

Information for workers during the war

[Updated Nov 28th 2023]

In light of the numerous information requests that Kav LaOved has received since the war began, we are publishing this information sheet to notify workers of their rights during the emergency period subject to these updated guidelines.¹

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 an employment contract according to the Foreign Workers Law, 1991), etc.
- 1.3. Unpaid leave can only be applied for with agreement between the worker and his employer. A worker may not be fired or forced to take unpaid leave during the emergency period without a hearing, and an extended unpaid leave is considered as dismissal. For an important update concerning unemployment benefits – see section 10.

2. Who are essential workers?

- 2.1. Workers who work in essential workplaces or who work in workplaces which provide essential services. For example, for employers who provide water infrastructure, electricity, fuel, emergency medicine (hospitals, geriatric hospitals, dialysis centers, nursing institutions and support services), community medicine (HMOs - 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 is employed in such a workplace should receive notification of this from his employer upon starting work. If the worker 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.). If a Recruitment Order for Work Service is issued, then the employer must show this order to the worker, and in this case, he is obliged to report to work.

¹ This pamphlet is written with male pronouns but addresses all genders.

3. Reporting to work in an emergency

- 3.1. Essential workers or workers in essential services, where a Recruitment Order for Work Service was issued, 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. Upon calling them for work, the employer must consider the difficulties that workers may face if they are caring for their children.
- 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, then the worker's failure to appear may be considered an unjustified absence and lead to the deduction of wages or accrued vacation days.

4. Working day and week definition during wartime

- 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, employers who have suffered a decrease of over 20% in manpower in the workplace, an employer with less than 20 workers, or where there is a decrease of over 20% in the manpower per shift, if the work is in shifts. All this on condition that the work cannot be done by the existing workers at the same output without undertaking more overtime.
- 4.2. At such workplaces, it is permitted to employ workers for 25 overtime hours per week.
- 4.3. Accordingly, the working week at workplaces as these will be 67 working hours (42 regular hours + 25 overtime hours). Per month, the overtime quota will not exceed 90 additional hours.
- 4.4. A working day at such workplaces 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 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. In the public transportation sector, an update was published on 22/10/23 allowing extended hours for particular types of vehicles, service transportation, or those having a special permit, if the worker agrees to this. This will be valid until 7/12/23 or until the end of the state of emergency, whichever comes first.
- 4.6. The week and working day extension for all other branches will apply until 7/12/23 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 Hours of Work and Rest Law, 1951.

5.2. For the first two overtime hours of a 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 during 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 a disability under the age of 21), who is under their supervision, due to the closure of the educational institution where the child studies or stays, according to an instruction from the Home Front Command, the municipality or the institution, provided that the child is in the sole custody of the parent, and provided that the worker's spouse is not absent from work (self-employed or salaried), for the purpose of supervising the same child, or is prevented from supervising the child. If the workplace offers adequate arrangements for the child, then it is not permitted to be absent from work for the purpose of supervising the child.

The definition of an educational institution includes also rehabilitation day care centers, supervised day care centers, supervised afternoon activity centers, or daily activity frameworks for people with disabilities up to the age of 21.

7.3. Workers who are abducted or declared as missing may not be dismissed.

7.4. Workers who are parents or spouses of abducted or missing family members may not be dismissed. This protection will also apply to other family members - siblings, children or another relative entitled to receive a grant according to section 2a(a)(1) of the Law on Financing Expenses for Families of Captives, Abductees and Missing Persons - who submitted a signed handwritten statement that they were prevented from reporting to work because their family member was kidnapped or missing.

7.5. Workers who were evacuated from their homes, that appear on the list of municipalities at the following link may not be dismissed:

https://fs.knesset.gov.il/25/law/25_ls2_3600716.pdf

- 7.6. Workers who are spouses who were absent from work for the purpose of supervising a child who is with them due to reserve service / essential labour service of the spouse or the other parent of the child may not be dismissed.
- 7.7. Workers who are spouses who were absent from work for the purpose of supervising their child who is with them due to the work of the spouse or the other parent of the child due to being: a policeman, a prison guard, a worker of the Shin Bet or the Mossad, a worker of an auxiliary organization (MDA, firefighting, etc.), or a worker of a rescue organization (MDA, fire department, local authority, other organization announced by the Minister of Police) may not be dismissed.
- 7.8. The accountability and dismissal prohibition for workers of Manpower contractors will also apply to the "Actual Employers", and not only to the direct contractor who employs the workers.

8. Wage payment for workers unable to report to work

- 8.1. In general, as of today, there is no obligation for an employer to pay wages to a worker who is absent from work during the war, including those circumstances that protect him from dismissal. However, the state does encourage employers to pay wages to their workers, through various approved compensation outlines - **one of the conditions for receiving this compensation is that an employer who meets the conditions of the outlines has indeed paid the wages to the workers.**
- 8.2. The compensation outline approved on 9/11/2023 stipulates compensation for businesses throughout the country whose incomes were damaged due to the war - regardless of the Home Front Command instructions. According to this outline, for businesses whose transaction turnover ranges between NIS 300,000 to NIS 400 million per year, they will receive a refund of 75% of their salary expenses that were paid to workers between 7/10/2023 and 30/11/2023 according to the following formula:

Salary expenses paid (as reported to the income tax authority on form 102) X the amount of damage to regular turnover X 75% X 1.25 to ensure the social rights of the employees.

- 8.3. The compensation outline approved on 11/15/2023 establishes compensation for businesses in municipalities along the conflict lines in the north, in the municipalities on the Golan Heights, West Lakish, Lakish, West Negev, Central Negev or the surrounding area (the full list appears on the Tax Authority website at the following link:

<https://www.gov.il/he/service/claim-compensation-indirect-damage>

Compensation will be given in one of the authorized outlines (the employer chooses which compensation outline).

8.4. One of the outlines is the salary outline, which entitles the employer to compensation to the amount of 520 NIS per each day of the worker's absence. Compensation will only be given for days of absence for the following reasons:

8.4.1. Salaried and self-employed employees living in settlements that were evacuated according to government decisions, even if the business is outside the special zone;

8.4.2. Workers who live in the special zone and work in an educational institution that was closed according to an order from the authorized authorities;

8.4.3. Workers who live in the special zone and were absent for the purpose of supervising their child (under the age of 14 or a child with a disability under the age of 21) on those days where there was an order to close their educational institution located in the special zone, provided that the child is in their sole custody and their spouse is not absent to supervise the child, and provided that there is no adequate framework for supervising the child provided by the workplace;

8.4.4. Workers who live in the special zone and have a disability, or for the purpose of supervising a relative with a disability who lives in the special zone (provided that the disability is previously known to the employer or that they have provided the employer with medical documentation confirming this; and that the disability prevents them from acting according to the directives of the Home Front Command in case of emergency; if this is a relative, then the person with the disability is in the exclusive supervision of the worker and the worker's spouse is not absent from work to supervise him);

8.5. For other days of absence, if the worker was absent on his own accord, then the responsibility is on the worker alone, and the employer is entitled to deduct from his salary or accrued vacation days. Putting a worker on a negative vacation balance can only be done with the worker's consent.

9. Parents who are unable to report to work

9.1. Parents are entitled to protection against dismissal under the conditions detailed in section 7 above and are entitled to wages under the conditions detailed in section 8 above.

9.2. 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 Due to a Parent's Sickness Law, 1993 and the Absence Due to a Child's Sickness regulation, 1993.

10. Unemployment Benefits

10.1. On 9/11/23 the Knesset passed an amendment to the National Insurance Law of 1995 which defines a relaxation of eligibility conditions for unemployment benefits for

those who are on unpaid leave, or have been dismissed by their employer. For this to take effect, the following cumulative conditions must be met:

- 10.1.1. The worker was dismissed, or made to take unpaid leave for the period between 7/10/23 and 30/11/23
- 10.1.2. Has residency status in Israel
- 10.1.3. Is aged 18-67
- 10.1.4. The unpaid leave is for at least 14 calendar days (rather than the usual 30 days);
- 10.1.5. Qualification period (if the worker worked for at least 6 out of the preceding 18 months – not including active military service; for those receiving disability allowance from the National Insurance Institute the qualification period is only 3 months)
- 10.2. In addition; the following exemptions apply:
 - 10.2.1. The current 5 days of waiting until the start of the period of unpaid leave are cancelled
 - 10.2.2. It is no longer necessary to utilize the accrued vacation days before receiving unemployment benefits. A worker whose vacation days were deducted automatically by the employer in the October wage slip is entitled to have them returned.
 - 10.2.3. A person under the age of 40 who has already submitted claims for unemployment benefits in the last 4 years - will receive an automatic extension of his unemployment entitlement period until 30/11/23 or until the end of the temporary order, even if all the 180% of his eligibility days in the last 4 years have already been spent/used.
 - 10.2.4. Those who live in an area that was evacuated according to the government's decision (including a previously unemployed person under the age of 40), will be entitled to unemployment benefits for an unlimited number of days until 30/11/23 or until the end of the state of emergency, even if they have previously finished their eligibility for unemployment benefits

11. Additional Updates

12. The special grant law for those aged 67 and over from the Covid-19 pandemic period was amended to add a grant also for the war period. Accordingly, those aged 67 or older who were still working until 7/10/2023, but were dismissed or given unpaid leave due to the war, will be entitled to a grant, which will not exceed NIS 134 per day, under the following conditions:
 - 12.1. Were employed for at least the preceding 3 months;
 - 12.2. Have been unemployed for at least 14 days;
 - 12.3. The grant will be calculated as follows:

Wage (according to the 3 highest monthly sums received in the preceding 6 months before cessation of work) multiplied by **75%** multiplied by the **number of days unemployed**/divided by **90 days**

13. It was decided to amend the Women's Labour Law so that the days of unpaid leave will not be included as part of the protected period to prevent dismissal after returning from maternity leave (60 days).
14. An employer will be obligated to continue contributing to the pension fund of a worker who is kidnapped or missing, according to the salary he would have been paid if he had continued to work during that period. The state will reimburse the employer for these payments. For a self-employed person or for a worker who stopped working in the five months preceding the date of the abduction, the state will transfer the money directly to the National Insurance Institute.

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