



INTERNATIONAL ASSOCIATION OF JUDGES
4th Study Commission
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WORKING CONDITIONS FOR CHILDREN IN ISRAEL: Updated Summary
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UPDATES

The Israeli response to the questions posed in the 4th Study Commission Questionnaire contained in the compilation presented to each of the delegates was based on the best data available in June 2002. Subsequent to the submission of the response, better data became available. Please note the following:

Numbers

As of the end of 2001, the number of Israeli youth in the 15-17 age range was 3,363,000. Of this number:

- 84.8% were only studying in public schools (83.3% boys, 86.4% girls)
- 6.1% were studying and working at the same time, most of them in the apprenticeship system of the Ministry of Labor and Social Affairs, the remainder in public school frameworks (6.4% boys, 5.8% girls)
- 1.6% were only working (2.1% boys, 0.9% girls)
- 7.5% were neither studying nor working (8.0% boys, 7.0% girls)

Between the years 1999-2001, the percentage of youth involved in work declined from 8.6% to 7.7%. The major factor in this change was the decline in non-Jewish youth working, from 8.2% to 3.2%. Parallel to this decline was an increase in the number of youth studying in public schools, from 70.1% to 84.8%.

Minimum Wage

Beginning January 1, 2003 the monthly minimum wage in Israel for adult employees (i.e., above the age of 18) is NIS 3,350.18, about \$750. The monthly minimum wage for a full-time working youth is calculated according to the following percentages of the adult minimum wage:

- for a working youth who has not yet attained the age of 16--70% (NIS 2,345, about \$525).
- for a working youth who has attained the age of 16 but has not yet attained the age of 17--75% (NIS 2,516.63 NIS per month, about \$565).
- for a working youth who has attained the age of 17--83% (NIS 2,780.64, about \$575).

The minimum wage for an apprentice--a youth who has not yet attained the age of 18, who receives vocational training approved in accordance with the Apprenticeship Law at least two days a week, and who is employed in a full time job—is 60% (NIS 2,010.11, about \$445).

In Israel, the monthly number of hours for youths is 173. Therefore, the hourly minimum wage for a working youth or an apprentice is 1/173 of the monthly minimum wages for youth and apprentices set forth above.

BRIEF ANSWERS TO THE QUESTIONNAIRE

Question 1

“Has your country provided for legislation or protective measures concerning children at work?”

Purpose and main lines

Israel has legislated and regulated directly concerning youth labor. The Israeli legal framework is comprised of three laws: **Youth Labor Law** 5713- 1953 (hereafter: “Youth Labor Law”), **Apprenticeship Law** 5713- 1953 (hereafter: “Apprenticeship Law”), and **Minimum Wage Law** 5747- 1987 (hereafter: “Minimum Wage Law”).

- The purpose of **the Youth Labor Law** is to supply protection to the working youth whenever the general provisions concerning the protection of a “worker” do not take into account the special needs of the working youth. The law regulates the framework and the conditions of youth employment, which is generally, casual employment. The aim of the Youth Labor Law is to **protect** the physical, mental and professional development of the working youth.

- The **Apprenticeship Law** complements the Youth Labor Law and deals with providing the youth with a profession through apprenticeship, that is to say, in guided practical work, and in learning in approved trade lessons. This law has two basic purposes: the first being to ensure that as well as working, the youth acquires a profession; the second being, to promote an aim whereby as many youngsters as possible will acquire a profession.
- The **Minimum Wage Regulation for Working Youth and Apprentices**, implementing the Minimum Wage Law and the General Collective Agreement Concerning Minimum Wages for Working Youth and Apprentices, determines that a working youth or an apprentice has the right to receive from his/her employer a wage not lower than the minimum wage.
- Modernization and technological development have caused major changes in labor practices throughout the world. Such changes, which have become integrated into various types of jobs, have also affected the working habits of youth. The changes in the labor market and in Israel's application of its commitments according to the **International Convention of the Rights of the Child** (hereafter: "The Convention"), which Israel ratified in the year 1991, oblige Israel to make changes in its legislation over the course of the coming years.
- The **Youth Labor Law** required the government to set up a Council for Working Youth Affairs which advises the Minister of Labor and Social Affairs with regard to all matters relating to the Law. The Council consists of representatives of the government, the employees, the employers, and public representatives.

Minimum age for employment

The **Youth Labor Law** makes a distinction between a **child**, a person who has not yet attained the age of 16 years, and an **adolescent**, a person who has attained the age of 16 years but has not yet attained the age of 18 years. **Juvenile** means a child or an adolescent. In accordance with distinction, the law imposes various restrictions.

- With few exceptions, the youngest working age is 15. An option for the employment during official school holidays of children who have attained the age of 14 does exist. This employment is limited to simple positions, which are not likely to endanger the children's health and development.
- A child who has not yet reached the age of 15 may not be employed for public or artistic appearances or for the purpose of advertising or in photographs for the purpose of advertising. However, an exception to these policies may be granted but only by the Minister of Labor and Social Affairs and only in accordance with the terms the Minister sets forth.

Differences in rights based on age

The **Youth Labor Law** declares that a working day for youth shall not be longer than eight hours, and a working week shall not be longer than forty hours. The law does not include any provisions concerning the overtime employment of youth.

- Where a juvenile is employed for six or more working hours a day, her/his work shall be interrupted for at least three-quarters of an hour for rest and meals. These breaks are unpaid. In addition, short breaks must be given for rest or for fresh air. Those breaks are paid.
- On the day preceding a weekly day of rest as well as on the day preceding a festival on which the juvenile does not work, he/she shall not be employed for more than seven working hours.
- A juvenile shall not be employed on the weekly day of rest. The break for the weekly day of rest shall be at least 36 consecutive hours.
- The **Youth Labor Law** includes provisions concerning the shortening of working hours for a juvenile who attends work-related classes. No deduction shall be made from the wages of a juvenile with respect to absence from work to enable him to attend such classes.
- A juvenile shall not be employed at night. An **adolescent who has not yet attained the age of 16 years** shall not be employed between 8 p.m. and 8 a.m. An **adolescent who has attained the age of 16 years** shall not be employed between 10 p.m. and 6 a.m.

Special working conditions for children

The working youth is entitled to receive **severance pay**, if she/he has been employed continuously for at least one year either by the same employer or at the same place of employment and has been dismissed.

Annual leave for a working youth is 18 days for each of the first four years of employment.

Working youth are **exempted from paying income tax**, unless their monthly salary exceeds NIS 2,865 for youth aged 14 – 16 years and NIS 3,705 for youth aged 16 – 18 years.

It is the employer's duty to meet both his share of the **payments due to the National Insurance Institute** as well as the working youth's share.

It is the employer's duty to pay the working youth's **travel expenses** to and from work.

Every working youth must pass a **medical examination** prior to entering into employment. It is the employer's duty to pay for such an examination, which must be conducted by the working youth's sick fund. The time the juvenile invests in having the medical examination shall be considered part of his working hours.

A working youth may not be employed in a place, which, in the opinion of the Minister of Labor and Social Affairs, is **likely to endanger the physical, psychological or educational development** of the youth as a result of the nature of the work, its location or for any other reason.

Every working youth between the age of 15 and 18 to whom the Apprenticeship Law does not apply must take **vocational training**. The duration of the training depends on the age of the adolescent and his previous education. The adolescent shall not be required to make any payments toward the training. The employer shall release the adolescent from his work for the duration of the training and may not reduce the youth's wages due to her/his absence for this purpose.

The employer must bring the provisions of the **Youth Labor Law** to the attention of the working youth.

Question 2

(a) "What are the sanctions (applied or applicable) in case of a breach of children's rights at work?"

In Israel, a breach of children's rights at work can lead to one of three categories of sanction, divided according to the maximum punishment prescribed for them by law. These punishments correspond to the relative seriousness of the offences.

- Offences involving employment of youth under the age permitted by law or youth employment in work places or in a type of work or under circumstances which endanger their physical or mental well-being carry a maximum penalty of one year in prison or a fine currently set at NIS 39150, about \$8,768.
- Offences related to medical examinations and to hours of work and rest carry a maximum penalty of six months in jail or a fine currently set at NIS 26,100, about \$5,845.
- Offences involving other provisions of law such as employment of a youth who under law must be in school or not informing the employed youth of the provisions of the law carry a maximum penalty of a fine currently set at NIS 12,900, about \$2,889.

The following sanctions also apply to youth employment offenses.

- When a corporate body has committed an offence under the Youth Labor Law, it shall be liable to twice the amount of the fine prescribed for that offence. This is in order to decrease the economic profitability of the breach of law by a corporate body. In addition, the law imposes on executives of corporate bodies a duty of supervision. The maximum penalty for breach of this duty is a fine currently set at NIS 39,150, about \$8,770.
- In addition to the penalty prescribed for an offence under the law, where such offence is a continuing offence, the court may impose a fine of NIS 1,300, about \$290, for each day in which the offence continues.
- An alternative to judicial proceedings for infringements of provisions of law is payment of an administrative fine of between NIS 1,500-5,000, about \$337-1120. The administrative fine for a continuing offence will be one fifth of the administrative fine for each day in which the offence continues after notification of the aforementioned fine is served.
- According to the law, a parent of a juvenile must do everything possible to prevent the employment of the juvenile in contravention of provisions of law. Where a parent is in breach of such obligation, (s)he shall be liable to the same fine prescribed for a person who employs the juvenile in contravention of those provisions. Furthermore, according to the law, whenever a juvenile has been employed in contravention of one of the provisions of the law, the presumption shall be that the parent of such juvenile has acted in breach of his/her obligation, unless (s)he proves that (s)he acted without criminal intent and without negligence, and that (s)he did everything possible to perform such obligation.
- In situations where a public authority employs private contractors, the law states, inter alia, that in order to prevent the employment of a juvenile in contravention of the law, the public authority must include within the contract a clause specifying the provisions of the law and setting forth the determination that any breach of such provisions will constitute a breach of the contract.

Liability is absolute for all the aforementioned offences.

(b) [Provide an example of] any recent cases in Israel related to the violation of children's rights at work.

During a proceeding in which a company and its manager were convicted of employing eight boys and girls on four different occasions on their weekly day of rest, it was found that the purpose of the applicable provisions of the law is to prevent an employer from employing youth on their weekly day of rest, and, furthermore, to prevent the youth from foregoing this protected right. The penalty prescribed in the Youth Labor Law for the employment of youth on a weekly day of rest is six times more than the penalty prescribed for the employment of an adult during her/his weekly day of rest.

The very fact that the legislation is so strict when it comes to the penalty for a person who breaches the provisions of the Youth Labor Law in this regard leads to the inevitable conclusion that the protected interest in the Youth Labor Law is a different and more serious interest than the interest protected in the provisions of the Hours of Work and Rest Law (for adults).

Question 3

“Specify the concrete measures likely to improve the conditions of children at work in your country?”

The most important measure that the State of Israel could take with regard to improving the conditions of children at work would be to allocate additional resources for enforcement of existing provisions of law.

Another significant step the State could take would be to adjust the laws related to youth employment to meet the changing nature of the workplace. Existing provisions of law are having difficulty adapting to constantly evolving developments in technology.