

Bits & Briefs

Israeli Labor and Employment Law | Special Series | February 2020

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 cover employees' social rights according to the Employment of Women Law 5714 - 1954.

The Employment of Women Law entitles both women and men to certain 'parental rights,' including limited fields of work for pregnant women, limitations on women's night shifts, protection of employment during pregnancy, maternity leave (for both women and men), limitations on termination of employment.

Limitation on Deterioration of Position or Income: Employers are forbidden to diminish the position or the income of pregnant women, employees on fertility treatments (both men and women) and employees after maternity leave (both men and women). Any deterioration is subject to the approval of the Ministry of Labor.

Limitation on Termination of Employment: Women maintain their position during pregnancy, during the course of fertility treatments and before the lapse of 60 days following the end of maternity leave, unless the employer has received an approval from the Ministry of Labor (which is not readily provided). This also applies to men or to men who shared the maternity leave with their spouse. Furthermore, no termination of employment may occur during maternity leave.

Maternity Leave: Women's entitlement to maternity leave will be based on the length of service, as follows: For at least 12 months' service with the employer, the employee is entitled to 26 weeks of partly paid maternity leave. If the employee has less than 12 months' service with the employer, the entitlement is for 15 weeks' leave. The maternity leave can be split between the parents; however, the first 6 weeks' leave must be taken by the mother. There are additional family-related leaves mandatory under law, such as adoption leave, foster care leave, expecting parent leave (surrogacy procedure), fertility treatment leave and abortion-related leave, all subject to the terms and conditions specified under law.

Maternity Leave Payment: During the first 15 weeks of the maternity leave, the employee is entitled to a birth fee from the National Insurance Institute at a rate of 100% of her/his salary. The remaining weeks are unpaid. The employee continues to accrue annual leave and pension fund contributions during maternity leave.

Unpaid Vacation after Maternity Leave: Employees after maternity leave are entitled to unpaid vacation. The employee is entitled to unpaid vacation leave according to the seniority at the workplace (one quarter of the working period, up to one year).

Breastfeeding Time / Parental time: An employee who returns to work after maternity leave is entitled to breastfeeding / parental time. i.e. the employee is entitled to shorten her/his workday by one hour without decreasing her/his salary. The employee does not have to breastfeed in order to receive the benefit. The entitlement is given to employees who work at least 174 hours per month or as customary in their workplace. Adopting parents and parents who raise a baby through a surrogacy procedure are entitled to the benefit as well.

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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