

Non-Enforcement of the Law on Appropriate Representation in Israel: Implications for Social Resilience

Itzik Dessie and Shlomo Black | No. 1634 | August 22, 2022

The Diversity and Representation Report for 2021, issued in May 2022 by the Civil Service Commission, determined that for some groups in the Israeli population, “the civil service generally meets targets” for appropriate representation. However, the statistics contained in the report itself indicate that not one of the target groups is appropriately represented in the civil service. This lapse likely stems from lack of motivation by government ministries and auxiliary units, and to faulty performance by the Commission in outlining and enforcing policy vis-à-vis the ministries. In some ministries and auxiliary units, there is no fair representation of any weaker group. This lapse has serious societal ramifications, including lower quality of public service, greater frustration and alienation among weaker sectors, and weakened trust in government institutions. These effects in turn deepen social divisions and undermine social resilience. Correcting this state of affairs requires the government to view equality and diversity in the civil service as a higher national priority and requires more stringent oversight and review of the Commission, government ministries, and auxiliary units. Transferring enforcement of the issue of appropriate representation to a professional, independent body should be considered.

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Diversity in civil and professional realms that reflects the diversity of a national population is a moral, ethical, and social obligation. In addition, a diverse civil service contributes to effective use of society's human capital, economic growth, and greater likelihood of professional, well-considered decisions that reflect a variety of opinions. Incorporating the full spectrum of society in influential positions in various social fields strengthens a sense of partnership, unity, and trust in government authorities, which in turn directly contribute to social resilience in any democratic country. In Israel, the government is responsible for implementing the law on appropriate representation, which aims to advance diversity in the civil service. The government set the following targets: 50 percent of all senior civil servants will be women; 5 percent will be people with disabilities; 10 percent will be Arabs; 1.7 percent will be Israelis of Ethiopian descent, and 7 percent will be ultra-Orthodox Jews. Although Arabs comprise some 20 percent of the workforce, the target for Arab representation was set at just 10 percent, a target that has not changed since 2008.

Some groups in Israel suffer from severe underrepresentation in civil service and particularly in positions of power and influence. As a result, they are not partners in decision making processes on important social issues. Likely central causes of this situation are cognitive biases of employers who tend to prefer workers who are of similar background and orientation, and discrimination that results from perceptions of superiority and hostility. In the wake of a public struggle by women against gender discrimination in the civil service, the Civil Service (Appointments) Law was amended in 1995; the amendment included the obligation of appropriate representation for women. Later this obligation was extended to additional groups: people with disabilities, Arabs, Israelis of Ethiopian origin, ultra-Orthodox, and new immigrants. The law determined that groups entitled to appropriate representation will be incorporated "in all government ministries and auxiliary units." The law also determines that groups entitled to appropriate representation will be incorporated "at all ranks and in all professions." In

order to meet representation targets, the law permits “targeting” positions or “preferencing” suitable candidates for a position from among target groups.

While the responsibility for representative hiring is placed on ministries and auxiliary units, the Civil Service Commission is responsible for setting policy and overseeing whether the ministries and units actually meet representation targets. A later amendment to the law determined that every ministry and unit must appoint a “person responsible for appropriate representation” who is assigned to assist in application of the law, advance inclusive hiring, and field inquiries about violations of the law. The Commission was also given authority to impose sanctions and use enforcement mechanisms to ensure implementation of the law. The Commission’s work is subject to oversight by the government and by the Constitution, Law and Justice Committee of the Knesset, to which it must report annually.

The Civil Service Commission report for 2021 has an optimistic tone, but actually portrays a rather gloomy reality. Reading the report reveals a failure to implement the law: appropriate representation targets have not been met for any group, and the improvement that the report seeks to present is negligible. Most government ministries and auxiliary units did not meet representation targets for Arabs – only four out of 22 ministries and 29 out of 102 units did so. The rate of representation for people with disabilities stands at 3.3 percent, which is 1.7 percent below the target. Even more disturbing is the trend; in the past three years there has been a consistent decline in the representation of this group. Regarding the ultra-Orthodox, only five government ministries met their hiring targets, while 85 units did not meet their target. Israelis of Ethiopian origin were not appropriately represented in seven ministries and 44 units.

Regarding the division of Arab and Ethiopian representation by rank and profession, the picture is also bleak. While the proportion of senior-ranked civil servants among all government employees is 2.3 percent, the proportion of senior-ranked civil servants from groups entitled to

appropriate representation is low: among ultra-Orthodox civil servants it is 0.8 percent, among Arabs 0.6 percent, and among Israelis of Ethiopian origin only 0.3 percent. For intermediate-ranked employees, the proportion of Israelis of Ethiopian origin is five times lower than among all employees (2.9 percent vs. 15.2 percent) and the proportion of Arabs is half that of the proportion of all employees (8 percent vs. 15.2 percent). Most of the employees from these two groups are integrated in entry-level positions (83.5 percent of Ethiopians and 61 percent of Arabs), including janitorial positions. This disheartening picture cannot be called appropriate representation.

Moreover, the ability of social groups to influence social issues depends on the type of ministry or government system in which they are integrated. According to the report, most Arab workers (70 percent), workers of Ethiopian origin (67 percent), and workers with disabilities (62 percent) are employed in the health system. In contrast, the rate of representation of these groups in the most influential ministries (e.g., the Prime Minister's Office, the Ministry of Justice, the Ministry of Housing, the Ministry of Finance, and the Ministry of the Economy) is low.

The report does not discuss obstacles that impede the implementation of the law, nor does it present strategies or action plans for overcoming such obstacles. One of the obstacles is presumably a lack of motivation among senior civil servants to hire men and women from the said populations. Furthermore, more than thirty units did not submit an annual report and did not present programs that include comparisons between plans and actual results. In a substantial number of ministries, no diversity representative has been appointed. An additional obstacle to implementation is the failure by the Commission to use the authority granted to it by law to impose sanctions and use enforcement mechanisms against the ministries and auxiliary units that do not work to implement their appropriate representation targets. The 2021 State Comptroller's Report determined that the Commission is not motivated to use the enforcement authority granted to it and that over the years it has made do with referring a minimal number of inquiries to advance the issue. The

report's omission of any reference to sanctions likely indicates that lessons have not been learned from the State Comptroller's report.

Achieving appropriate representation is a complex mission and requires commitment and action from relevant officials. To this end, the Commission should change its approach and use appropriate enforcement measures. However, given the Commission's refusal to impose sanctions, the government and the Knesset Constitution, Law and Justice Committee should fulfill their obligation to oversee and monitor the Commission's work. The lapse in implementing the provisions of law regarding appropriate representation invites potential lawsuits against the Commission. Ironically, the Commission itself, which is responsible for enforcing this law, does not meet standards of appropriate representation in its own workforce. The time may thus have come to consider transferring enforcement authorities from the Commission to a professional and independent body.

The government ministers should understand that this not a trivial matter and see appropriate representation as a nationally important mission. Unfortunately, the statistics suggest that this subject of low priority, and most ministers are indifferent toward the issue. However, the lapses of the ministries and the Commission are both unacceptable and exact a high socio-economic price, which also has implications for social resilience and national security. Societal exclusion, reflected by the limited presence of target groups in influential management positions on the one hand with wider presence in entry-level positions on the other, increases feelings of frustration and of second-class citizenship, heightens alienation, and reduces trust in state institutions. The issue obligates a systemic response, not just because the government is required to do so by law, but primarily because the incomplete implementation of the law reflects a public and governmental mindset that is harmful to the societal security that underlies equality, stability, and growth. Events seen over the past few years, including protests by Israelis of Ethiopian origin, ultra-Orthodox Israelis, and Arab Israelis, may repeat themselves and perhaps with greater intensity in the context of unequal representation.

Editors of the series: Anat Kurtz, Eldad Shavit and Judith Rosen