

EMPLOYMENT OF WOMEN LAW, 5714 – 1954

Prohibited and limited employment.

1. This Minister of Labour and Social Affairs may, by regulations, prohibit or limit the employment of a female worker in any specific work, production process or workplace, employment in which is likely, in his opinion, to be especially prejudicial to the health of a female.

Conditions for night work.

2. (a) The Minister of Labour and Social Affairs may prescribe by regulations, with the approval of the Knesset Labour and Social Affairs Committee, such conditions for the employment of a female worker at night as in his opinion are necessary for the purposes of her health and safety. Regulations as aforesaid may be general or for particular classes of work or assignments, and may also require the employer to give notice of the employment of a female worker at night.

(b) "Night" means a period of time of eleven hours including the hours between midnight to 6 a.m. and in agriculture from midnight to 5 a.m.

(c) an employer shall not refuse to accept a woman for employment by reason only that on being accepted she states that she does not agree to work at night on family grounds. The provisions of this subsection shall not apply to classes of workplaces prescribed by the Minister of Labour and Social Affairs in regulations, and also not to services, jobs and positions specified below.

(1) in State services which the Minister of Labour and Social Affairs has specified in regulations after satisfying himself that night work in such services by a female worker is essential to the State and is not likely to be especially prejudicial to the health of a woman.

(2) in places where sick persons or invalids are tended, in convalescent homes, and in institutions for the care of old people of children;

(3) in newspaper work, except the printing of newspapers;

(4) in restaurants, hotels, cafes and in public entertainments within the meaning of the Public Entertainments Ordinance, 1935;

(5) in work directly connected with the care of animals; in managerial tasks, or tasks requiring an especial measure of personal trustworthiness, not involving manual work;

(6) in managerial tasks, or tasks requiring an especial measure of personal trustworthiness, not involving manual work;

(7) where the conditions and circumstances of the work do not permit the employer any control of the time at which the work is done;

(8) in aviation and maritime services;

(9) in travel or tourist agencies at airports and seaports or at international conferences.

Power of Labour Court.

3. (a) A Regional Labour Court shall have sole power to hear actions grounded on the provisions of section 2(c).

(b) A Regional Labour Court shall not entertain an action as referred to in subsection (a) brought after three months had elapsed since the ground for it arose.

Refusal to work at night.

4. A female worker who, at a workplace where no night work was previously done, is required to work at night may state to her employer in writing, not later than three days from the day on which she is so required, that she does not agree to work at night.

5. Repealed.

Maternity leave.

6. (a) Where a female worker is shortly to give birth, her employer shall grant her maternity leave and shall not employ her during such leave.

(b) Maternity leave shall be twelve weeks, of which six weeks or less at the worker's wish, shall be before the estimated date of delivery, and the remainder after the date of delivery.

(b1) A female worker who is ill and hospitalized for a period in excess of two weeks during the period of maternity leave as aforesaid in sections (b) and (c) hereof is entitled to one of the following:

(1) To extend the maternity leave period until expiration of the period of hospitalization but not to exceed a period of 4 weeks, and maternity leave totally shall not exceed a period of 16 weeks; or

(2) To divide the maternity leave period so that any period of hospitalization exceeding 4 weeks shall not apply to the maternity leave period.

The choice of either of the aforesaid subsections shall not be valid unless the female worker gives notice thereof in the manner, time and to whom specified by regulations of the Minister of Labour and Social Affairs.

(c) When a worker bears two or more children at one birth, the worker shall be entitled to extend the maternity leave by two weeks.

(d) When the child borne by a worker must remain at the hospital, or return to the hospital for hospitalization, for a period of more than two weeks, within the period of the maternity leave referred to in subsection (b) or (c), the worker shall be entitled -

(1) to extend the maternity leave until the end of the period of hospitalization but not for more than four weeks: Provided that her maternity leave shall not in the aggregate exceed sixteen weeks; or

(2) so to split the maternity leave that three weeks are immediately after the date of delivery and the remainder after the day on which the child leaves the hospital;

A choice under this subsection shall not have effect unless the worker gives notice thereof in such manner, at such time and to such person as the Minister of Labour and Social Affairs may prescribe by regulations.

(e) Notwithstanding subsection (b) hereof, the maternity leave may be shortened with the consent of the worker and the approval of a physician if the child is not alive, provided that the leave includes a period of not less than 3 weeks after delivery.

(f) The Minister of Labour and Social Affairs may specify by regulations particular kinds of work in which the maternity leave preceding the estimated date of delivery shall be for a period, not exceeding 6 weeks.

(g) (1) When a female worker is entitled to maternity pay in accordance with the National Insurance Law (Consolidated Version) 5728-1968, and she and her employer or only the employer have made payments to the Pension Fund or Qualification Fund, the Employer, as aforesaid, shall continue to make payments during the period in which the maternity pay is being paid, but only if the female worker, for the period aforesaid, has made the payments to the Fund that she is obliged to make to ensure her said rights, and all in accordance with the rates and wage scale she would have received if she was working during the aforesaid period;

(2) Subparagraph (1) aforesaid shall apply to an employer who had an employer - employee relationship with the female worker during the entire period of the pregnancy and she had been working for him for at least 6 months immediately prior to the beginning of the pregnancy;

(3) The Minister, with the approval of the of the Knesset Welfare Committee, shall establish by regulations the times and rules for payments as provided in subparagraph (1) hereof; in the said regulations the Minister may prescribe different rules for the employer and employee.

(h) (1) If a male employee's wife has given birth, then his employer shall give him partial maternity leave for the leave period that remains after the end of the first six weeks following the date of the birth provided that all the following apply:

(One) his wife is entitled to maternity leave and has agreed in writing to waive part of the maternity leave due to her during the period that remains after the first six weeks following the day of the birth;

(Two) his wife has not been absent from work by virtue of her entitlement to maternity leave during the period referred to in sub-paragraph (a)

(2) The Minister of Labour and Social Affairs shall prescribe rules for the implementation of the provisions of paragraph (1) including rules concerning the obligation of both spouses to give notice to their employers

Adoption leave.

6A. Section 6 and 7(d) shall also apply, *mutatis mutandis* and with such adaptations as the Minister of Labour and Social Affairs may with the approval of the Knesset Labour and Social Affairs Committee prescribe, to a female worker who received a child not over ten years of age into her house for adoption: Provided that she shall be entitled to the leave referred to in section 6 (hereinafter referred to as "the principal leave") from the day on which she notifies a Welfare Officer under section 6 of the

Adoption of Children Law, 5720-1960, and to absence under section 7(d) from the day on which the principal leave ends for this purpose "female employee" includes "male employee".

Leave for intended parent.

6B. The provisions of section 6 shall also apply *mutatis mutandis* and with such adjustments as are prescribed in regulations by the Minister of Labour and Social Affairs with the approval of the Knesset Labour and Social Affairs Committee, to a female employee who has taken custody of a child as an intended parent under the provisions of the Surrogate Motherhood Agreements (Approval of Agreement and Status of Newborn) Law 5756-1996.

Right to be absent from work.

7. (a) A female worker who has had a miscarriage may be absent from work for one week, after the miscarriage, or, if a physician certifies that the state of her health consequent upon the miscarriage necessitates a longer absence, such period, not exceeding six weeks, as the physician may determine.
- (b) Absence by virtue of subsection (a) shall be deemed to be absence due to illness.
- (c) A female worker may be absent from work -
 - (1) during the months of her pregnancy if and to the extent that a physician certifies that her condition, as determined by her pregnancy, so requires; absence from work by virtue of this section shall not affect a woman employee's seniority standing with her employer;
 - (2) from the expiration of the maternity leave under the expiration of six months from that date if and to the extent that a physician certifies that her condition, as resulting from her childbirth, so requires; absence from work by virtue of this section shall be treated as absence because of illness;
 - (3) from the end of the maternity leave until the end of 4 months thereafter - one hour per day, provided that she is employed in a full time position; the absence from work permitted under this paragraph is in addition to the breaks under the Hours of Work and Rest Law, 5711-1951, and are not to be deducted from her pay.
 - (4) during the period, as aforesaid in the regulations, when she is receiving in vitro fertilization by written authorisation and approval of the physician in charge and provides advance notice thereof to her employer, such absence will be deemed to be an absence from work under this paragraph.
- (c1) The provisions contained in subparagraph (c)(4) shall also apply to a male worker receiving fertility therapy.
- (d) (1) A female worker who until the beginning of her maternity leave had worked with the same employer or at the same place of employment for not less than twenty-four months in succession may, from the beginning of the seventh week after her childbirth, be absent from work for a number of months equal to one fourth of the number of months that she had worked as aforesaid, but not for more than twelve months, fractions of a month being disregarded.
 - (2) The absence of a female worker from work by virtue of paragraph (a) shall be deemed to be leave without pay, and the period of absence shall not be taken into account in determining seniority rights.
 - (3) Where a female worker has been absent from work by virtue of paragraph (1) and has reported back for work, or expressed the wish to return to work, before the expiration of the period of leave, the employer shall not postpone her re-employment for more than four weeks from the day on which she reported back or expressed the wish to return.
- (d1) The provisions of subsection (d) shall, also where applicable by virtue of section 6A, apply *mutatis mutandis* to a male employee who worked for the same employer or at the same place of employment for at least twenty-four consecutive months up to the birth of his child, provided that he meets one of the following requirements.
 - (1) his spouse was employed for at least consecutive months immediately before the beginning of his absence from work in accordance with the provisions of subsection (d);
 - (2) he has sole custody or sole charge of the child owing to invalidity or illness of his wife.
- (d2) Where one of the spouses is absent from work as specified in subsection (d) or (d1), as the case may be, the provisions of that subsection shall not apply to the other spouse. However, if one of the spouses is absent for a period shorter than that indicated in subsection (d) or (d1) as the case may be, the other spouse may be absent from work for the remainder of such last-mentioned period.

(d3) For the purposes of calculating the consecutive period of employment referred to in subsections (d) and (d1), a period of discontinuance of work in which the employer-employee relationship continues shall also be regarded as a period of employment.

(d4) The Minister of Labour and Social Affairs may enact by regulations, with the approval of the Knesset Labour and Social Affairs Committee, provisions as to the duty of delivering to the employer notices for the purposes of this section from the spouses or from one of them and as to the consequences of non-delivery of such notices.

(e) (1) Without derogating from the provisions of subsection (c)(1), a female worker may be absent from work without deduction of pay for the purpose of medical supervisions during the months of her pregnancy and of routine medical examination in connection with pregnancy, carried out at a mother and child health centre (hereinafter referred to as "the centre") approved by the Ministry of Health, including routine examinations as aforesaid carried out at its referral outside the centre.

(2) The period of absence under paragraph (1) shall not exceed one of the following periods:

(a) in respect of a woman who is working a full week, customary in the place of her employment, for more than four hours a day - 40 hours during the months of pregnancy;

(b) in respect of a woman who is working as aforesaid up to four hours a day - 20 hours during the months of pregnancy.

(3) The Minister of Labour and Social Affairs with the approval of the Knesset Labour and Social Affairs Committee may in regulations prescribe:

(a) provisions for the implementation of paragraphs (1) and (2);

(b) in respect of prescribed groups of women workers and districts, a different number of hours for absence from work of a woman worker as aforesaid but so that the same shall not be less than that provided in paragraph (2);

(c) supplementary provisions regarding the right of a woman worker employed by more than one employer to be absent from work under paragraph (1), as if she worked for one employer for the purpose of paragraph (2).

Employment during maternity leave prohibited.

8. An employer shall not employ a female worker whom he knows to be on maternity leave.

Restriction as to dismissal.

9. (a) An employer shall not dismiss a woman employee who is pregnant and who has not yet begun her maternity leave, save under a permit from the Minister of Labour and Social Affairs, and the Minister shall not permit such a dismissal if in his opinion it is connected with the pregnancy; the provisions of this subsection shall apply both to an occasional or temporary employee, provided that the employee has worked for the same employer at the same workplace for at least six consecutive months; for the purposes of this subsection the expiration of a fixed term contract of employment shall be deemed to be dismissal.

(b) Where the employer is a manpower contractor and the woman employee was actually employed by him for a period of at least six months, for the purposes of subsection (a), any temporary discontinuance of her employment shall also be deemed to be dismissal; in this section "manpower contractor" shall have the meaning assigned to it in section 1 of the Employment of Employees by Manpower Contractors Law 5756-1996.

(c) (1) No employer shall dismiss a woman employee during maternity leave, during her absence from work under section 7(c)(2), or during a period of 70 days following the end of maternity leave or absence as aforesaid and he shall not give notice of dismissal for a date during the said periods.

(c) (2) No employer shall dismiss a female or a male employee during their absence from work under section 7(d)(1) or during a period of 45 days following the end of an absence as aforesaid and he shall only give notice of dismissal for a date during such periods with leave of the Minister of Labour and Social Affairs.

Prohibition on reduction in scope of position.

9A. An employer shall not take any action prejudicial to the scope of a pregnant woman's job in her employment in a manner that is liable to reduce her income, other than with the leave of the Minister of Labour and Social Affairs, and the Minister shall not permit such a reduction if in his opinion such reduction is connected with the pregnancy; the

provisions of this section shall apply both to a permanent employee and to a casual or temporary employee, provided that the employee has worked for that employer or at that workplace for a period of at least six months.

Overtime work. Work during the weekly rest and night work.

10. (a) A female worker who is in the fifth month of pregnancy shall notify the fact to her employer, and thereupon, or upon the fact becoming known to him in some other manner, he shall not employ her during over-time hours or during the weekly rest from the fifth month of pregnancy onwards, even if he is authorised or has been permitted to do so under the Hours of Work and Rest Law 5711-1951. The same applies to night work if the worker states to her employer in writing that she does not agree to work at night.

(b) Notwithstanding the provisions of subsection (a) a pregnant woman may be employed by an employer during overtime hours where the employee has agreed thereto in writing and has delivered a medical certificate to her employer from a specialist in gynecology certifying that there is no reason for not employing her during overtime hours, and subject to the conditions of such certificate.

Register of female workers.

11. (a) An employer shall keep a register in which the following particulars shall be entered in respect of each female worker;

- (1) first name and surname;
- (2) address;
- (3) description of employment;
- (4) date of commencement of employment;
- (5) period of maternity leave;
- (6) period of absence from work under section 7;
- (7) any other particulars prescribed in regulations.

(b) The Minister of Labour and Social Affairs shall, by notice published in *Reshumot*, prescribe the classes of employers to whom this section is to apply, and he may prescribe as aforesaid that the register is to be a part of another register which the employer is bound to keep under another law with the implementation of which the Minister of Labour and Social Affairs is charged.

Publication of provisions of Law.

12. An employer to whom section 11 applies shall bring all or a part of the provisions of this Law, as may be prescribed by regulations, to the knowledge of the females employed by him.

Powers of Inspector of Labour.

13. (a) The powers of an Inspector of Labour, in respect of any place where he has reason to believe that a female worker is employed, shall be the same as those of an Inspector of Labour under section 10(1) of the Department of Labour Ordinance., 1943.

(b) An Inspector of Labour may examine any person found in a place visited by the Inspector in virtue of his powers under subsection (a) as to any matter relating to this Law, but a person shall not be required to give an answer or evidence likely to incriminate him.

(c) An Inspector of Labour may prepare a record of the answers and statements of the person examined, and record prepared as aforesaid shall be deemed to be a statement prepared in accordance with section 2 of the Civil Procedure (Evidence) Ordinance, and sections 3 and 4 of that Ordinance shall apply to it.

Penalties.

14. (a) An employer who -

- (1) employs a female worker in contravention of this Law or otherwise than in accordance with regulations issued thereunder, or
- (2) does not give a female worker maternity leave in accordance with section 6, or
- (3) contravenes the provisions of section 9

is liable to a fine not to exceed nine thousand, six hundred new Shekalim in respect of every female worker in relation to whom the offence is committed to or imprisonment for a term of one month, or to both such penalties.

(b) A person who obstructs an Inspector of Labour in the exercise of his powers or refuses to answer a question of an Inspector of Labour which he is under a duty to answer or does not possess or does not keep a register in accordance with section 11 or does not comply with the provisions of

section 12 or does not display a permit in accordance with section 5(d) is liable to a fine not exceeding nine thousand, six hundred new Shekalim, or to imprisonment for a term of one month or to both penalties.

Responsibility of directors and managers.

15. (a) Where a company, cooperative society or any other body has employed a female worker in contravention of this Law or otherwise than in accordance with regulations or a permit issued thereunder, every director, manager, partner or official of such body shall also be regarded as responsible for the offence and may be prosecuted and punished for it as if he had committed it unless he proves
- (1) that it was committed without his knowledge; or
 - (2) that he took all appropriate steps to ensure compliance with this Law.

Evidence.

16. A woman found in a place while work is being done or machinery operating therein - except during mealtime breaks - shall be regarded as employed in that place, in that production process and at that time, unless the contrary is proved.

Competent Court.

17. Repealed.

Cooperative society.

18. For the purposes of sections 1, 6 and 7, a cooperative society is regarded as the employer of its members.

The State as employer.

19. For the purposes of this Law, a State employee shall be treated like any other employee.

Implementation and regulations.

20. The Minister of Labour and Social Affairs is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

Duty to consult.

21. The Minister of Labour and Social Affairs shall not make regulations under section 1 or 2 or publish a notice under section 11(b) save after consultation with the employees' organisation representing the largest number of employees in the State and with the representative employers' organisations in the State which in his opinion are concerned in the matter.

Delegation of powers.

22. (a) The Minister of Labour and Social Affairs may delegate to another person the powers vested in him by this Law, except the power to make regulations, the power to grant a general permit and the power to publish a notice under section 11(b).
- (b) Notice of a delegation of powers under subsection (a) shall be published in *Reshumot*.

Saving of rights.

23. This law shall not derogate from any right conferred upon a worker by law, collective agreement, contract of employment or custom.

Transitional provisions.

24. (a) For the purposes of section 4(2) of the Seventh Schedule to the National Insurance Law, 5714-1953, a female who has not yet completed her eighteenth year shall be regarded as a worker to whom the Employment of Women Ordinance, 1945 applies.
- (b) So long as no regulations under section 1 have been made, no female worker shall be employed in production processes or places of employment as specified in Part I of the Schedule to the Employment of Women Ordinance, 1945.

Repeal.

25. The Employment of Women Ordinance, 1945, is hereby repealed.