

FOREIGN WORKERS' RIGHTS HANDBOOK- UPDATED AS OF January 2011

Introduction:

A foreign worker in Israel is entitled to the same working conditions as an Israeli employee. In addition to these basic rights, employers must give foreign workers a written employment contract, private health insurance and proper housing.

Following is a summary of the basic employment rights and obligations of a foreign worker in Israel. **This summary is provided for general informational purposes only, and is not a substitute for the wording of the relevant laws, regulations, procedures and extension orders, which are binding.**

The working conditions described in this handbook are **minimum** conditions. If the employer and the employee agree to better conditions on a particular matter, or if better conditions are given in a collective agreement or extension order which applies to the employee's workplace, the better conditions will apply to that worker instead of those set out below.

The sums in this handbook are updated from time to time. This handbook reflects the state of the law as 1/1/11 .

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For the reader's convenience, this handbook has been written in the masculine format, but all the information applies to both men and women equally. The words "worker" and "employee" are used interchangeably.

1. Legal Employment:

Only employers who hold valid employment permits from the Population, Immigration and Border Authority in the Ministry of the Interior (hereinafter: PIBA), may employ foreign workers' and only foreign workers with valid working visas (B/1) for the relevant sector may be employed by these employers.

Licensed employers of foreign workers must register their employment of the foreign worker according to the relevant procedures.

As set out in PIBA regulations, workers wishing to leave or change employers do not need "permission" from the original employer, but must give notice to their employer and notify PIBA (and their registered recruitment agency when relevant) of the change.

(Notwithstanding the above, foreign workers employed in the construction industry may only change employers quarterly, on Jan. 1st, April 1st, July 1st and Oct. 1st of each year, after giving legal notice to their employers. If the worker wishes to change employers between quarters, in cases in which his current employer has violated his rights, he may request permission to do so from the Foreign Workers' Ombudswoman (Labour Rights) at: 03-7347230 Fax: 03-7347269 or 050-6240546.)

The length of the working visa issued by PIBA to foreign workers is limited to a maximum period of one year. Thus, even when the employer's permit is valid for a longer period, the foreign workers' working visa will be issued for **no more than a one year period**. Extension of the visa is subject to PIBA regulations.

Only the Ministry of Interior (PIBA) can issue or extend visas. Beware of employers or manpower companies who promise lengthy employment periods or criminal elements who issue forged visas or passports.

Important! A foreign worker receives permission to work in Israel as a specialist in one of the trades open to foreigners (i.e. home based caregiving for the elderly or handicapped, agriculture, construction, welding and other industrial trades, or ethnic cookery). After arriving in Israel to work in one permitted trade, the worker will not be allowed to change to a different permitted trade. Thus, for example, a worker who arrived in Israel to provide home health care will not be permitted to change employers in order to work in ethnic cookery, and a worker who arrived as an ethnic chef will not be permitted to work in construction or welding, and vice versa. Beware of Recruitment Agencies who arrange for you to enter Israel to work in a trade for which you are unsuited, promising that you will change jobs once you arrive in the country. Such a situation may result in immediate

deportation of the worker, as well as criminal and administrative sanctions against the employer and the agency.

CONSTRUCTION WORKERS - For details of the other special procedures regarding construction workers please read the construction workers rights brochure on the www.moital.gov.il website.

2. Withholding of Passport

Under Israeli law, every person must carry an official identifying document. Withholding a workers' passport against his will is a criminal offence. An employee whose passport is being held against his will by an employer, manpower company, recruitment agency or any other person, may file a complaint with the Israel Police (Saar Department) at 03-5555400 or 03-5555411/413 .

3. Health:

Proper health insurance is of the utmost importance for the foreign worker, for without such insurance he will not be covered for doctor visits and hospitalization, which can be very expensive. Any person needing **emergency** medical care will receive it in Israeli hospitals unconditionally, but he will be billed for the coverage if he lacks proper insurance.

Employers of foreign workers are obligated to provide foreign workers with private medical insurance throughout the employment period. The employer must give the employee a summary of the insurance policy in a language which he understands.

If your insurance company refuses to cover certain conditions or procedures, you can appeal this decision. In many cases this appeal must be filed within 21 days of receiving notice of refusal from the company. You may apply to the NGO's listed at the end of this brochure for assistance in this matter.

For information regarding deductions from wages for health insurance see section 8.

4. Social Security:

The National Insurance Institute (in Hebrew, Bituach Leumi) provides foreign workers with insurance in case of work injuries or maternity, as well as compensation for unpaid wages and severance pay in cases of liquidation or bankruptcy of the employer.

The private health insurance mentioned in section 3 above covers only non work related injuries. An employee who is injured at work must file a claim with the National Insurance Institute to receive medical treatment and compensation.

It is important for a worker to ask his employer for the number of the file opened in the foreign workers' name in the National Insurance Institute, which will be necessary in case of hospitalization or claims resulting from work injuries.

For information regarding deduction from wages for National Insurance see section 8.

5. Housing:

An employer must provide a foreign worker with suitable housing which meets the conditions set out in the relevant regulations, throughout the entire period of the worker's employment and for a minimum of 7 days after the employment has ended.

The housing must include: at least 4 square meters sleeping space per worker, no more than 6 workers in one room, personal cupboards and bedding for each worker, heating and ventilation, reasonable lighting and electric outlets in each room, hot and cold water in the bathroom, kitchen and showers; sinks, kitchen counters and cupboards, burners, refrigerator, table and chairs, a washing machine for 6 workers, a fire extinguisher. There must be reasonable access to the living quarters as well as to bathrooms.

For information regarding deductions from wages for housing see section 8.

6. Written Employment Contract:

An employer is required to give his foreign employee a copy of his employment contract, in a language which he understands, setting out the details of his employment.

The employment contract must include the following information: the identities of the employer and the employee, the job description, details of the salary, its parts, linkage, payment dates, details of any deductions from the salary, details of the parties' contributions towards social benefits, the date on which the employment begins and the length of the employment, the normal working hours and weekly rest day, details of paid leave, including vacation, festive occasions and sick days, and details of health insurance and housing provided by the employer. The contract must also include contact information concerning filing of complaints with the Ombudsman of Foreign Worker Labour Rights in the Ministry of Industry, Trade and Labour,

7. Salary and its Components:

A worker employed in Israel is entitled to the minimum wage for his work.

In addition to this minimum wage, which is updated from time to time, further monthly sums are paid for overtime work hours and travel allowance.

Once a year every worker is entitled to receive an additional sum known as "recuperation pay" which is calculated in accordance with his seniority at his work place.

Salary of foreign workers must be paid by authorized deposit to a bank account in the name of the foreign worker only. Nonetheless, if the worker agrees, **and** if this condition is set out in the employment contract, collective agreement or is customary in his workplace, a portion of the salary may be paid in the value of food and drink (not including intoxicating liquors) provided by the employer **for consumption in the workplace**. The value assigned to such food and drink may not be more their ordinary market value.

Details as to value of housing provided by the employer are set out in section 8 below.

Following are details of these payments:

A. Minimum Wage – The monthly minimum wage for an employee working a full time job (a maximum of 186 hours per month) is NIS 3,850.- The minimum wage per hour of work is NIS 20.70.

It is advisable for the worker to keep a written list of his daily working hours and holidays.

B. Payment for Overtime Working Hours – An employee who works 6 days a week is entitled to additional payment, above the minimum wage, if he works more than 8 hours a day; an employee who works 5 days a week is entitled to additional payment for every working hour over 9 hours a day.

For each of the first two overtime working hours per day, the employee is entitled to payment at the rate of 125% of his regular hourly rate. For each additional working hour, the employee is entitled to payment at the rate of 150% of his normal hourly rate.

As per relevant case law, the above method of calculation may not apply to payment for hours in which a caregiver who lives in his employer's home is present in the home but is not actively employed.

C. Travel Allowance – In addition to his salary, an employee who needs transportation to arrive at his place of work is entitled to a travel allowance from his employer for this expense. The sum to be reimbursed is up to either a maximum of NIS 23.70 per day, or the cost of a pre-paid bus pass or ticket,

whichever costs less. An employee who lives at his workplace, or an employee whose employer drives him to work at his own expense, is not entitled to this allowance.

D. Recuperation Pay – An employee who has completed at least one year of employment is entitled -- once a year-- to a sum known as “recuperation pay” (in Hebrew, “dmai havraah”) from his employer. This sum is figured at the rate of NIS- 351 NIS per day, multiplied by 5 or more days, according to the number of years of employment of the worker at his place of work as follows:

- For the first year of employment – 5 days
- For the second and third years of employment – 6 days
- From the fourth to the tenth year of employment – 7 days

Recuperation pay is paid once a year, between the months of June and September.

E. Payday – An employee who is employed on a monthly basis is entitled to receive his salary by the 9th of the month, for the previous month.

8. Deductions From Salary:

An employer may deduct the following sums from the salary of a foreign worker :

- a. Payments required by law (income tax and national insurance).
- b. Deductions for housing and related expenses, but no more than the limits set out in the regulations (see details below).
- c. Deductions to cover private medical insurance payments (up to the limits set out in the regulations, but no more than NIS 117.65 per month).
- d. Sums on account of debts owed by the employee to the employer, **if the employee has agreed in writing to such deductions**. Fees and taxes imposed by law on **employers** of foreign workers **may not be deducted from the worker’s salary under any circumstances**.

No other sums may be deducted from the worker’s salary.

The **maximum** permitted monthly deduction for health insurance, suitable housing and related expenses, and debts owed to the employer, is 25% of the employee’s salary. It must be emphasized that **this is not an automatic deduction** and **the employer may only deduct actual expenses**. Thus, when the permitted deductions add up to less than 25% of the salary, the employer **may not** deduct the entire 25%. **In addition, in cases in which the actual permitted deductions exceed 25%, an employer is not entitled to deduct more than 25%** monthly. An exception is made concerning the final month of employment in which all permitted expenses may be deducted.

An employer who employs a foreign worker in his **business** must give his employee, every month, a itemized wage slip, setting out the salary, its components and all deductions from salary as set out in law.

Following are details of the above allowed deductions:

Income Tax – Income tax payments are deducted from the employee's salary by the employer and transferred to the tax authorities. An employer is not entitled to deduct from the foreign worker's salary any levies or fees imposed on **employers** of foreign workers, and these sums must be paid by the employer to the authorities **over and above** the salary of the worker.

National Insurance (in Hebrew, Bituach Leumi) - For the purpose of this insurance, an employer may deduct 0.04% of the first NIS 4,984 of a foreign workers' salary, and 0.87% of every shekel of his salary over NIS 4,984. The sums deducted must be transferred by the employer to the National Insurance Institute.

Deduction from the salary for health insurance:

The health insurance must be paid for by the employer, and the employer may deduct a part of the expense from the foreign worker's salary up to the maximum sums set out below:

For an employee who works in nursing care – up to **half** of the amount that the employer paid for the insurance, or NIS117.65, whichever is lower.

For an employee working in any other capacity – a maximum of **one-third** of the amount paid by the employer for the insurance, and no more than NIS117.65, whichever is lower.

Deduction from the salary for housing expenses:

When the residence supplied to the worker is **not owned by the employer**, the employer may deduct from the worker's salary sums for housing in accordance with the area of the country in which the employee lives, as set out in the following table:

Area of Residence Amount of monthly deduction (NIS)

Jerusalem 354.09
Tel-Aviv 402.93
Haifa 268.66
Center 268.66
South 238.82
North 219.75

Important: If the residence is **owned by the employer**, the maximum sum permitted for deduction is **half only** of the sums set out above.

Related Expenses:

An employer may deduct a monthly sum from the foreign worker's salary for the use of water and electricity, and for property tax, not exceeding the following amounts:

- A worker providing nursing care- NIS 74.90
- Any other worker- NIS 87.12

9. Weekly Rest Day and Leave:

Weekly Rest Period – Under the Hours of Work and Rest Law, 1951, workers are entitled to a weekly rest period of at least 36 hours, which should include either Friday, Saturday or Sunday, depending on the worker's religion.

Paid Vacation – Every worker is entitled to the following number of paid vacation days each year:

For each of the first 4 years of employment – 14 days a year.

For the fifth year – 16 days a year.

For the sixth year – 18 days a year.

For the seventh year – 21 days a year.

The number of vacation days set out above are calendar days, which include weekends, and not work days. Thus, in the first year, a person who works 5 days a week would receive 10 working days of paid leave in practice, and someone who works 6 days a week would receive 12 working days of leave in practice. The same rule also applies to the following years.

The vacation should be given at the end of the year of employment to which it relates, or in the course of the following year of employment, where agreed between the employee and the employer.

Religious holidays – All workers employed on a monthly basis are entitled to payment for up to 9 religious holidays days a year, when the said holidays do not fall during the weekly rest period.

The holidays can be those of the worker's religion, or the Jewish holidays, as the employee chooses.

Sick Pay – An employee is entitled to sick pay according to the length of his employment (a day and a half for each month he has worked), up to a total of 90 days, upon presenting a doctor's note stating the need for absence from work.

The employee is not entitled to payment for the first day of his illness. For the second and third days of his illness, the employer must pay the employee 37.5% of his regular salary, and from the fourth day and onwards – 75% of his salary-up to the maximum period.

10. Ending Work Relations:

Notice:

A worker employed on a monthly basis, who leaves his place of work, must give prior notice to his employer as follows:

- In the first 6 months of employment – one day for each month worked.
- From the seventh month of his employment until the end of the eleventh month - 6 days plus extra two and a half days for each additional month of work.
- After one year of employment - one month.

An employer who wishes to dismiss a worker must similarly give prior notice, whose length is as set out above.

An employee or employer who does not give prior notice must pay the other party compensation amounting to the regular salary that would have been paid to the employee during that period.

Severance Pay (in Hebrew, pitzuyei piturim) :

An employee who is dismissed after working for one employer, or in one place of employment, for a period of one year or more, is entitled to severance pay (pitzuyei piturim). The rate of severance pay is one month's wage for each year of employment with the employer or in the work place. A worker whose employment is stopped after one year of employment as a result the death or bankruptcy of his employer – or, in the case of a corporation, on account of its liquidation -- is entitled to severance pay as if he had been dismissed.

Special rules regarding severance pay apply to foreign construction workers employed by Licensed Manpower Companies. These rules are set out in the special construction worker's right booklet published on the Ministry website: www.moital.gov.il.

11. Filing Complaints:

An employer who has not paid his foreign worker the minimum wage, or who has deducted from the worker's salary sums beyond those which are permitted, or who has not fulfilled his obligations concerning the employment contract, housing, health insurance, detailed wage slip or prior notice to dismissal, has committed an administrative offence and can be fined 5000 NIS or more for each violation. In serious cases criminal charges can be filed against such an employer.

A worker whose employer has not fulfilled the above obligations can file a complaint with the Branch for the Enforcement of Labor Laws in the Ministry of Industry, Trade and Labour at 03-7347163 or 1-800-800-126.

In addition, workers can file a complaint with the Foreign Workers' Rights Ombudsman in the Ministry of Industry, Trade and Labour: 03-7347230, 050-6240546 Fax: 03-7347269

The law prohibits an employer from dismissing an employee or reducing his salary or terms of employment due to any complaint or claim filed by the employee, or due to the fact that he assisted another employee, in good faith, to file such a complaint or claim. An employer who behaves in this manner towards his foreign worker has performed a criminal offense for which a complaint can be filed as above.

12. Recruitment Agencies:

An employee who has any complaint against a recruitment agency or can contact the Enforcement Division of PIBA as follows:

Haifa: – Tel: 04-8606716 / 02 Fax: 04-8606735 Address-
Sunday - Thursday, 8:30-16:00 Address: Pal Yam 7/9 Zim Building, First Floor

Jerusalem: Tel: 02- 6229835/3 Fax:02- 6229867 Sunday-Thursday 8:30-16:00
Address: Ben Yehuda 34, Migdal Hair, 13th floor

Tel Aviv: Tel: 03-6227926 / 46 Fax: 03-6228210 Sunday-Thursday 8:30-16:00
Address: Salameh 53, Tel Aviv.

Beer Sheva Tel: 08-6253003- Fax: 08-6253000 Sunday-Thursday 8:30-16:00
Address: Alumot 12, Park Taasiya, Omer

13. Sexual Harassment:

An employer or other person who sexually harasses an employee is committing a criminal offence. If you encounter any type of sexual harassment, you can file a complaint with the police. For emotional support, you can contact the emergency phone number of the Center for Support of Victims of Sexual Aggression at : 1202.

14. Information and Legal Aid: Slavery and Trafficking in Persons!!!

If you are employed in extremely harsh conditions, or if you were denied basic freedoms or basic human conditions, you may be a victim of the serious crime of slavery or trafficking in persons. Victims of such crimes are eligible for free legal

help from the Legal Aid Department of the Ministry of Justice. For information please contact the Department: Tel: **03-6932743** Fax: **03-6932755** Address: **Henrietta Szold St. No. 4 , Tel Aviv.**

15. General information:

For general information, advice and legal aid for foreign workers, you may contact the following Non Governmental Worker's Rights Organizations:

Kav La'Oved:

Tel Aviv: Y.L. Peretz St. 17, Tel Aviv. Tel: 03-6883766 fax:03-6883537
(Sunday, Monday Tuesday - 9:00-16:30, Thursday- 12:00-18:00)
Information in Chinese: Monday - 18:00-21:00

Haifa: 18 Herzl St. (Beit Hakranot), 2nd floor, room 224, Haifa 33121
Tel: 04-8643350, Fax: 04-8644238

Jerusalem: Shlomzion Hamalka St. 18
Tel: 02-6242801 Fax: 02-6232868

Hotline for Migrant Workers - Tel: 03-5602530 Fax: 03-5605175 Nahalat Binyamin 75, Tel Aviv
(Sunday-Thursday. 09:00-17:00,

Physicians for Human Rights (Israel) - Tel: 03-6873718

9 Dror St., Yafo

Free medical clinic, advice and representation in matters of health rights and health insurance.

Clinic hours: Sunday, Tuesday, Wednesday between 16:00 – 22:00

Monday- gynecological clinic: 17:00- 21:00 Friday- 9:00- 12:00

Police Information Center (Saar Department) : **03- 5555400 / 03-5555411/413**

EMERGENCY PHONE NUMBERS:

Police: 100

Fire Department: 101

Ambulance: 102

You can also contact your Embassy in Israel- for information see Foreign Ministry Website: www.mfa.gov.il.

Phillipine Embassy: 18 Benai Dan St., Tel Aviv Tel- 03-6020549 Fax:03-6041038

Thai Embassy: 21 Shaul HaMelech Blvd., Tel Aviv, Tel: 03-6958980 Fax: 03-6958991-

Chinese Embassy: 219 Ben Yehuda St. , Tel Aviv, Tel: 03- 03-5467242,6023214 Fax: 03-6023170

Indian Embassy: 140 Yarkon St., Tel Aviv, Tel: 03-5291999 Fax: 03-5291953-

Ukrainian Embassy: 50 Yirmiyahu St., Tel Aviv, Tel: 03-6021952 Fax: 03-6042512-

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