

## Workers' Rights for Caregivers (01/2017)

**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**):

<b>Minimum Wage</b>	<p><b>5,000</b> NIS for a full-time job (186 hours per month); <b>200</b> NIS per day, <b>26.88</b> NIS per hour. The weekly allowance is part of the monthly salary. Employers who pay at least the minimum wage, are allowed to deduct from the worker's salary who sleeps at their house the amounts that are fixed in the regulations for medical insurance, national insurance, accommodation and other expanses.</p>
<b>Payment Time</b>	<p>Your salary must be paid no later than the 9th of the month, for the previous month.</p>
<b>Overtime</b>	<p>Caregivers who lives outside the employer's house (LIVE-OUT), or work with their employer outside of his/her house (i.e. in the hospital/rehabilitation), and work more than 8 hours per day, are entitled to overtime payment. The minimum payment for overtime: for the first 2 hours – 33.60 NIS per hour, every hour beyond the first 2 hours – 40.32 NIS</p>
<b>Weekly rest day</b>	<p>According to the National Labor court ruling of July 7, 2016, every caregiver is entitled for 25 continuous hours off work per week, which includes a rest day according to your religion.</p>
<b>Annual Vacation</b>	<p>Every worker has to right to go on paid annual vacation. The length of the vacation: 2 weeks vacation of paid vacation a year (not including the weekly rest day) for the first 4 years (14 working days). The number of annual leave days rises gradually up to 4 weeks starting from the 13<sup>th</sup> year of employment. If you go on vacation your employer should pay you your regular salary, as long as it's not below the minimum wage. You are allowed to accumulate unused vacation days up to 3 years. Your employer has to let you use the accumulated vacation days. A worker whose employer refuses to let him/her use his/her vacation days can resign with eligibility for full severance pay. Payment for vacation days does not exempt the employer from letting you to actually go on vacation.</p> <p><u>You do not need to find a replacement and shouldn't pay for the reliever during your annual vacation!</u></p>
<b>Holidays</b>	<p>You are entitled to receive a day off for 9 religious holidays per year according to your country/religion, as long as the holidays don't fall on your weekly rest day. length of a holiday according to the new ruling is 25 hours (the same as the weekly rest day). Salary for workers who work during their holidays is 150% X daily minimum salary (for 24 hours) + 150% X 1 hourly salary (for the 25<sup>th</sup> hour).</p>
<b>Recuperation Pay</b>	<p>After one full year of work you should get 5 days recuperation pay (<b>378</b> NIS per day); during the second and third year - 6 days; from the fourth until the tenth year - 7 days. The number of recuperation days rise gradually up to a maximum of 10 days from the 20<sup>th</sup> year of employment.</p>
<b>Sick pay</b>	<p>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>, for the accumulated sick days. The first sick day is without pay; the second and third sick days – you should receive 50% of your daily salary; from the fourth sick day and onwards - 100% of your daily salary. The sick days are counted from the day you start working: 1.5 days for each month you worked (18 days per year), up to a maximum of 90 sick days in total..</p>
<b>Severance/ separation pay</b>	<p>After one year of work you should be paid severance (Pitzuim) if you are fired or if you finish your work because: your employer died, or transferred to a nursing home; your visa is not renewed; your work conditions got worse e.g. non-payment of wages or of social rights; medical condition which prevents you from continue working; you want to take care of your newborn etc. The severance pay is calculated according to one monthly minimum salary (5,000 NIS) or your salary including allowance – whichever is higher, Payment: Number of years X <u>5,000</u> (including any part of a year's work).</p> <p>If you get part of your salary from an agency, you are entitled to severance pay (and pension) from your agency, for their part of your salary when you stop working with them if you worked with them for more than 6 months.</p>

**Prior Notice Regulation of the Ministry of Interior**

A caregiver who works for more than 7 days **MUST** give prior notice in writing to both the agency (where he/she is registered) and to the employer, specifying the notice delivery date and the last day of work. The notice period must be: for work period between 7 days to 3 months – 7 days, from 3 to 6 months – 14 days, from 6 to 12 months – 21 days, over one year - one month notice. Always keep a copy of the notice letter for yourself.

**Notice – Prior to termination**

According to the labor laws you / your employer must give a written notice before terminating the job. The notice period depends on the period of work. Payment: In case you / the employer failed to give a notice, you / the employer must pay compensation amounting to the regular salary of the notice period you were entitled to. Notice period according to the labor law: For the first 6 months - 1 day for each month; for the 7<sup>th</sup> 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- one full month.

Note: according to the national labor court, you are entitled to payment for notice period even if your employer dies.

**According to the labor court verdicts, a worker is entitled for payment of the early notice in case the work terminated due to death of the employer.**

The employer must provide housing to the caregiver for at least one week after the last day of work.

**Pension**

According to the law employers are required to set aside pension money for each worker. The percentage of pension increased gradually from 2008 (1.66%) to 2014. Pension components: from 1.1.2017 onwards 12.5% needed to be set aside, of which 6.5% are for the pension (Gemel) and 6% are on account of the Severance (Pitzuim). The employer should open a bank account bearing the caregiver's name and deposit the pension money there every money. The sum must be given to the employee upon termination of work. A caregiver whose pension money wasn't set aside during the employment, is still entitled for the whole money that should have been set aside at the end of the employment. **Even in case of resigning, the employer must give you the whole amount that should have been set aside during the employment, including the Severance component.**

**Pregnancy and Maternity**

It is illegal to fire a pregnant worker who has worked at least 6 months for the employer, unless the employer receives an approval from the ombudsman of "women labor" law in the ministry of economy. 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 (Bituach Leumi). It is important that you get a copy of a document, which has your National Insurance file number on it.

Recommendation for pregnant woman: Read Kavlaoved's leaflet about pregnancy and birth.

**Health Insurance**

Your employer must pay your health insurance for the entire employment period. If you stop working for your employer, you should continue to pay for your health insurance with the same company so that you don't lose your benefits. If the medical insurance is cancelled, it is possible to renew it within up to **30 days** from the expiration date. If you change agency – make sure you stay with the same insurance company and that agency doesn't change it for you, in order not to lose your rights.

**National Insurance**

Your employer must register you at the National Insurance Institute (Bituach Leumi) and pay national insurance fee according to your salary as required by law.

**Travel Expenses**

Your employer should give you a refund on your travel expenses, in case you don't live in the employer's house (LIVE-OUT) or if the employer is hospitalized.

**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.

**Brokerage fees**

The agency is **not allowed** to charge **any amount** for arranging your working visa or bringing you to Israel. In addition, the agency is not allowed to charge you for finding a new employer if you are already in Israel.

**Getting organized before leaving**

A worker, who finished his work in Israel and is in Israel for more than 51 months, may stay in Israel an additional period of 60 days after his visa expires.