

Jerusalem, October 10, 2023

Dear Reverend Fathers, Sisters and Brothers,

**Ref: Important Updates Regarding Work Conditions during Recent Events**

Peace to all,

The Israeli Home Front Command, also known as the IDF (Israeli Defense Force), has issued instructions and restrictions that are placing employers and employees in a challenging situation. In light of these current circumstances, we would like to share with you the key updates relevant to the applicable Labor Law during this period.

Due to the declaration of “**State of War**” by the home front, we will provide an in-depth breakdown of the key provisions of the Workers' Protection Law during this unique period:

**Workers' Protection Law stipulates the following:**

**1. Job Security:**

- Under no circumstances should an employer terminate an employee who is unable to attend work due to directives issued by the Home Front Command. It is essential to understand that a similar prohibition also extends to employees who have been called up to serve in the reserves and, crucially, for a period of 30 days following the completion of their reserve service.
- Furthermore, it is important to note that there is a clear prohibition against firing workers who are engaged in rescue operations or are members of auxiliary organizations, as defined by the relevant legislation.
- In essence, these employment protections are in place to ensure the job security and stability of those individuals who are fulfilling vital roles during emergencies or as part of their civic duties. The objective is to safeguard the employment rights of these workers and prevent unjust termination due to their absence related to these specific situations. It is incumbent upon employers to honor and comply with these legal provisions.

**2. Parental Care-Wages for Absentee Employees:**

- During the current security situation, some employees may have been unable to come to work because they needed to stay at home with their children. This applies to children up to the age of 14, and in the case of children with special needs, it extends up to the age of 21. In all cases, only one parent is eligible for this provision.

- The reason for this absence is the closure of educational institutions, which has been enforced due to the security situation.
- In the past, such matters have been resolved through either “Hourly instructions” (semi-law) or collective agreements, typically being formalized at the end of the security situation. Given this historical context, it is reasonable to assume that employees who are absent due to Home Front Command directives related to the closure of educational institutions will likely receive compensation from the state. This compensation will be provided according to forthcoming regulations that will be established.
- However, it is crucial to emphasize that in all cases, it is advisable to coordinate and make decisions regarding salary payments in direct consultation with the affected employee. This ensures that both the employer and employee are aligned on how to navigate this unique situation.

### **3. Business Closure – By the IDF:**

- When it comes to paying wages to employees who are unable to attend work due to the prevailing security situation (regardless of the closure of educational institutions), the historical practice has been to address this issue in cases where business closures were mandated by the Home Front Command during combat rounds and previous military operations.
- In those instances, the determination of compensation and its specific amount for times and locations affected by combat was made retroactively through temporary instructions and general economic arrangements. However, a key condition for this compensation was that employees must have been absent due to the security situation.
- We anticipate that this same approach will be applied during the current war. It is likely that, as in the past, compensation will be determined through the issuance of “Hourly instructions” and/or the negotiation and signing of appropriate agreements. (this information will be published to your accountants by the state of Israel).

### **4. Business Closure – By the Employers (The congregation):**

- In the event that a business has closed its operations without following the directives of the Home Front Command, and the closure was solely at the discretion of the employer, certain considerations come into play:
  - **Vacation Leave:** The employer has the prerogative to grant their employees vacation time, and this can be done using the employees' accrued vacation days. If none of the employees have accrued vacation days, the cost of the vacation days will be borne by the employer.

Additionally, the employer has the authority to make decisions regarding remote work arrangements.

- **Compensation for Business Closure:** A business that closed its operations without adhering to the Home Front Command's directives may wonder whether it is entitled to receive compensation from the state for the salary payments it continued to make to its employees during the period of closure.
- In previous instances of combat and military operations, compensation processes for businesses were established by the Ministry of Finance, taking into account its considerations. Importantly, entitlement to compensation for salary payments was contingent upon the fact that the employee was absent due to compliance with the Home Front Command's directives and that the salary was paid by the employer.
- However, it is essential to exercise caution, as the current wartime circumstances may bring about unique changes. It is possible that the Home Front Command's directives will be adapted or relaxed to accommodate the evolving situation, and additional restrictions may be placed on businesses. These modifications are anticipated to impact a significant number of businesses, and it is recommended to stay informed and updated as these changes unfold.

##### 5. **Absences Due to Fear:**

- Regarding employees who have refrained from coming to work due to personal fear and not in compliance with the Home Front Command's directives, the fundamental principle is that employers are generally not obliged to pay wages for these absences. This holds true as long as the employee's absence is not specifically regulated by law or by a pre-existing agreement.
- However, we strongly recommend that employers engage in constructive dialogue with their employees under these circumstances. It is advisable to reach mutually beneficial agreements regarding the utilization of accrued vacation days or the possibility of implementing remote work arrangements. Such agreements can foster understanding and collaboration during these uncertain times, ensuring that both the employer's and the employee's needs and concerns are addressed effectively.

##### 6. **Essential Service Workers:**

- Regarding to employees working in facilities that offer vital services, especially due to the current security situation, a significant development occurred on October 7, 2023. The Minister of Labor issued an order for the application of Chapter D of the Emergency Labor Service Law, signifying that workers employed

in factories providing essential services are authorized to continue their work in areas designated as "in a special situation on the home front," in alignment with the defense instructions issued by the Home Front Command.

- These essential establishments play a crucial role in providing fundamental products and services that are integral to the functioning of society. This includes sectors such as water infrastructure, electricity, fuel, gas, emergency medical facilities (hospitals, geriatric hospitals, dialysis centers, nursing institutions, and associated services), community medicine (health funds and related services), food supply, welfare institutions, transportation services, ports, local government offices, and factories that support the military, among others.
- It's imperative to note that the failure of workers to report to these essential establishments during a special situation constitutes a criminal offense. In such cases, the worker is not entitled to wages, reflecting the critical nature of their role in ensuring the continuity of essential services.
- This development underscores the significance of these workers' roles and their responsibilities during this period. Their continued commitment to their duties is not only vital for the proper functioning of society but is also a legal requirement to maintain the security and well-being of the community.

#### 7. **Extended Working Hours for Security Personnel (irrelevant for most of our institutions):**

- To address the current demands of the guarding and security industry and the increasing need for security services, as well as to respond effectively to the unique security challenges faced during this period, the Minister of Labor has enacted a significant provision. This provision allows for the extension of the daily working hours, permitting employees to work for up to 14 hours per day. This extended workday encompasses additional hours beyond the standard working hours.
- Importantly, this extension does not alter the existing weekly overtime limit for the industry, which remains at 37 additional hours per week. This measure aims to ensure that essential security services are maintained during these critical times.
- Several conditions apply to this provision:
  - **Additional Break:** Employees working more than 12 hours a day will be entitled to an additional break of at least 30 minutes beyond the break stipulated by law. This break is designed to help safeguard the health and well-being of employees.
  - **Weekly Limit:** Employees are not to be scheduled for work on more than six working days per week. This restriction is in place to prevent excessive

workloads and ensure that employees have adequate time for rest and recovery.

- **Voluntary Consent:** Importantly, employees' consent is a fundamental requirement for this provision to take effect. The extension of working hours beyond the standard limits must be mutually agreed upon by both employees and their employers.
- **Negotiations and Agreements:** The permit is to be signed following discussions and agreements with the security company organization and after consultation with relevant organizations to ensure a balanced and fair implementation of these measures.
- The signed permit for the extension of working hours will become effective as of 10/23 and will remain in effect until the Home Front Command's order for a special situation in the Home Front is lifted. This measure is designed to meet the unique demands of the security industry and to ensure the safety and security of the community during this challenging period.

During these challenging times, we remind you that we are here to provide guidance and support to our congregation members regarding these complex legal matters. Please do not hesitate to reach out to us if you have any questions or concerns.

Thank you for your understanding and cooperation as we navigate these unprecedented circumstances.

In faith and solidarity,

Zaki Sahlia, Adv.  
Legal office - AOCTS