

Information for workers during the war

[Updated to October 11th, 2023]

In light of the numerous information requests Kav LaOved has received since the war began, and since the Minister of Labour signed on October 9th a general Permit for Overtime Employment (Temporary Provisions), 2023, we are publishing this information sheet to notify workers of their rights during the emergency period subject to the updated guidelines.

1. Labour rights during emergency periods

- 1.1. Labour legislation continues to apply according to the law, and workers are entitled to continue to receive their rights.
- 1.2. Workers are entitled to continue to receive their wages on the dates set out by the labour legislation, to receive the documents informing them of their rights as usual (pay slips, notification of employment conditions, or employment contract according to the Foreign Workers Law, 1991), etc.
- 1.3. A worker may not be fired or put on unpaid leave during the emergency period without a hearing.

2. Who are essential workers?

- 2.1. Employees who work in essential workplaces or who work in workplaces which provide essential services. For example, with employers who provide water infrastructure, electricity, fuel, emergency medicine (hospitals, geriatric hospitals, dialysis centers, nursing institutions and support services), community medicine (HMO's - Kupot Holim, and health fund support services), food supply, transportation services, production of military equipment, production of medical equipment, and the like.
- 2.2. A worker who works in such a workplace should receive notification of this from his employer upon starting his work. If the employee is unsure about the status of his workplace, he can check the list of essential factories on the website of the Ministry of Labour at <https://data.labor.gov.il/SearchFactory.aspx> (search by employer's name or employer's number – H.P.) or contact the employer to receive the order informing about the obligation to appear and a certificate declaring the plant as essential or an existential service.

3. Reporting to work in an emergency

3.1. Essential workers or workers in essential services, who have the approvals according to section 2 above, are obliged to report to work and will be entitled to receive their wages as usual. Failure to appear for work may be an offence.

3.2. A non-essential worker will report to work in accordance with the directives of the Home Front Command (Pikud HaOref). If, according to the instructions of the Home Front Command, there are no restrictions on reporting to work, the worker's failure to report may be considered an unjustified absence and lead to the deduction of wages or accrued vacation days.

4. Working day and working week periods during war

4.1. According to the decision of the Ministry of Labour on October 9th 2023, the working week and the working day will be extended for essential employers or employers who have suffered a decrease of over 20% in manpower in the workplace or a decrease of over 20% in the manpower in a shift, where the employee works in shifts. All this under the condition that the work cannot be done by the existing employees at the same output without undertaking more overtime.

4.2. With these employers, it will be possible to employ workers for a 25 additional hours per week (overtime).

4.3. Accordingly, the working week for these employers will be 67 working hours (42 normal hours + 25 overtime hours). In a month, the overtime quota will not exceed 90 additional hours.

4.4. The working day for these employers will be 12 hours, including overtime. However, with the worker's consent, the working day can be extended to 14 hours.

4.5. The working day and week will not be extended in the public transportation sector, as well as for employers that are under the expansion order in the delivery sector and in the transportation sector or in the expansion order in the construction, infrastructure, civil engineering, public works and renovations sector.

4.6. The week and working day extension will apply for 14 days (until October 25th 2023) or until the end of the state of emergency, whichever comes first.

5. Overtime pay

5.1. Payment for overtime will be made as usual according to the The Hours of Work and Rest Law, 1951.

5.2. For the first two overtime hours for that day, the employer will pay a wage of no less than 125% of the wage paid for each regular hour, and for each additional hour beyond that, no less than 150% of the wage for each regular hour.

6. Breaks

6.1. If an employer and a worker have agreed on an extension of the working day to 14 hours (subject to the conditions specified in section 4 above), the worker is entitled to a break of at least a quarter of an hour between the 12th and the 14th hour (in addition to the breaks he is entitled to in the first 12 hours).

7. Dismissal prohibition

7.1. Workers who were absent due to the directives of the Home Front Command, or any directives of another authorized authority according to the Civil Defense Law, 1951, may not be dismissed.

7.2. A worker may not be dismissed due to his absence from work for the purpose of supervising their child (under the age of 14 or a child with additional needs under the age of 21), who is with him, due to the closure of the educational institution where the child studies or stays due to an instruction from the Home Front Command or another authorized body, provided that the child is in the sole custody of The Parent, provided that the worker's spouse is not absent from work (self-employed or salaried), for the purpose of supervising the child, or is prevented from supervising the child. If the workplace offers adequate arrangements for the child, then it is not possible to be absent from work for the purpose of supervising a child.

7.3. The accountability and dismissal prohibition for workers of Manpower contractors will also apply to the "Actual Employers" as defined by the Employment of Employees by Manpower Contractors Law 1996., and not only to the direct contractor who employs the workers.

8. Wage payment for workers unable to report to work

8.1. As mentioned, reporting to workplaces during an emergency will be according to the instructions of the Home Front Command and the various authorized bodies. In places where a state of emergency has been declared, essential workers and workers in factories providing essential services who are required to report – need to report to work. Workers in non-essential workplaces and non-essential services will report to work in accordance with the directives of the Home Front Command.

8.2. Workers who failed to be present for work following the directives of the Home Front Command, have received their wages in past emergencies, and employers have received compensation for this retroactively. If a worker is absent of his own accord, the employer may deduct from his salary or accrued vacation days. Putting a worker on a negative vacation balance will only be done subject to the worker's consent.

9. Parents who are unable to report to work

- 9.1. Workers who were forced to stay at home and take care of their children following the announcements of the Home Front Command have received their wages in the past and employers have received compensation for this retroactively.
- 9.2. A parent of a child under the age of 14 or a child with a additional needs under the age of 21, who is in his custody, is required to stay with him or find an arrangement for him due to the closure of the educational institution where the child studies or stays due to an instruction of the Home Front Command or another authorized body. Parents of children may not be dismissed due to their absence from work for the purpose of supervising their children due to the closure of educational institutions in accordance with the conditions detailed in Section 7 above.
- 9.3. The Sick Pay Law, 1976 applies as usual, including the right to be absent due to the illness of a parent or child in accordance with the conditions set forth in the Absence Because of a Parent's Sickness Law, 1993 and the Absence Because of a Child's Sickness regulation, 1993.

You can reach out to us through our e-mail: Information@kavlaoved.org.il