

Bits & Briefs

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In our "Bits & Briefs" Special Series dedicated to **Israeli Labor and Employment Law**, we provide periodic bite-sized updates introducing key provisions of Israeli labor law and their practical implications, particularly from the perspective of businesses looking to operate in, or expand to, Israel. In this update we will cover some of the basic rights granted to employees in Israel regarding the limitations on termination of employment.

Limitations on Termination of Employment

Israeli employment protection laws set certain limitations on an employer's right to terminate the employment of its employees, including limitations based on circumstances and rationale.

Bit #1: Limitations on termination of employment include termination for reasons of gender, sexual preference, personal status, pregnancy, parenthood, age, race, religion, nationality, etc. Termination for any such reason is considered wrongful discrimination.

Bit #2: With respect to the burden of proof, Israeli employment laws provide that if an employee claims termination for discriminatory reasons, as set forth above, the burden of proof rests with the employer to show no discrimination has occurred, so long as the employee can prove that there was no cause for dismissal resulting from the employee's behavior or action.

Bit #3: In addition, special restrictions apply to the termination of the following employees: (a) older employees; (b) women during pregnancy, IVF process, maternity leave and for a certain period thereafter; (c) employees on military service.

Practical Implications:

- According to legal precedent, termination for discriminatory reasons, as set forth above, constitutes wrongful termination, and therefore, based on the severity of the case, the Labor Courts may award the employee compensation equal to several monthly salaries.
- In addition, such wrongful termination also constitutes a criminal offense that may result in a significant fine.
- In other cases of wrongful termination of employment (not related to discriminatory reasons), for example, a breach of any bona fide obligations, the Labor Courts may compensate an employee in any amount it deems reasonable.

We are happy to assist you in providing legal advice in relation to each of these issues, their ramifications for the workplace and the practical steps that may be taken as a result.

Sincerely,

Fischer Behar Chen Well Orion & Co.

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