



November 2023

A Guide for Employers - "Iron Swords" War

Dear Friends,

We are experiencing a difficult period. We wish to extend our deepest condolences to the families who lost their loved ones, to wish for a fast recovery to the injured, to offer our support of and gratitude for the security forces who are protecting us, and to pray for the immediate return of the hostages.

This legal update reviews the important information covered in the webinar that we held on October 30, 2023.

Postponement of Municipal and Regional Elections - Municipal and regional elections had originally been scheduled to be held on October 31, 2023. Due to the emergency situation, and pursuant to the **Law for the Postponement of the General Elections for Local Authorities 5784-2023**, such elections were postponed until **January 30, 2024**.

Declaration of a State of Emergency - On October 7, 2023, a State of Emergency was officially declared in Israel, and has been repeatedly extended since. We recommend following updates to the IDF Home Front Command's guidelines and the restrictions that have been established due to the State of Emergency.

Mandatory Attendance for Essential Workers - Places of work that are considered as "Essential" under Israeli law, which operate in the areas of state defense and public protection, or which provide essential services, may mandate their employees to report to work. An "Essential Worker" failing to report for work constitutes a criminal offense. Such enterprises are expected to maintain the continuity of operations, even in areas of conflict.

Absence from work due to the war - As of this update, there is no confirmed policy or mechanism for compensating employees who were absent from work due to the security situation. However, based on historical precedents, it is anticipated that a national policy may be implemented for the compensation of employers making salary payments to such employees, in light of the emergency circumstances. We recommend using discretion and, when possible, maintaining flexibility and sensitivity when agreeing on arrangements with employees who cannot come to work during this time. This can be done through utilizing accumulated vacation days, allowing employees to work remotely, utilizing sick days for mental health conditions which preclude leaving home, in addition to physical conditions and injuries.

Termination is Prohibited in a State of Emergency – Employers are not permitted to fire an employee for absence from work due to childcare responsibilities for a child under 14 years old, under the following conditions: no suitable arrangement for childcare the workplace; the employee is the child's sole caregiver, or if the worker's spouse is

unable to care for the child. It is also prohibited to terminate employees who were drafted for military reserve duty; this protection extends throughout their reserve service and for the 30-day period after they resume work after the following their service.

Pause of Termination Notice Period During Army Reserve Service – If an employee was terminated prior to his commencement of army reserve duty, and the notice period for termination overlaps with their reserve service, the countdown of the notice period is paused, and will resume 30 days after the completion of their military service.

General Permit for Nighttime Employment of Youth – Issued on October 26, 2023, this permit allows employers to employ youth workers (ages 16-18) to work until 23:00. When the workday extends beyond 22:00, the employer is required to arrange transportation home for the youth employee at the end of the shift. At minimum, a 14-hour break is required before the following workday.

Expanded Overtime Work Hours Permit – Effective from October 26, 2023, a general permit has been granted to extend the work week from 58 hours to 67 hours per week, including both regular and overtime hours. This adjustment allows for up to 90 overtime hours monthly and permits workdays to last up to 14 hours. On such extended workdays, employees are entitled to an additional rest break of at least 15 minutes between the 12th and 14th working hours. This permit is applicable to small-scale employers who employ up to 20 workers, essential enterprises, and larger employers who employ more than 20 workers subject to specific conditions.

Manage the Economic Impact on the Workplace -

- **Remote Work** - Whether from within Israel or abroad, allowing employees to work remotely is an efficient solution where an employee is able to perform his or her work this way.
- **Mandatory Leave Policy** - Employers have the authority to mandate leave for their employees. It should be noted that for an expected duration in excess of seven days, employers are obligated to provide employees with a minimum of 14 days' advance notice before the commencement of the leave period.
- **Modification of Employment Terms** - Any alterations to the conditions of employment, including the reduction of work hours or salary, requires the employee's consent.
- **Workplace Relocation Considerations** – Employers with multiple locations, such as branches, plants, or work sites in other parts of the country, may consider reassigning employees to these other locations.
- **Leave of Absence and Unemployment Benefits** – Mandating a leave of absence requires employee consent. For an employee to qualify for unemployment benefits during this leave, the following conditions must be met: the leave of absence was initiated by the employer, is longer than 14-days, and is preceded by the use of all the employee's accumulated vacation days. Additionally, the employee must have been employed for 6 out of the 18 months before the leave began (continuous employment with the same employer is not required). The employee must also be an Israeli resident between 20 and 67.

Addressing Offensive Speech in the Workplace - During this period of heightened tension, it is crucial to uphold a safe work environment for all employees. Should an employer encounter an instance of offensive speech, it is advised to conduct a thorough investigation before taking any disciplinary measures against an employee.

We hope for better days ahead.

We would be happy to assist you and answer any questions you may have.

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