THE USE OF THE DRUG “YABA” AMONG THE THAI AGRICULTURAL WORKERS AND THE REASONS FOR ITS USE
INTRODUCTION

This document has been prepared at the request of Member of Knesset Mohamed Barakeh, Chairman of the Campaign against Drugs Committee, and in it the use is examined of the amphetamine drug known as “Yaba” among foreign workers from Thailand working in the agricultural sector.

1. Background

“Yaba” is an amphetamine, in other words an energizing drug. It is called “the Crazy Drug” and is used mainly in South East Asia. In the estimation of the UN Drugs and Crime Organization, 37 million people use amphetamines in South East Asia.\(^1\) In Thailand the use of “Yaba” and other forms of amphetamine are considered a national problem.\(^2\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Investigations</th>
<th>Number of Pills Seized, in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>167,810</td>
<td>95.9</td>
</tr>
<tr>
<td>2003</td>
<td>63,595</td>
<td>75.5</td>
</tr>
<tr>
<td>2004</td>
<td>34,860</td>
<td>31</td>
</tr>
<tr>
<td>2005</td>
<td>60,081</td>
<td>16.1</td>
</tr>
<tr>
<td>2006</td>
<td>66,035</td>
<td>12.5</td>
</tr>
<tr>
<td>2007</td>
<td>88,970</td>
<td>13</td>
</tr>
<tr>
<td>2008</td>
<td>123,692</td>
<td>20.6</td>
</tr>
<tr>
<td>2009</td>
<td>143,716</td>
<td>24.9</td>
</tr>
<tr>
<td>2010 (up to June)</td>
<td>41,470</td>
<td>26.2</td>
</tr>
</tbody>
</table>

In the period 2004-2006 it appears that amphetamine is the most abundant drug in Thailand. A reduction in its use was reported in 2007 but in 2008 a rising trend was reported and this trend has not changed since.\(^4\)

“Yaba” was first manufactured in Nazi Germany and was intended to give soldiers and workers a sense of alertness and vitality for many hours duration. The form in which “Yaba” is currently produced is a pill containing a mixture of amphetamine and caffeine. In the countries of South East Asia “Yaba” is prevalent among workers and acts as an energizing drug, and not necessarily as a drug for the purposes of leisure and pleasure.

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\(^3\) Ibid, ibid

In western countries where the drug has appeared, there is a leakage of the drug from the communities of Thai migrant workers into the general population, and for which “Yaba” is also used as a partying drug.\(^5\)

At the outset of the use of “Yaba” one pill of it is enough to cause an increased sense of alertness lasting for 3-4 days. After a certain period of time, regular users need at least 1 pill per day in order to maintain its effect.

The addiction to the drug is considered to be quick and it has several side effects, including:

- **A medical-physiological effect:** an increase in blood pressure, hypothermia, accelerated pulse, bursting of small blood vessels, a stroke, damage to the functioning of the lungs and kidneys.

- **Effect on mental condition:** violence, depression, nervousness, hallucination.

### 2. SEIZURES OF “YABA” IN ISRAEL

Over the last few years increasing quantities of “Yaba” pills have been seized in Israel. Despite the fear of leakage, it would seem that there has been no appearance of use of the drug among the general population. As opposed to this, there is an increasing awareness of the use of “Yaba” among the foreign workers from Thailand employed in the agricultural sector.

The first seizure of “Yaba” occurred in May 2009. According to Mr. Ehud Ortal, Head of the Customs Operations Branch, until that seizure, the Customs did not have the know-how and means of identifying “Yaba”. Since then and up until October 25, 2010, 116 cases of smuggling of “Yaba” into the country have been discovered amounting to more than 63,000 pills. In the first seizures several scores of pills were seized in every consignment, but recently there have been several seizures of thousands of pills in each consignment. Up to the present time, more than 90% of the consignments discovered originated from Thailand; the rest of the consignments have arrived principally from Myanmar and Laos.\(^6\)

According to the address of the addressee, most of the consignments were intended for farm properties on the Moshavim, and mainly in the Arava and Ramat Hanegev. In the last year and a half more than 10 consignments of “Yaba” were sent to the localities of Hatzeva, Kadesh-Barnea and Adin.

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\(^6\) Ehud Ortal, Head of the Customs Operations Department, telephone conversation October 26 2010
The Israel Police has up to the present time, opened 61 files connected with the importation and distribution of the drug. 73 suspects have been questioned and 14 cases have been forwarded to the State Attorneys Office.  

3. THE REASONS FOR THE USE OF YABA

As previously mentioned, the use of “Yaba” as a drug is prevalent among workers originating from South East Asia, and for them it acts as an energizing drug. Dr. Haim Mahal, Head of the Treatment and Rehabilitation Division in the Anti-Drugs Authority, believes that “Yaba” acts as an energizing drug for working purposes and not for the purposes of leisure and pleasure. According to Dr. Mahal, the Thais are not by their nature capable of working longer hours than Israeli workers, and in order to work more and under more difficult conditions they need to use energizing drugs such as “Yaba”.  

According to Inspector Oshrat Uriel, the Drugs Squad Research Officer, “Yaba” is used by Thai workers in Agriculture who wish to extend the working day to beyond the ability of a normal person. The drug was legal for many years in Thailand and to this day is being used by Thai workers.  

In the estimation of the “Kav L’Oved” Non-Profit Society, according to the evidence gathered by the organization from Thai workers, a Thai worker works for between 12 to 15 hours daily, and in cases of employment under conditions of enslavement, even longer than this. All the Thai workers that have been in contact with “Kav L’Oved” have reported that they are working 6 days a week, and there are some who also reported about working a shortened working day on Saturday. There is evidence of workers who only receive four days leave in a whole year. Ms. Neta Rosenthal, the Agriculture Foreign Workers Coordinator of “Kav L’Oved”, points out that it is not only the many hours of work but also the difficult working conditions that lead Thai workers to the use of “Yaba”. In addition to this, according to Ms. Rosenthal, when medical problems are discovered as a result of the use of “Yaba” by Thai workers who have become addicted to the drug, they have not been given appropriate medical treatment.  

4. HOURS OF WORK ACCORDING TO THE EXISTING LEGISLATION

The Hours of Work and Rest Law, 5711-1951, provides that a working day shall not exceed 8 hours and that a working day prior to the weekly day of rest or national holiday
of festival day on which the employee is not working shall not exceed 7 hours. The working week shall not exceed 45 hours.

On the basis of a general collective agreement that was extended by an Extension Order which came into effect on July 1, 2000, the working week in the Israeli economy was shortened to 43 hours weekly. This provision applies to all the workers in the Israel economy with the exception of workers to whom priority provisions apply in collective agreements and workers suffering from physical, mental or intellectual disabilities and who are employed in protected enterprises in respect of which the State Treasury contributes to their upkeep, and with the exception of workers to whom the Hours of Work and Rest Law does not apply under the exemption provisions detailed in Section 30(a) of the Law, and also doctors in whose collective agreements provisions have been included with regard to hours of work.

The collective agreement in the agricultural sector provides that the hours of work in this sector are 43 hours weekly for packing workers throughout every year and for agricultural workers who are not packing workers – 43 hours weekly throughout every year, and in the summer months, one hour less daily. The collective agreement and the extension order apply, under the extension order, to all workers in the sector, with the exception of the following: workers that have preferential conditions in collective agreements and their employers; workers suffering from physical, mental and intellectual disabilities who are employed in protected enterprises in respect of which the State Treasury contributes to their upkeep.

Under Section 4 of the Law, it is possible, in a special arrangement, to extend the working day in accordance with Regulations that the Minister of Labor has prescribed in certain sectors, including agriculture, up to 10 working hours daily. The said regulations have prescribed in relation to work in cowsheds (a working day may continue for up to 10 hours and a working week – up to 70 hours, provided that it shall not exceed 45 hours per week on average in four weeks) and in relation to work in poultry farms (the working day may continue for up to nine hours, a working week for up to 63 hours, and a working week shall continue for not more than 45 hours on average in four weeks).

Additionally, under Section 11 of the Law the Minister may permit the employment of employees during overtime hours. Under this provision general permits have been issued in sectors for employment during overtime hours in seasonal work in agriculture, as well as permits in relation to the handling of animals and poultry farms. In 1974 a general permit was issued for all employees for overtime working – up to four extra hours daily and no more than 12 extra hours per week. It should be noted that in workplaces in which a five day working week is customary an even wider general permit has been applicable.

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14 Freddie Cohen, Secretary of the Agricultural Workers Trade Union in the General Confederation of Labor, telephone conversation October 31 2010
16 These data were supplied courtesy of Advocate Noa Ben Shabat, the Legal Adviser to the Labor, Welfare and Health Committee of the Knesset.
since 1989, which permits employment of a worker for 12 hours on a normal working day, provided that the number of overtime hours does not exceed 15, weekly.\textsuperscript{17}

The Hours of Work and Rest Law obligates an employer to pay his employee remuneration that exceeds the normal wage per hour of work for working overtime and for working on the weekly rest day. The Law provides that the employee will receive a weekly rest of at least 36 consecutive hours each week. Working other than in accordance with the Hours of Work and Rest Law is a criminal offence.

It should be noted that no special collective agreement has been prescribed and no special permit has been issued in relation to the employment of foreign workers, and therefore the labor laws, permits and collective agreements in the sector are applicable to them in so far as they are applicable to any other employee.\textsuperscript{18}

The subject of the weekly rest, annual leave and the holidays and festivals is explained in a rights pamphlet distributed to the foreign workers upon their entry into Israel.\textsuperscript{19} However, the rights pamphlet does not state the number of daily and weekly hours of work according to the Law. Advocate Iris Ma'ayan, the Commissioner for the Rights of Foreign Workers in the Ministry of Industry, Labor and Employment, states that in the agricultural sector there are several collective agreements including those containing exceptions and limitations of hours of work, but that foreign workers are not receiving information about their rights and obligations under such agreements.\textsuperscript{20}

In the Foreign Employees Law, 5751-1991, the obligation is prescribed of indicating in the contract of employment, the length of the normal working day or the normal working hours of the foreign worker, including the weekly day of rest. Likewise, a condition for a permit is that the employee’s hours of work shall be recorded.\textsuperscript{21} Nevertheless, Section 2 of the Law, “Unlawful Employment” does not prescribe a penalty for employers of foreign workers for employing their workers longer than the permitted hours or with no rest days as the Law requires.

The Population and Immigration Authority inform the employers of their obligation to comply with the protective laws. In the annual procedure that is published shortly before the allocation of employment permits in the sector, it was provided as follows:\textsuperscript{22}

\begin{flushleft}
\textsuperscript{17} \textit{Ibid} \\
\textsuperscript{18} Advocate Netta Brenner, the Ministry of Industry, Trade and Labor, telephone conversation October 27 2010 \\
\textsuperscript{20} Advocate Iris Ma’ayan, the Commissioner for Foreign Workers Rights in the Ministry of Industry, Trade and Labor, telephone conversation, October 28 2010 \\
\textsuperscript{21} The Immigration Authority website – http://www.piba.gov.il/Laws/2.pdf Entry date October 27 2010 \\
\textsuperscript{22} The Population and Immigration Authority website – http://www.piba.gov.il/PublicationAndTender/Publications/Pages/00406.aspx entry date October 31 2010
\end{flushleft}
Protective labor law that applies to an Israeli employee also applies to the employment of a foreign employee and it is the duty of a farmer to employ the foreign worker in accordance with the said labor law, and this in addition to the provisions contained in the Foreign Employees Law, 5751-1991. It should be emphasized that a substantive infringement of the rights of a foreign worker, and including the illegal withholding of the foreign worker’s passport, delayed payment of wages, failure to pay wages as required by law in respect of overtime working, failure to allow a weekly rest day, etc. constitutes a breach of the conditions of the permit and will lead to its revocation. It should further be emphasized that a foreign worker in the agricultural sector may transfer between employers who hold vacancy permits for the employment of foreign workers in the agricultural sector, subject to registration of the transfer in accordance with the procedures of the Authorities, and it is prohibited for an employer to prevent a foreign worker from transferring as aforesaid.

It should be noted that the hours of work under the Law and the collective agreements or the length of the weekly rest day are not detailed in the notification to the employers.

5. ENFORCEMENT OF THE LABOR LAWS AND THE COLLECTIVE AGREEMENTS IN RELATION TO FOREIGN WORKERS

When the Population and immigration Authority was established, the powers of dealing with foreign workers were transferred from the Ministry of Industry, Trade and Labor to the Ministry of the Interior but is was decided that the power of enforcement of the Labor Laws would remain the responsibility of the Ministry of Industry, Trade and Labor. With this in mind is was decided to establish a Foreign Workers Enforcement Unit in the Labor Laws Inspection Department, in the Ministry of Industry, Trade and Labor.

According to Ms. Anita Yitzhak, Inspector in the Labor Laws Enforcement Department of the Ministry of Industry, Trade and Labor, the Department is aware of the problem of long hours of employment in the agricultural sector. In the past, the enforcement agencies had not concentrated their attention on long working hours but rather on payment of a minimum wage, and employment being in accordance with the Foreign Employees Law. In June, authority was assigned to the Labor Laws Enforcement Department for enforcement of the Labor Laws relating to foreign workers and their employers, and enforcement was broadened to encompass the enforcement of any relevant law. There are 16 inspectors at the disposal of the Department throughout the country. Currently, there are only 5 inspectors available to the Labor Laws Enforcement Department for enforcement of Labor Laws in all matters pertaining to foreign workers.

According to Ms. Yaffa Sulimani of the Labor Laws Enforcement Department (Labor Inspection – Foreign Workers) in the Ministry of Industry, Trade and Labor, the Tender for filling the positions of 11 additional inspectors and the recruitment of 16 employees in cadet positions in order to complete the staff required, should get under way in the near future.

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23 Anita Yitzhak, The Labor Laws Enforcement Department of the Ministry of Industry, Trade and Labor, telephone conversation October 28 2010
future. In the first quarter of 2011, training of the employees should be coming to an end and the work of the unit in full format is supposed to get started.\textsuperscript{24}

The Enforcement Unit of the Population and Immigration Authority is also engaged in enforcement in respect of the exercise of the rights of foreign workers \textit{vis-à-vis} employers. The Enforcement Unit Inspectors also have the power to examine labor relationships and the employee’s rights under the protective laws, but their main activity is in the field of enforcement of special rights of foreign workers. Nevertheless, according to Mr. Naif Hinu, the Enforcement Unit Inspector, it is the Ministry of Industry, Trade and Labor Enforcement Unit that is supposed to be handling the subject of hours of work, working days and leave days.\textsuperscript{25}

It should be mentioned that Inspectors of the 2 units do not carry out investigations on Saturdays and on National and Religious Holidays, and they cannot therefore verify that the employees in agriculture are getting a weekly day of rest.\textsuperscript{26} According to Ms. Sulimani, there is no need to carry out an examination “on the ground” on the Sabbath, and one can be satisfied with an examination of a wage slip or work records.\textsuperscript{27}

6. POINTS FOR DISCUSSION AND CONCLUSIONS

- The use of “Yaba” stems from prolonged and continuous working that exceeds natural human capabilities. In the estimation of professional circles in Israel and worldwide, such employment – which is effectively a breach of the law, is the principle factor in the use of “Yaba” among Thais working in the agricultural sector.

- Thai workers are not capable of working more than Israeli workers. Thai workers are working for many hours continuously due to the use of psycho-active substances that are intended to unnaturally facilitate excessive physical effort. One might assume that without the use of such substances, which endanger the health and the lives of the foreign workers, their output would be poor and likewise their ability to compete with local workers.

- Extensive action must be taken in terms of public information and enforcement among employers in order to prevent the employment of Thai workers beyond the legal working times, and on the rest and leave days. Thus, in addition to preserving the rights of the workers under the law, the workers would have no reason to use dangerous drugs that are likely to cause damage to health and even death.

- A public information campaign must also be engaged in among Thai workers, both with regard to hours of work and rest and leave days under the Law, and

\textsuperscript{24} Yaffa Sulimani, Labor Laws Enforcement Department (Labor Inspection – Foreign Workers) in the Ministry of Industry, Trade and Labor, telephone conversation November 1 2010

\textsuperscript{25} Naif Hinu, The Enforcement Unit in the Population and Immigration Authority, telephone conversation October 31 2010

\textsuperscript{26} Ibid

\textsuperscript{27} Yaffa Sulimani, Labor Laws Enforcement Department (Labor Inspection – Foreign Workers) in the Ministry of Industry, Trade and Labor, telephone conversation November 1 2010
with regard to the illegality and danger inherent in the use of dangerous substances that are enumerated in the Drugs Ordinance.

- It would be appropriate to add to the rights pamphlet that is distributed to employees, an explanation about the daily, weekly and monthly hours of work as prescribed by law, and as to the collective agreement and the extension order applicable to the sector.
- In the course of preparation of this document, we have heard the expressions of professional sources from which it appears that due to the fact that the use of “Yaba” is not filtering into the general population, the treatment of the problem is not at the head of the order of priorities. Regrettably, it goes without saying that those responsible for handling the matter and enforcement are charged with providing the service in respect of all persons legally staying in Israel – whether a citizen, resident or visa holder.
- Failure to enforce the collective agreements in respect of the Thai workers increases the need of Thai workers for the use of drugs in order to cope with the workload, it exacerbates offences against the protective laws, leads to the creation of unfair competition that prevents Israeli workers from working in the sector, and accustoms employers to improper methods of working.

7. SOURCES

Telephone Conversations
Uriel Oshrat, Investigations and Intelligence Branch in the Israel Police
Ortal Ehud, Head of the Customs Operations Department
Ben Meir Dorit, Israel Police
Ben Shabat Noa, Legal Adviser to the Knesset Employment, Welfare and Health Committee
Brenner Neta, the Ministry of Industry, Trade and Labor
Hinu Naif, Enforcement, the Population and Immigration Authority
Yitzhak Anita, the Labor Laws Enforcement Department, the Ministry of Industry, Trade and Labor
Cohen Freddie, Secretary of the Agricultural Workers Trade Union in the General Confederation of Labor
Ma’ayan Iris, Commissioner for the Rights of Foreign Workers in the Ministry of Industry, Trade and Labor
Sulimani Yaffa, the Labor Laws Enforcement Department (Labor Inspection – Foreign Workers) in the Ministry of Industry, Trade and Labor
Rosenthal Neta, Foreign Agricultural Workers Coordinator, “Kav L’Oved”
Strauss Shoshana, the Population and Immigration Authority
Internet Websites

The American Ministry of Justice
The Ministry of Industry, Trade and Labor
The UN Drugs and Crime Agency
The Population and Immigration Authority