

## Workers' Rights for Caregivers (03/2019)

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**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>5,300</b> NIS for a full-time job (182 hours per month); <b>212</b> NIS per day, <b>29.12</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 salary of a worker who sleeps at their house the amounts that are fixed in the regulations for medical insurance, national insurance, accommodation and "other expenses".</p>
<b>Salary 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 – 36.40 NIS per hour, every hour beyond the first 2 hours – 43.70 NIS</p>
<b>Weekly rest day</b>	<p>According to the National Labor court ruling of July 7, 2016, every caregiver is entitled to 25 continuous hours of work per week, which includes a rest day according to their religion or nationality.</p>
<b>Annual Vacation</b>	<p>Every worker has to right to go on paid annual vacation. The length of the vacation: 14 working days of paid vacation a year for the first 5 years. 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 for up to 3 years. Your employer must 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 actually go on vacation.</p> <p><u>You have no obligation to find a replacement</u> and you don't need to pay for the reliever during the annual vacation!</p>
<b>Holidays</b>	<p>You are entitled to receive a day off for 9 holidays (festivals) per year according to your country/religion, if the holidays don't fall on your weekly rest day. The length of a holiday 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 tenth 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>if you provide them with 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. 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. Your employer is not permitted to fire you during your sick leave.</p>
<b>Severance/ separation pay</b>	<p>You should be paid severance (Pitzuim) if you completed 1 year of work with the employer and you are fired or you terminate your employment for the following reasons: your employer died or is 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 continuing to work; you need to take care of your newborn, and more. The severance pay is calculated based on the monthly minimum wage salary (5,300 NIS) or your salary including allowance – whichever is higher, times the Number of years worked (including any part of a year's work). The payment must be provided soon the employment is terminated.</p>

<b>State Deposit</b>	If you get part of your salary from an agency, when you stop working you are entitled to severance pay (and pension) from your agency for their portion of your salary until 30.10.2016. From 01.11.2016 onwards, the agencies transfer their share in the severance pay and pension to the state deposit fund, and you will receive that sum (after a 15% tax deduction) when you leave Israel for good. Deposits into the fund can only be made by the agencies. According to the guidelines, fines will be deducted from the fund gradually, starting 90 days after the date of the caregiver's legal termination of employment and continuing every month over a period of six months later until the full sum is zeroed.
<b>Prior Notice to Resignation or Termination</b>	<p>A caregiver who works for <u>more than 7 days and wants to resign</u> <b>MUST</b> give prior notice <u>in writing</u> 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.</p> <p>According to <u>the labor laws</u> your employer must give a written notice before terminating the job. The notice period depends on the period of work: For the first 6 months - 1 day for each month; for the 7<sup>th</sup> month and up to a year + 2.5 days for each additional month; after 1 year- one full month.</p> <p>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.</p> <p><b>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.</b></p> <p><u>The employer must provide housing to the caregiver for at least one week after the last day of work</u></p>
<b>Pension</b>	<p>By law, employers are required to set aside pension money for each worker. Pension components: from 1.1.2017 onwards 12.5% needs to be set aside, of which 6.5% are for the "GEMEL" and 6% are on account of the severance pay (Pitzuim). The pension sum must be given to the employee upon termination of work.</p> <p><b>Even if you resign, the employer must give you the whole amount that should have been set aside during the employment, <u>including the severance component.</u></b></p>
<b>Pregnancy and Maternity</b>	<p>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 15 weeks of paid maternity leave from the National Insurance Institute (Bituach Leumi), if you have a B1 visa. If your visa expired during the last months of the pregnancy and your B1 is not renewed, you must go to the ministry of interior to get a B2 visa. Recommendation for pregnant woman: Read Kav LaOved's leaflet about pregnancy and birth.</p>
<b>Health Insurance</b>	<p>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 <b>30 days</b> from the expiration date. <u>If you change an employer – make sure you stay with the same insurance company in order not to lose your rights.</u></p>
<b>National Insurance</b>	Your employer must register you at the National Insurance Institute (Bituach Leumi) and pay the monthly National Insurance fee according to your salary as required by law.
<b>Travel Expenses</b>	Your employer should give you a refund on your travel expenses, if you don't live in the employer's house (LIVE-OUT) or if you work in the hospital.
<b>Sexual Assault</b>	<p>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. <b><u>Any worker who was harassed can complain about it to the police or the agency, and can contact Kav LaOved.</u></b></p>
<b>Passport</b>	The employer / agency are not allowed to hold your passport. It can be considered a criminal offence.
<b>Brokerage Fees</b>	Agencies is <b>not allowed</b> to charge above 3,732 NIS for arranging your working visa or bringing you to Israel. The agency is not allowed to charge you for finding a new employer if you are already in Israel.
<b>Time Between Employers and Before Leaving</b>	A worker who has been in Israel for less than 51 months may find another employer through any broker agency within 90 days of terminating his employment. A worker who has been in Israel for 51 months or more is only allowed to work in temporary or short-term employment, as listed by the bureau. A worker whose employment was terminated after 63 months may stay in Israel an additional period of <u>60 days</u> after his visa expires, and in some cases you can apply for Humanitarian ("special") visa.