Introductory remarks:

There are different measures developed enabling men and women to reconcile their occupational and family obligations. New flexible ways of organizing work and time, which are better suited to the changing needs of society may take into account the needs of both undertakings and workers. This is also important to promote equal opportunities and equal treatment between men and women. Flexibility and diversity of child-care services is part of a strategy to meet the different preferences, needs and circumstances of children and their parents.

The three main field of this questionnaire are

a. maternity leave for women -related to maternity and birth
b. parental leave (distinct from maternity leave) for men and women related to the upbringing of infants and
c. time off from work on grounds of other urgent family reasons

A Maternity leave

1. When shall pregnant employees inform their employer of their condition?

Reply: The Israeli law does not require a pregnant employee to inform its employer of its condition. The law grants rights to a pregnant employee beginning in its 5th month of pregnancy: the employer is not allowed to employ her in overtime, night shifts or during the weekly day of rest, unless the employee has consented in writing and a physician has approved it.

2. Are pregnant employees and employees who have recently given birth entitled to a continuous period of maternity leave. How long is this leave and when is it allocated before?

Reply: The basic maternity leave is of duration of 14 weeks. As for the first 6 weeks of the leave, it is granted only to the pregnant employee. The rest can be divided between the pregnant employee and her spouse.
A pregnant employee, whose date of delivery is approaching, can choose at what time prior to delivery to begin its maternity leave.
Maternity leave is not granted only to pregnant employees, but also to those adopting a child
An employee, who gave birth to more than one child, is entitled to extend the maternity leave by 3 additional weeks for each additional baby born.

An employee, who was hospitalized during the maternity leave, is entitled to extend the leave by duration equal to the hospitalization period, but not longer than 4 weeks. Such an extension is possible also in cases where during the maternity leave the newborn has to remain in hospital (or be admitted to hospital after birth) for a period longer than 2 weeks. The employee has to give a written notice to the employer regarding the extension of the maternity leave. Such a notice has to be given no later than 4 days before the employee was originally expected to return to work. If the circumstances prevent the employee from giving such notice according to this time limit, a notice should be given as soon as possible.

An employee who has given birth is entitled, when certain circumstances prevail, to be absent from the workplace after the end of the maternity leave, for a period not longer than 6 months from giving birth. Such abstention is regarded as a leave-without-pay (e.g. when the reason is breastfeeding) or as a sick leave (e.g. when the reason is a medical condition arising from giving birth).

An employee, who was employed, prior to the maternity leave, for a period of 12 months, is entitled to a leave-without-pay for period equal to 25% of the duration of employment, up to a maximum leave of 12 months.

3. Do they maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

Reply: Three types of payments are involved:

a) Maternity Allowance: during maternity leave the employee does not receive pay from the employer. In lieu, the employee receives "Maternity Allowance" paid by the National Insurance Institute (i.e. social insurance). The rate of the allowance is equal to 100% of the employee's salary, up to a maximum of Euro 1,240 per month. The allowance is subject to tax. Maternity Allowance is paid either for the whole duration of the maternity leave or for half of the leave (depending on the duration in which the social security dues were paid for the employee).

b) Maternity Grant: the National Insurance Institute pays a one-time monetary grant to the employee subject to giving birth in a hospital or being admitted to hospital immediately afterwards. The rate of the grant depends on the number of children born as well as the number of children in the family (e.g. for the first child – a sum of Euro 280; for the third child - a sum of Euro 84; for a triplet – a sum of Euro 2,100).

c) Hospitalization Grant: the hospitalization costs arising from giving birth are covered by the National Insurance Institute and paid directly to the hospital. The employee who gave birth is thus exempted from any payment arising from such hospitalization.

4. What rights are acquired by the worker on the date on which maternity leave starts until the end?

Reply: the duration of the maternity leave is seen as a period service and thus does not limit any rights which depend on tenure (e.g. year leave, severance pay, yearly holiday grant).

5. Is there continuity of the entitlements to social security, in particular regarding
health care?

**Reply:**

Yes.

With regard to social security and health care: There is continuity of the entitlement to social security benefits and health care, subject to the relevant dues being paid. Social security and health care dues are deducted from the Maternity Allowance.

With regard to pension funds: During the maternity leave, the employer is obliged to continue and pay its share of the pension-fund premiums, as if the employee was continuing to work. This right is subject to the condition that the employee had worked for that employer for a period of 6 months prior to the beginning of the pregnancy.

6. Do workers at the end of maternity leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?

**Reply:** Yes. If the employee exercised her right to extend the maternity leave, the employer is obliged to admit the employee back to work, but is under no obligation to provide the same role. In such cases, Labor Court may need to examine whether admitting the employee to a new role does not violate the provisions of the Employment (Equal Opportunities) Law; whether it is a discrimination due to being a parent; whether it is a discrimination arising out of exercising a parent-related right. The Court may subsequently rule that the employee is eligible for monetary damages (without the need to prove harm) arising from the breach of its right to equal opportunity in employment.

7. Are employees protected against dismissal?

**Reply:** the Employment of Women Law stipulates strict measures against dismissal of pregnant women during and after pregnancy:

- An employer is not allowed to dismiss a pregnant employee who has not begun its maternity leave. This applies to both temporary employees as well as permanent employees, subject to them being employed by the employer for at least 6 months. Such dismissal is only possible with the authorization from the Ministry of Industry, Trade and Labor, on grounds such as incompetence, unauthorized conduct, and shutdown of business or personnel reductions. However, it shall not be given if the dismissal is connected with the employee being pregnant. Employees who did not complete the 6 month employment period (which is a pre-condition for the protection from dismissal) and were dismissed because of their pregnancy are eligible to monetary compensation because of the breach of their right to equal opportunity in employment.

- No dismissal is allowed of an employee in the period of 60 days after termination of the maternity leave (or the extension thereof), unless authorized by the Ministry of Industry, Trade and Labor.

- Protection against dismissal is also granted to persons undergoing fertility treatments for the purpose of having their first or second child.

- Dismissal in violation of the above mentioned protection measures is a misdemeanor punishable by a prison term of up to 6 months or a fine of up to Euro 25,400.
In addition to the above mentioned stipulations, the Employment (Equal Opportunities) Law forbids discrimination of employees on grounds of gender, pregnancy or parenting. The protection granted in this law to pregnant women is in effect from the first day of employment and is not subject to any pre-requirements of minimum employment periods.

8. Do special provisions exist to meet the operational and organizational requirements of small undertakings?

Reply: The provisions of the Employment (Equal Opportunities) Law, which forbids discrimination of employees on grounds of gender, pregnancy, fertility treatments, parenting, do not apply to undertakings employing less than 6 employees. The Employment of Women Law, which forbids dismissal of pregnant employees because of their pregnancy, does not include special provisions for small undertakings.

9. Are employees entitled to time off in order to attend ante-natal examinations, if such examinations have to take place during working hours?

Reply: The law states that an employee is entitled to time off during the pregnancy period, as long as a physician has approved in writing that such a need exists. Time off (up to 30 days) taken for these reasons is regarded as sick-leave and part of the tenure. In addition, the law stipulates that a pregnant employee may be absent from work in order to undergo regular medical examinations related to the pregnancy. The time off for this purpose depends whether the employee is employed full or part time: an employee working over 4 hours daily is allowed during the pregnancy up to 40 hours as time-off for medical examinations, whereas those working less than 4 hours daily are allowed up to 20 hours time-off during the pregnancy.

Time-off is also given to employees undergoing fertility treatments.

A spouse may be absent up to 7 days from work due to medical treatments given to his pregnant spouse or due to her giving birth. These days are regarded as sick-leave. Exercising this right is subject to the one of the following: the spouse attending the birth-giving; accompanying the pregnant spouse to medical treatments which entails risk to the woman's or fetus' lives; or the existence of circumstances in which the pregnant woman requires assistance in order to undergo the medical treatments.

10. What are the most common cases at courts related to this?

Reply: Dismissals of pregnant employees without such dismissal being authorized according to the manner stipulated in law, or dismissals due to an employee's pregnancy.

B - Parental leave

1. What are the conditions of access and rules for applying for parental leave?
Describe Your system (full-time or part-time basis, time-credit system....).

Reply: The following rights are granted to a father:

- A father is eligible to take part of the 14 weeks maternity leave granted to the mother.
  The mother must take 6 consecutive weeks of maternity leave after giving birth (not
applicable to adoptions). As for the rest of the leave, if the mother decides not take it – then the father can take it instead for a minimum period of 21 days.

- A father can also take a leave-without-pay for a period of up to 4 weeks, in case the spouse has been hospitalized during the maternity leave.
- A leave-without-pay, for a period equal to the maternity leave not used by the mother, is also granted to a father who has sole custody of the newborn child.
- A father who took a maternity-leave is allowed to extend in certain circumstances (e.g. more than one child was born; the mother or child have been hospitalized).

2. Is the entitlement to parental leave subject to a period of work qualification and/or a length of service qualification and which period?

**Reply:** A father who has been employed by a given employer for a consecutive period of 24 months, is entitled for a leave-without-pay if one of the following two circumstances apply: his spouse was employed for a consecutive period of at least 6 months prior to the father taking the leave or the child is in his sole custody due to his spouse's disability or illness. The period of the leave-without-pay shall be equal to 25% of the father's tenure, up to a maximum of one year.

3. Which notice periods do exist for the worker when exercising the right to parental leave, specifying the beginning and the end of the period of leave?

**Reply:** The father is required to give the his employer a written statement signed by the father and his spouse. The statement should be given 30 days prior to the commencement of the leave, unless the time of such commencement could not be foreseen.

4. Is an employer allowed to postpone the granting of parental leave for reasons related to the operation of the undertaking (e.g. where a replacement cannot be found within the notice period?)

**Reply:** No.

5. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

**Reply:** A father who took a maternity leave instead of his spouse (subject to the mother taking 6 weeks of maternity leave immediately after giving birth) is entitled to Maternity Allowance. The rate of the allowance shall be according to the father's income in the 3 months prior to the birth of the child (up to a maximum of Euro 235 par day).

6. What rights are acquired by the employees on the date on which parental leave starts until the end of parental leave?

**Reply:** For purposes of tenure and continuity of work, parental leave is regarded as work time.

7. Is there a continuity of the entitlements to social security, in particular regarding health care?

**Reply:** Yes. For maternity leave taken by the father, the continuity is the same as for the pregnant employee (see above). As for leave-without-pay taken by the father in circumstances
when the spouse is hospitalized or when the child is in sole custody of the father, the leave is regarded as work time for tenure purposes.

8. Do employees at the end of parental leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?

Reply: If a father who took a leave-without-pay in circumstances when the spouse is hospitalized or when the child is in sole custody of the father, demands from the employer to take him back to work before the leave is over, the employer cannot postpone this for more than 2 weeks.

In other cases, the Labor Court may need to examine whether not admitting the employee back to his job does not violate the provisions of the Employment (Equal Opportunities) Law; whether it is a discrimination due to being a parent; and whether it is a discrimination arising out of exercising a parent-related right. The Court may subsequently rule that the employee is eligible for monetary damages (without the need to prove harm) arising from the breach of right to equal opportunity in employment.

9. Are employees protected against dismissal on the grounds of an application for, or the taking of, parental leave?

Reply: Yes. In addition, the law forbids dismissal of an employee during a period of 60 days following the end of the maternity leave or the leave-without-pay. Such dismissal is only possible with the authorization from the Ministry of Industry, Trade and Labor, which shall be given if the dismissal has no connection to the maternity leave or leave-without-pay.

10. Do exist special provisions to meet the operational and organizational requirements of small undertakings?

Reply: The provisions of the Employment (Equal Opportunities) Law, which forbids discrimination of employees on grounds of gender, pregnancy, fertility treatments, parenting, do not apply to undertakings employing less than 6 employees.

11. Does Your system also grant access to parental leave for adoption cases and are there specific rules for applying parental leave to the special circumstances of adoption.

Reply: Israeli law grants a 14 week leave in cases of an adoption of a child aged less than 10 years. This adoption leave can be taken either by the adopting father or mother, subject to minimum leave period of 21 days. The parent taking the leave is entitled to a Maternity Allowance. The adoption leave begins at the date the child has been taken into foster. The leave may be extended or split if the adopted child or adopting parent have been hospitalized. Also, a 3-week extension is possible when two children are adopted.

12. What are the most common cases at courts related to this?

Reply: The most common cases are claims made by men to exercise rights given to mothers at work and which the mothers choose not to exercise (e.g. the right to shorten the working day by one hour for the period of 4 months after the end of the maternity leave). The right of men to exercise such rights is stipulated in the Employment (Equal Opportunities) Law. Israeli Labor
Courts have ruled that prevention of such right from men amounts to illegal discrimination.

**C. Time off from work on grounds of urgent family reasons**

1. Are employed parents with responsibility for the care and upbringing of children entitled to time off from work on grounds of urgent family reasons in cases (sickness or other reasons related to family members making the immediate presence of the worker indispensable)?

**Reply:** Yes. Employees are entitled to time off when their child, spouse or parent are ill. Time off is also given to parents of disabled persons. These rights are subject to various conditions, such as the age of the child/parent, period of time the employee has been employed, whether the spouse is employed or self-employed, etc.

2. What are the conditions of access for applying for this kind of time off?

**Reply:**

a) **Time-off due to illness of a child:** an employed parent who has a child aged less than 16 years is eligible to an additional credit of up to 8 days of sick leave per year. If the child is in the sole custody of the employee, or if the employee is the sole parent, the additional credit of sick leave rises to 16 days per year. This time-off is subject to the spouse not exercising the same time-off.

An employed parent of a child not aged over 18 years is eligible to an additional credit of up to 30 days of sick leave or annual leave per year in case the child has a malignant disease. If the spouse is employed and does not take time-off for this purpose, the credit rises to 60 days of sick leave or annual leave per year. Exercising this time-off is subject to the parent being employed at the same undertaking for at least 1 year.

A parent of a disabled person (not necessarily a child), or a guardian of such a person, is eligible to an additional credit of up to 15 days of annual leave or sick leave per year. This right is subject to the parent being employed for at least one year at the same undertaking. An additional credit of 15 days is allowed if one of the following exist: the parent is the sole parent; the spouse is employed and does not exercise his right to time-off; the parent has sole custody of the disabled person.

b) **Time-off due to illness of a spouse:** an employee is eligible to an additional credit of up to 6 days of sick leave per year due to illness of a spouse. Exercising this right is subject to the employee giving the employer a written statement, accompanied by a physician note, in which it is declared that the spouse is totally dependant on others for the daily activities (e.g. eating, bathing, dressing, etc).

c) **Time-off due to illness of a parent:** an employee whose parent, or spouse's parent, is over 65 years old, is entitled to an additional credit of up to 6 days of sick leave per year. This is subject to the spouse being employed and not using the time-off for this same reason. In addition, in order to exercise this right, the employee is required to give a written statement, accompanied by a physician note, that the parent is totally dependant on others for the daily activities (e.g. eating, bathing, dressing, etc). Another requirement for exercising this right is that no siblings of the employee have exercised time-off for taking care of the parent.
3. Is this time off limited to a certain amount of time per year or per case?

**Reply:** Yes. There are limitations, as detailed above. If the additional credit of yearly sick leave/annual leave days is not used, it cannot be accumulated from year to year.

4. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

**Reply:** Employees maintain their pay since the time off is regarded as either sick-leave or annual leave (depending on the case, as detailed above). If the time off is regarded as sick-leave, and if no better terms exist in the employment contract or in the collective agreements, the pay shall be born by the employer according to the following rates: for the first day – no pay; for the second and third days – 37.5% of the pay (per each day); for the fourth day onwards – 75% of the pay (per day).

5. Is there a continuity of the entitlements to social security, in particular regarding health care?

**Reply:** Yes.

6. Are these employees protected against dismissal?

**Reply:** No special provisions apply.

7. Do there exist special provisions to meet the operational and organizational requirements of small undertakings?

**Reply:** No.

8. What are the most common cases at courts related to this?

**Reply:** No common cases related to this.