, existing labour-market characteristics, such as economic precariousness, restriction of movement, high level of control, isolation, and exposure to risk and health and safety hazards all already characterise the labour-intensive sectors in which migrant workers are employed. Yet as a result of COVID-19 related policy, these characteristics have been heightened and intensified. Accordingly, we argue that the impact of COVID-19 restrictions has generally manifested not in the creation of new forms of exploitation and coercion, but rather in the exacerbation and intensification of existing structural vulnerabilities to slavery and trafficking. COVID-19 restrictions, in other words, introduces new mechanisms within the persistent commodification of workers. However, the intensification of vulnerabilities has also presented new opportunities for solidarity and resistance.

We consider the impact of COVID-19 on migrant workers through a specific case study: that of non-citizen workers in Israel during the COVID-19 pandemic. Using the Israeli case study, we map and analyse what has happened during the COVID-19 pandemic to key elements of vulnerability across the three largest sectors employing non-citizen workers in Israel: care, construction, and agriculture. All three sectors are part of a secondary labour market, characterised by low wages, strong commodification of workers, poor conditions, and employment of mostly non-citizens. All three sectors were designated as ‘essential’ during the pandemic. While the Israeli case is unique in many ways, it also bears a similarity to other migrant-receiving countries in the Global North. Particularly, the Israeli temporary migrant-worker regime is characterised by mobility restrictions, housing restrictions, and exclusion from labour laws. Analysis of the impact of COVID-19 policies on structural vulnerabilities to slavery and trafficking in the Israeli context may therefore be relevant to other migrant-receiving countries.

The Israeli case study offers a comparative look at the impact of COVID-19 policy on different groups of non-citizen workers that were subject to different regulations before and during the pandemic. Thus, alongside the case of temporary migrant workers, the pandemic policies have posed significant challenges with respect to the employment of Palestinian workers in Israel, who are subject to special arrangements. Asylum-seekers, employed mostly in precarious jobs in the ‘non-essential’ hospitality sector, make up the third group particularly harmed by the pandemic policies in Israel.

The article will proceed as follows. Part I will explore the different understandings of commodification and will introduce the link between intense

commodification, COVID-19 restrictions, and the structural vulnerabilities of temporary migrant workers and other non-citizen workers to severe forms of labour market exploitation. Part II will turn to the Israeli case study and will discuss three key elements of vulnerability to severe forms of labour exploitation and the ways they have been exacerbated, to the detriment of non-citizen workers, by policies geared towards reducing the risk of the spread of COVID-19. We will discuss three elements of such policies:

1. Increased control, surveillance, and severe restrictions of movement (focusing on Palestinian construction workers and migrant care workers)
2. Deterioration of living conditions and violations of basic health and safety conditions at the workplace (focusing on non-citizen workers in agriculture and construction).
3. Unemployment, loss of income, and exclusion from safety nets (focusing on asylum seekers).

Taken together, these three key elements demonstrate how measures intended to reduce the spread of COVID-19 increased the commodification of workers and denial of their humanity, creating new opportunities for exploitation amounting to forced labour, trafficking and slavery. The article will further map the ways in which COVID-19 policies, by heightening and intensifying the structural vulnerabilities of non-citizen workers, have also drawn attention to their socio-economic rights and created some (even if limited) opportunities to re-examine policies and create new coalitions, solidarities, and opportunities for change by non-citizen workers and civil society actors that support them. Part III will offer a holistic analysis of the case study, focusing how COVID-19 restrictions mesh into existing commodifying policies and exacerbate them, and what the emergency order teaches us about the normal order. These conclusions will also offer policy recommendations based on the lessons from the case study, and review the main arguments COVID-19 restrictions has made available to workers and civil society actors, and their anticipated impact and post-COVID endurance.

Methodology: Our data regarding this case study was gathered through document review and analysis of legislation, emergency orders, court opinions, policy papers and publications in the media. We further rely on data from practitioners who work closely with the workers and document their conditions, as well as our own engagement as scholars and activists with civil society organisations working with non-citizen workers in Israel.