



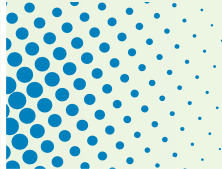
רשות האוכלוסין וההגירה
Population and Immigration
Authority



מדינת ישראל
State of Israel

FOREIGN WORKERS' RIGHTS HANDBOOK





Introduction

Following is a summary of some of the basic employment and visa 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 visa conditions and obligations set out in this handbook are the general conditions applicable to most foreign workers. Additional rules or conditions not mentioned herein may apply to foreign workers in specific sectors or in special circumstances.

The employment conditions described in this handbook are minimum conditions. If the employer and the employee agree to better employment 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.

In general, 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.

The sums in this handbook are updated from time to time. This handbook reflects the state of the law as of 1.1.2013.



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

Legal Employment

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

Licensed employers of foreign workers must register their employment of the foreign worker according to the PIBA procedures for the relevant sector before beginning the employment.

Foreign workers must be employed in a full time position by their legal employer - part time employment of a foreign worker is prohibited.

Foreign workers may only work for their current registered and licensed employer. They may not work for another employer, even during breaks from work, on holidays, rest days or after regular

working hours. A foreign worker found working for an employer other than his currently registered employer may be deported, and an employer found illegally employing a foreign worker may be fined or have criminal charges filed against him.

Foreign workers wishing to leave or change employers do not need "permission" from the original employer. Nonetheless, the workers must give advance notice to their current employers, and they must notify PIBA and their registered recruitment agency or manpower company of the change.

Unemployed foreign workers have up to 90 days from the date they leave their former employment to find and register for alternate employment with a licensed employer in the sector set out in the worker's B/1 visa. If the worker does not register for legal employment within 90 days, he must leave Israel, and if he does not do so, he may be subject to detention and deportation.

Special Rules for the Caregiving Sector:

Obligatory Term of Written Prior Notice

Before leaving the elderly or handicapped employer for whom



he is currently employed, a foreign caregiver must give prior written notice to the Recruitment Agency in which he is registered as well as to the employer or the employer's representative.

The minimum prior notice that a foreign caregiver must give to his elderly or handicapped employer is as follows:

- a. If the caregiver was employed by the elderly or handicapped employer for a period of at least 7 days, and up to 3 months – prior notice of 7 days.
- b. If the caregiver was employed for a period of 3-6 months – prior notice of 14 days.
- c. If the caregiver was employed for a period of 7 months to one year – prior notice of 21 days.
- d. After the first year of employment – one month's prior notice must be given by the caregiver.

A foreign caregiver who leaves his employment caring for an elderly or handicapped person without giving written notice as above, or who leaves the employment before the end of the minimum notification period may be liable for deportation from Israel, after a hearing.

Nonetheless, the obligation to give

prior notice will not apply in special circumstances in which it is unreasonable to require the caregiver to continue the employment.

Additional Information:

For details concerning the new method of employment of foreign caregivers, the requirements concerning registration by licensed recruitment agencies and other special conditions and limitations, as well as information concerning registration in the unemployed foreign caregiver database please see the www.piba.gov.il website. Please note: Foreign Caregivers are required to reside in the homes of their elderly or handicapped employers and "Live Out" arrangements or part time employment are prohibited.

Special rules for construction workers:

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 advance 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. Details of other special procedures relating to foreign construction workers can be found at the Ombudswoman's website at www.moital.gov.il.

Work Permits (B/1 Visa)

As set out in Israeli law, foreign workers are permitted to work in Israel for a **temporary period only**, after which they must leave the country promptly or be subject to detention and deportation.

Visas for work in Israel (B/1) are issued by Israeli Consulates abroad, as per requests received by PIBA from eligible permit holding employers using the services of licensed Israeli recruitment agencies, or as set out in a bilateral agreement between Israel and the country of origin of the worker -

subject to the relevant procedures, checks and approvals of PIBA.

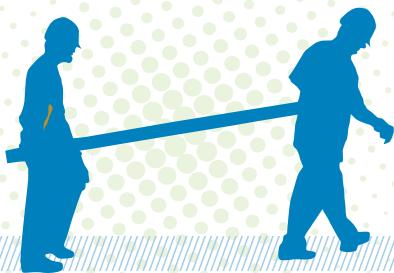
A foreigner who enters Israel on a visa other than B/1 visa, such as a tourist or student visa, will not be allowed to exchange his visa for a work visa or permit after entering Israel.

The length of each B/1 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 worker's B/1 visa will be issued **for no more than a one year period**.

Extension of the B/1 visa is subject to PIBA procedures and discretion, and with the exception of Foreign **Caregivers (see below)**, the **visa will not be extended for additional periods once 63 months have passed from the date of the worker's first entry to Israel**.

Please note that the maximum temporary work period in Israel may be shorter for certain types of workers, such as seasonal workers, project related workers and workers arriving under special agreements, and in these cases the shorter work period will be in accordance with the circumstances of the worker's arrival and the relevant PIBA procedures.

A foreign worker may also be liable for deportation from Israel for



reasons including abuse or violation of Israeli laws or relevant procedures, such as having made false claims in his visa application, proving unqualified to work in the sector for which he arrived in Israel, or if he has first degree relatives (other than siblings) in Israel.

PIBA procedures allow foreign workers in the caregiving and agricultural fields who have completed their maximum legal periods of work in Israel, to remain in the country for 60 additional days, counted from the end of their last legal employment. The purpose of this additional period is to allow the worker to complete his preparations for leaving Israel.

Concerning foreign construction workers, the permitted additional period of stay in Israel, after completion of the legal work period, is only 30 days, as these workers may receive sums deposited by their employers on account of employment benefits, directly from PIBA, at the time of their departure from Israel, as detailed below.

It is important to note that a foreign worker is not permitted to work in the above additional period of stay.

A foreign worker in the caregiving field must give prior written notice before leaving work for an invalid employer as set out below.

Only PIBA can issue or extend visas. Beware of any parties who promise lengthy employment periods or criminal elements who issue forged visas or passports.



Special visa limitation rules for Foreign Caregivers:

Unemployed Foreign Caregivers: Notwithstanding the 63 month rule set out above, **unemployed Foreign Caregivers may not register with a new employer once 51 months have passed from the date of their arrival in Israel.** Therefore, unemployed foreign caregivers must leave Israel once 51 months have passed from their time of arrival.

Employed Foreign Caregivers: An easement to the visa limitation rules is allowed for a foreign caregiver who has been legally employed by a specific handicapped or elderly employer for at least 12 months immediately prior to the 63 month cap. In such cases, the employer must apply to PIBA to request a special extension of the caregiver's visa, and must attach a social or medical opinion as set out in law, stating that stopping the continued employment of the current foreign caregiver may severely harm the

employer. Subject to approval of the request, the visa of the foreign caregiver may be extended for additional one year periods even after 63 months have passed from his first date of entry, as long as he continues to work for that employer.

A foreign worker with a valid visa and work permit who wishes to return to Israel after a visit abroad must make sure that **before leaving Israel** he receives an "inter-visa" allowing him to return, as per relevant PIBA procedures.

A foreign caregiver must give written prior notice before leaving an invalid employer.

Permitted Sectors

A foreign worker receives permission to work in Israel in one of the sectors open for employment of foreign workers, such as care giving for the elderly or for the handicapped, agriculture, construction or ethnic cookery.

The sector for which employment has been approved is set out in the worker's visa.

After arriving in Israel to work in one permitted sector,

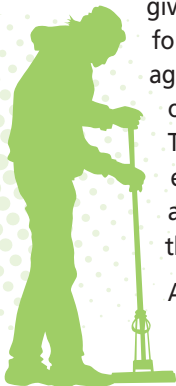
the worker will not be allowed to change to a different permitted sector. Thus, for example, a worker who arrived in Israel to provide home health care will not be permitted to change employers in order to work in ethnic cookery, and a worker who arrived as an ethnic chef will not be permitted to work 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.

Withholding of Passport

Under Israeli law, every person must carry an official identifying document.

Withholding a worker's 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.



Health Insurance

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.

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 5 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 worker's name in the National Insurance Institute, which will be necessary in case of hospitalization or claims resulting from work injuries.

Additional rules may apply to foreign workers who are citizens of countries which have signed social security treaties with Israel, including National Insurance coverage in additional insurance sectors and additional permitted deductions from salary. For information, please contact the National Insurance Institute.

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.

Written Employment Contract

An employer is required to give his foreign employee a signed 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.

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.

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 4300. The minimum wage per hour of work is NIS 23.12.

It is emphasized that concerning foreign workers in sectors or workplaces in which wages higher than minimum wage apply as set out in a Collective Agreement, the higher wages and better work conditions will



apply as per the Agreement. 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 rules concerning overtime pay do not apply to a caregiver who lives in the home of his invalid employer.

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 25.20 NIS 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 371 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.

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 limit set out in the regulations (see details below).
- c. Deductions to cover private medical insurance payments (up to the limit set out in the regulations, but no more than NIS 124.73 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, an 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 5,297 of a foreign workers' salary, and 0.87% of every shekel of his salary over NIS 5,297. The sums deducted must be transferred by the employer to the National Insurance Institute.

Additional rules and deductions may apply to foreign workers who are



citizens of countries which have signed social security treaties with Israel. For additional information, please contact 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 NIS124.73, 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 NIS124.73, 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 – 386.94
Tel-Aviv – 440.30
Haifa – 293.57
Center – 293.57
South – 260.97
North – 240.13

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 foreign caregiver – NIS 79.41
- Any other foreign worker – NIS 92.36.

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.

As per relevant case law, the above 36 hour rule may not apply to live-in caregivers, who must nonetheless receive a weekly day of rest of at least 24 hours.

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 50% of his regular salary, and from the fourth day and onwards – his regular salary- up to the maximum period.



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.

Notwithstanding the above, and as set out in section 1 above, in the caregiving sector, the foreign caregiver may not leave his employer before the end of a special, longer prior notice period, except in special circumstances in which it is unreasonable to require continued employment.

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.

Abandonment of a helpless or incapacitated person without prior notice and/or in circumstances in which alternate help is not available may be a criminal offense and may lead to prosecution and/ or deportation.

In the caregiving sector, the foreign caregiver must give special, longer, prior written notice before leaving his employment.

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 puturim). 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.

A general extension order concerning pensions obligates all Israeli employers. For information, please contact the Ministry of Industry, Trade and Labour at www.moital.gov.il.

Special rules concerning severance pay apply to foreign construction workers employed by Licensed Manpower Companies. For these workers, a monthly sum is deposited by the employer to a special fund supervised by PIBA, and workers who leave Israel permanently apply to PIBA to receive the sums saved for them either at the airport when leaving Israel or in a bank transfer abroad after they leave. Workers who illegally overstay their permitted visa period forfeit a portion of the collected sum monthly, and after a 6 month illegal overstay they forfeit the entire sum. Details of these rules are set out in the special construction workers' rights booklet published by the Ombudsman for Foreign Worker Rights in the Ministry of Industry, Trade and Labour at www.moital.gov.il

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, or who has a complaint concerning breach of other employment conditions set out in law, can file the 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.

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.

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.



General Information

Emergency Phone Numbers

Police: 100

Ambulance: 101

Fire Department: 102

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)

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
Tel: 03-6873718
9 Dror St., Yafo

Additional Information

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

Information and complaints hotline for migrant workers who arrived to Israel as part of a bilateral agreement. The hotline is operated by CIMI and PIBA - 1700-707-899

Social Security Administration -
National Information Center:
*6050, 04-8812345

PIBA – National Service and Information Center *3450
www.piba.gov.il

For updates or corrections to this Handbook, please follow the PIBA website at www.piba.gov.il



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