

Workers' Rights (for Caregivers) 7/2010

Kav LaOved is a **non-profit** organization that provides consultation and legal aid to workers. The following rights are guaranteed by Israeli law to all workers in Israel whether Israeli or foreign (**with or without a visa**):

Minimum Wage	3,850 NIS for a full-time job (186 hours per month); 20.70 NIS per hour.
Payment Time	Wages must be paid no later than the 9th of the month, for the previous month. Failure to pay on time will incur payment of compensation – 5% of the salary for the first week of delay and 10% of the salary and unpaid accumulated compensation for every following week or part of it. For every month of delayed payment, 20% of the salary (with the accumulated compensation) shall be paid.
Overtime	If you work over 8 hours of work per day you are entitled to overtime payment. Payment: first two hours – an additional 25%; any hour after the first two hours – an additional 50%. Note: When the Labor Courts decide that a worker has in actual fact worked overtime, they have either based the payment on the extra hours he worked or they have made the employer pay an additional amount which ranges between 10-40% of the worker's salary.
Housing	Your employer must provide you with suitable housing: a bed and space in a wardrobe for your belongings. Your employer must give you housing for a week after you stop working for him.
Travel Expenses	Your employer has to give you a refund on your travel expenses, up to a maximum of 23.70 NIS per day.
Salary Deductions	If your employer pays you the minimum wage or more, he is entitled to deduct the payments for Health Insurance, National Insurance and Housing, according to the regulations.
Weekly rest day	You should get 36 continuous hours off work per week, which includes a rest day according to your religion. If you worked on your rest day you should get 150% of your daily wages (minimum - 231 NIS) <u>and in addition</u> a different rest day.
Annual Vacation	12 days of paid vacation a year (not including the weekly rest day) for the first 4 years; 14 days for the fifth year; 16 days for the sixth year; 18 days for the seventh year. <u>Payment:</u> If you took your annual vacation, you will be entitled to your regular monthly salary. If you didn't take all or some of your vacation, you will be entitled to get paid for the value of each day. Calculation: divide the gross monthly salary (including pocket money), by 25 (the amount of working days in a month), as long as it's <u>no less</u> than the daily minimum wage: 154 NIS. You do not have to find a replacement or pay for it during your annual vacation!
Holidays	From the beginning of your work, you should get 9 paid religious holidays per year according to your religion, as long as the holidays don't fall on your weekly rest day. <u>Payment:</u> if you took a holiday you will be paid your regular wages. If you worked on a holiday you should be paid 150% of your daily wages (minimum 231 NIS), plus you should receive an alternative rest day as well.
Recuperation Pay	After one full year of work you should get 5 days recuperation pay (351 NIS per day); during the second and third year - 6 days; from the fourth until the tenth year - 7 days.
Sick pay	Your employer must pay your salary if you don't work because you are ill <u>when you give him a doctor's note</u> . You don't get paid for the first sick day; for the second and third sick day - 37.5% of your daily salary; from the fourth sick day and onwards - 75% of your daily salary. The sick days are counted from as soon as you start working: 1 and 1/2 days for each month worked, up to a maximum of 90 sick days in total.
Severance / separation pay	After one year of work you should be paid dismissal compensation if you are fired or you finish your work because: your employer dies or is moved to an institution; your visa is not renewed; your work conditions get worse (e.g. non-payment of wages); you are ill; you give birth etc. Time of payment: at the end of the working relationship. The dismissal pay is calculated according to one monthly salary (including pocket money), as long as it's no less than the minimum wage per month (3,850 NIS), multiplied by the number of years of work (including any part of a year's work). If you get part of your salary from your agency, you are entitled to severance pay from your agency, for that part of your salary when you stop working with them. It is very important to demand the pay slip that the company gives you.

Failure to pay on time will incur compensation payments - 5% of the severance for the first week of delay and 10% of the severance and unpaid accumulated compensation for every following week or part of it. For every month of delayed payment, 20% of the delayed severance (and unpaid accumulated compensation) shall be paid.

An employer must provide housing to the worker for at least one week after the worker is fired (even if the employer gave the worker prior notice), or in case the employer passes away.

**Giving Notice
Prior to
Firing/
Quitting**

Your employer and you have to give written notice to each other before firing/ quitting work. The amount of notice depends on the period you worked. For the first 6 months - 1 day for each month; for the 7th month and up to a year - 6 days (1 day for each of the 6 months) + 2.5 days for each additional month; after 1 year- a month.

Payment: the person who doesn't give prior notice must pay the other person compensation amounting to the regular salary for the notice period.

Note: you are entitled to payment for notice period even if your employer dies.

Pension

A 2008 decree requires employers to set aside a pension fund for each worker. During 2008, employers were required to set aside 1.66% of the salary, of which 0.833% for severance pay. In 2009 3.32% needed to be set aside, and 5% in 2010. Based on Ministry of Industry, Trade and Labor instructions, employers of migrant workers must deposit the funds set aside in a bank account bearing the employee's name, and the sum must be given to the employee upon ending his tenure.

**Rights for
Part of a Year**

You are entitled to receive your Annual Vacation and Holidays rights even if you have not worked for a full year (you will be entitled to a proportional number of days). For Severance Pay and Recuperation Pay, you are entitled to receive your rights also for part of a year's work, as long as you have worked for over one year.

**Pregnancy
and Maternity**

It is illegal to fire a pregnant worker who has worked at least 6 months for the employer. When you give birth you should get coverage for your hospital stay as well as a one-time birth payment and 14 weeks of paid maternity leave from the National Insurance. It is important to go to the hospital with your passport and all pregnancy follow-up documents.

**Health
Insurance**

Your employer must pay your health insurance for the entire employment period. If you stop working for your employer, it is recommended that you continue to pay for your health insurance with the same company so that you don't lose your benefits. If the employer cancels the medical insurance and you ask the insurance company within **30** days to continue to pay the insurance yourself, the insurance company must agree. In you change agency – make sure you stay with the same insurance company and that agency doesn't change it for you.

**National
Insurance**

Your employer must register you at the National Insurance Institute. It is important that you get a copy of the payment receipt with the National Insurance file number of your employer, which you will need if you stay in hospital (a work accident or giving birth).

**Sexual
Assault**

Sexual assault and sexual harassment is illegal under Israeli law. This includes a threat to fire a worker if she refuses to have sex, indecent assault or offers of a sexual nature. Any worker who was harassed can contact Kav LaOved.

Agency fees

The maximum amount of money the agency is allowed to charge you when you come to Israel is 3,135 NIS. This includes the money you paid to agents in your homeland, but **not** the price of the flight. The agency is **not allowed** to charge you for finding an employer if you are already in Israel.

**Getting
organized
before leaving**

A worker, who worked in Israel for the entire allowed period, **may stay in Israel an addition period of 30 days after his visa is expired.**

Kav LaOved -Worker's Rights

03-6883766 75, Nachalat Binyamin St, **Tel Aviv**
04-8643350, 18, Hertzl St, **Haifa**
02-6242801, 6, Yanay St., **Jerusalem**

Mesilla -Social problems, family and children

03-6879727 3, Rishon LeTzion St., **Tel Aviv**

Physicians for Human Rights -health problems,
insurance issues

03-6873027/ 03-6873718, 9, Hador St., **Jaffa**

Rape Crisis Center

Hotline for women – 1202, Hotline for men - 2103

Hotline for Migrant Workers -arrested workers

03-5602530 75, Nachlat Binyamin St, **Tel Aviv**