

HOURS OF WORK AND REST LAW, 5711-1951

CHAPTER ONE: INTRODUCTORY PROVISIONS

Interpretation.

1. In this Law -

“working hours” means the period during which an employee is available for employment including short breaks allowed to an employee by agreement for rest and fresh air other than the breaks provided in section 20;

“over-time hours” means working hours additional to -

(a) the limit prescribed for a working day in section 2 or a working day prescribed under the provisions of section 4, or

(b) the limit prescribed for a working week in section 3, or a working week prescribed under the provisions of section 4;

“night work” means work during a period of which not less than two hours are between 10:00 p.m. and 06:00 a.m.;

“Inspector of Labour” means an inspector as defined in the Department of Labour Ordinance, 1943;

“Regional Inspector of Labour” means an Inspector of Labour appointed by the Minister of Labour and Social Affairs to be a Regional Inspector of Labour.

CHAPTER TWO: HOURS OF WORK

Working day.

2. (a) A working day shall not exceed eight working hours.

(b) a working day shall not exceed seven working hours in night work on the day preceding the weekly rest and on the day preceding a festival on which an employee is not employed, whether by law or by agreement or custom.

Working week.

3. A working week shall not exceed forty-five working hours.

Variation of working day or working week.

4. (a) The Minister of Labour and Social Affairs may, by regulations, prescribe -

(1) A working day shorter than that prescribed in section 2 or a working week shorter than that prescribed in section 3, in respect of particular types of employment if he deems it necessary for reasons connected with the employee’s health or the circumstances of such employment;

(2) a working day longer than that prescribed in section 2 or a working week longer than that prescribed in section 2 -

(i) in respect of particular classes of agricultural employment or employment directly connected with the care of animals;

(ii) in respect of employment in places for the care of the sick, pharmacies, convalescent homes and institutions for the care of the aged or of children;

(iii) in respect of employment in restaurants, hotels and cafes;

(iv) in respect of all or any persons in non-industrial employment in the service of the State or local authorities, whose employment is, in the opinion of the Minister of Labour and Social Affairs, essential to the public and is prescribed by regulations provided that a working day shall not exceed ten working hours and a working week shall not exceed on average, over a period prescribed by regulations, forty-five working hours.

(b) Notwithstanding the provisions of section 2, the working day of a monthly employee in private domestic service, not being a part-time employee, shall not exceed 10 working hours; and a working day under this subsection shall be deemed a working day under section 2.

Variation by collective agreement.

5. (a) Where the Minister of Labour and Social Affairs has approved a collective agreement prescribing a working day longer than eight working hours or a working week longer than forty-five hours, such working day or working week shall be deemed a working day or working week under section 2 or section 3, as the case may be.

The Minister of Labour and Social Affairs shall not give his approval under this subsection, unless -

- (1) he is satisfied that on account of special circumstances it is impossible to maintain a working day as prescribed in section 2 or working week as prescribed in section 3.
- (2) the average number of working hours over a period prescribed in the collective agreement does not exceed ten hours per day or forty-five hours per week.

(b) Where the Minister of Labour and Social Affairs has approved a collective agreement prescribing for one day in the week a working day not exceeding five working hours and for two days in the week a working day not exceeding nine working hours, such working days shall be deemed working days under section 2.

Prohibition of over-time employment.

6. An employee shall not be employed during over-time hours, unless such employment is allowed under section 10 or has been permitted under section 11.

CHAPTER THREE: WEEKLY REST

Weekly hours of rest.

7. (a) An employee's weekly rest shall be not less than thirty-six consecutive hours in the week.

(b) The weekly rest shall include -

- (1) in the case of a Jew, the Sabbath day;
- (2) in the case of a person other than a Jew the Sabbath day or Sunday or Friday, whichever is ordinarily observed by him as his weekly day of rest.

Variation of weekly hours of rest.

8. The Minister of Labour and Social Affairs may, by regulations, prescribe in respect of particular types of employment, a weekly rest shorter than thirty-six hours, but not shorter than twenty five consecutive hours. A weekly-rest prescribed by regulations under this section shall be deemed the weekly rest under section 7.

Prohibition of employment during weekly rest.

9. An employee shall not be employed during his weekly rest, unless such employment has been permitted under section 12.

Prohibition of work during weekly rest.

9A. (a) On the prescribed days of rest, within the meaning of the Law and Administration Ordinance,, 5708-1948, the owner of a work-shop or industrial undertaking shall not work in his workshop of undertaking and the owners of a shop shall not do business in his shop.

(b) On the aforesaid days of rest, a member of a cooperative society shall not work in a workshop or industrial undertaking of the society; a member of an agricultural cooperative society shall not work in a workshop or industrial undertaking of the society unless the work is connected with the services necessary for its farm.

(c) A non-Jew may, in respect of his workshop, industrial undertaking or shop situated in the area of a local authority whose non-Jewish inhabitants, according to the determination of that authority, are at least 25 per cent of its total population, observe the prohibitions imposed by this section, at his option, either on the aforesaid days of rest or on his own Sabbath and holydays. The same shall apply in a quarter of a local authority if the area and the proportion - not less than 25 per cent - of the non-Jewish inhabitants of that quarter have been determined for this purpose by that authority.

(d) The provisions of subsection (c) shall not prevent a person charged under this section from producing evidence that the proportion of non-Jewish inhabitants in the area of the local authority or the quarter, as the case may be, is not less than 25 per cent.

Application of section 12.

9B. The provisions of section 12 shall apply, *mutatis mutandis*, to the grant of permits for work on days of rest to a person to whom the provisions of section 9A apply.

Prohibition of discrimination.

- 9C. (a) A person in need of an employee shall not refuse to accept a person for employment by reason only that on being accepted for employment such person states that in accordance with a prohibition imposed by commandments of his religion observed by him, he does not agree to work on days of weekly rest, and he shall not require him to give an understanding to work on days of weekly rest as a condition of his being accepted for employment.
- (b) A person in need of an employee may request a person who has stated as specified in subsection (a) to deliver to him, not later than seven days from the date of the request, a written affidavit under section 15 of the Evidence Ordinance (New Version), 5731-1971, containing particulars substantiating his statement, including particulars attesting to his religious convictions and his observance of the commandments of his religion and, if he is a Jew, to his observance of the dietary laws, both in and outside his home, and to his abstention from traveling on the Sabbath.

Employee requested to work during time of weekly rest.

- 9D. (a) An employee who has not previously worked on days of weekly rest and whom his employer requests so to work or notifies that he intends so to request him may state to his employer, not later than three days after the date of the request or notification, that in accordance with a prohibition imposed by commandments of his religion observed by him, he does not agree to work on days of weekly rest.
- (b) An employer may request an employee who has stated as specified in subsection (a) to deliver to him, not later than seven days from the day of the request, a written affidavit under section 15 of the Evidence Ordinance (New Version), 5731-1971, containing particulars as referred to in section 9C(b).

Reasonable alteration of conditions of employment.

- 9E. An employer may reasonably alter the conditions of employment and work schedule of a person who has stated under section 9C or 9D that he does not agree to work on days of weekly rest.

Inapplicability.

- 9F. (a) Where a statement under section 9C or 9D is untruthful or where the person who made it has been requested to deliver an affidavit as specified in those sections and has not done so, such statement shall be void.
- (b) The provisions of section 9C and 9D shall not apply -
- (1) In a place of employment which is an enterprise or establishment, or part thereof, concerned with public security;
 - (2) to work connected with State security or with the protection of the safety, well-being or health of persons;
 - (3) to work connected with hotel accommodation;
 - (4) to work connected with the generation or conveyance of electric current;
 - (5) to work connected with the maintenance of essential supplies and services and designated by order of the Ministers' Committee mentioned in section 12B, with the approval of the Knesset Labour and Social Affairs Committee, if, in the opinion of the said Ministers' Committee the application of the said section is likely to prevent the maintenance of essential supplies and services.

Jurisdiction of Labour Court.

- 9G. (a) The Regional Court, within the meaning of the Labour Courts Law 5729-1969 (hereinafter referred to as "the Regional Court) shall have sole jurisdiction in actions arising out of the provisions of section 9C.
- (b) The Regional Court shall not entertain an action based on the provisions of sections 9C to 9F brought after the lapse of three months from the time when the cause of action arose.

CHAPTER FOUR: EMPLOYMENT DURING PROHIBITED HOURS

Employment allowed during over-time hours.

10. (a) An employee may be employed during over-time hours -
- (1) where an accident or unexpected event renders the same necessary, or machinery or equipment requires urgent attention, and to the extent only that such employment is required

in order to prevent serious disturbances of the normal process of the work concerned, or to prevent injury to persons or property which cannot be prevented by other means;

(2) where persons are employed in shifts: provided that they shall not be employed for more than one hour of over-time per day, and that the average for three weeks shall not exceed forty-five working hours per week;

(3) for the purpose of preparing an annual balance-sheet, stock-taking and trading before a festival: provided that no person shall be so employed for more than four hours of overtime per day or one hundred hours per year;

(b) Where a worker has been employed during over-time hours under paragraph (1) of subsection (a), written notice to that effect shall be given to the Regional Inspector of Labour not later than on the following day, and no further over-time employment shall be undertaken unless the inspectors shall give written permission for the same and any conditions thereof are complied with.

Permission for over-time employment.

11. The Minister of Labour and Social Affairs may permit an employee to be employed during over-time hours -

(1) during any period of a state of emergency in the State by virtue of a declaration under section 9(a) of the Law and Administration Ordinance, 5708-1948, and at any time that the requirements of essential supplies and services render the same necessary in the opinion of the Minister of Labour and Social Affairs or, in the case of places of employment which are subject to the direction of the Minister of Defence or in which orders are being fulfilled for the Israel Defense Forces, in the opinion of the Minister of Defence;

(2) in non-industrial public services;

(3) in watchmen's duties;

(4) in any place for the care of the sick, pharmacies, convalescent homes and institutions for the care of the aged or of children.

(5) in restaurants, hotels and cafes, and cultural, sports and entertainment undertakings;

(6) in preparatory of final processes which must be carried out outside ordinary working hours or in employment which by its nature must be performed intermittently and at intervals and requires the continuous presence of the employee at his place of employment;

(7) in seasonal employment or in exceptional cases of temporary and extraordinary pressure of work.

Permission for employment on weekly rest.

12. (a) The Minister of Labour and Social Affairs may permit an employee to be employed during all or any of the hours of weekly rest, if he is satisfied that interruption or work for all or part of the weekly rest is likely to prejudice the defense of the State or the security of persons or property or seriously to prejudice the economy, or a process of work or the supply of services which, in the opinion of the Minister of Labour and Social Affairs, are essential to the public or part thereof.

(b) A general permit under subsection (a) shall be given only upon the decision of a Ministerial Committee consisting of the Prime Minister, the Minister of Religious Affairs and the Minister of Labour and Social Affairs.

(c) A special permit under subsection (a) shall specify the trades or functions of the employees in respect of whom it is given or the departments at the place of employment in respect of whose employees it is given.

Over-time hours and increasing employment.

13. The Minister of Labour and Social Affairs if he considers the same necessary for increasing employment, may, by order published in *Reshumot* or by special notice, prohibit or restrict the employment of an employee during over-time hours as allowed under section (10a), other than paragraph (1) thereof, or as permitted under section 11.

Conditions and restriction in permits.

14. (a) The Minister of Labour and Social Affairs may prescribe conditions and restrictions in permits.

(b) The Minister of Labour and Social Affairs shall prescribe, in any permit for employment during over-time hours, the limit of permitted over-time hours.

General and special permits.

15. (a) A permit may be either general or special

(b) Notice of the grant of a general permit and of the conditions and restrictions prescribed therein and notice of the revocation of a general permit or of the variation of the conditions prescribed therein, shall be published in *Reshumot*.

A special permit shall not be granted for any period exceeding two years, and any person granted such a permit shall exhibit it conspicuously at the place where persons are employed in accordance therewith.

Over-time pay.

16. (a) an employer shall pay an employee who is employed for over-time hours a wage not less than $1\frac{1}{4}$ times the ordinary wage for the first two over-time hours in any one day, and not less than $1\frac{1}{2}$ times the ordinary wage for all subsequent over-time hours.

Where an employee's wage or any part thereof is paid by piece rates, his employer shall pay him, for each piece made during the first two over-time hours in any one day, a wage of not less than $1\frac{1}{4}$ times the wage payable for each piece made during ordinary working hours, and for each piece made during over-time hours exceeding two, not less than $1\frac{1}{2}$ times the wage payable for each piece made during ordinary hours.

(b) Where the wage of an employee engaged in any of the employments mentioned in paragraph (2) of section 4(a) or in section 4(b) is paid monthly or at a longer interval, his employer shall be entitled, instead of paying a wage under this section, to give him a rest of not less than an hour and a quarter for each of the first two over-time hours in any one day and of not less than an hour and a half for every subsequent over-time hour.

Pay for working on weekly rest.

17. (a) Where an employee is employed during all or any of the hours of weekly rest:

(1) his employer shall pay him for any such hours a wage of not less than $1\frac{1}{2}$ times the ordinary wage. Where the employee's wage or any part thereof is paid by piece rates, his employer shall pay him for each piece made during the hours of weekly rest a wage of not less than $1\frac{1}{2}$ times the wage payable for each piece made during ordinary working hours.

(2) his employer shall give him, instead of the hours of weekly rest on which he worked, such number of hours of rest and at such time as are prescribed in the permit by virtue of which he is so employed.

(b) Where an employee's wage is paid monthly or at longer interval, his employer shall be entitled to give him, instead of pay under paragraph (1) of subsection (a), a rest of not less than an hour and a half for every hour of weekly rest on which he is employed.

Ordinary wage.

18. For the purposes of sections 16 and 17, the term "ordinary wage" includes all additional payments made by an employer to an employee.

Regulations as to calculation of pay.

19. The Minister of Labour and Social Affairs, by regulations, may make supplementary directions as to the calculation of over-time pay and pay for work during the weekly rest for the purposes of sections 16 and 17.

CHAPTER FIVE: WORK BREAKS

Work breaks.

20. (a) In any working day of six or more hours, work shall cease for rest and refreshment for not less than $\frac{3}{4}$ of an hour, including one continuous break of not less than half an hour. On the day preceding the weekly rest or a festival, the break shall be for not less than half an hour.
- (b) A break under subsection (a) shall not exceed three hours.
- (c) During a break under subsection (a) lasting for half an hour or more, an employee may leave his place of work, unless his presence at his place of work is essential to the work process or to the working and use of the equipment and he has been required by his employer to remain at his place of work, and, in such a case, the period of the breaks shall be regarded as part of the working hours.

Break between working days.

21. There shall be a break of not less than eight hours between one working day and the next.

Night work.

22. (a) An employee shall not be employed on night work for more than one week in three in any undertaking in which persons are employed in shifts.
- (b) In 1991, 1992 and 1993 in subsection (a) instead of "more than one week" read "more than two weeks".

Permits as to breaks.

23. The Minister of Labour and Social Affairs may permit a deviation from the provisions of sections 20 and 22 if it appears to him that the conditions of work or the duties or welfare of an employee require or justify it, or in respect of a person who in reliance on section 9C or 9D, does not agree to work on days of weekly rest.

The provisions of sections 14(a) and 15 apply to a permit under this section.

CHAPTER SIX: LABOUR INSPECTION AND PENALTIES.

Powers of Inspector.

24. (a) Any Inspector of Labour, in relation to any place in which he has reason to believe that a person is employed, shall have all the powers of an Inspector under section 10(1) of the Department of Labour Ordinance, 1943.
- (b) An Inspector of Labour may, in any matter relating to this Law, examine any person being in a place visited by such Inspector in virtue of his powers under subsection (a), but no person shall be required to give an answer or evidence calculated to incriminate him.
- An Inspector of Labour may prepare a record of the answer and statements of the person examined.
- (c) A record prepared in accordance with subsection (b) shall have the effect of a statement prepared in accordance with the provisions of section 2 of the Criminal Procedure (Evidence) Ordinance, and sections 3 and 4 of that Ordinance shall apply thereto.

Register of Working Hours, etc.

25. (a) Every employer shall keep a register of working hours, hours of weekly rest, over-time hours, pay for over-time hours and for work during the weekly rest, and such particulars shall be entered therein as shall be prescribed by regulation.
- (b) The Minister of Labour and Social Affairs, by notice published in *Reshumot*, shall prescribe the classes of employers to whom this section shall apply.

Penalties

26. (a) Any person who employs another person in contravention of this Law or otherwise than in accordance with regulations made or a permit granted thereunder, shall be liable to a fine not exceeding nine thousand, six hundred new Shekalim in respect of every employee so employed or to imprisonment for a term not exceeding one month or to both such penalties.
- (b) Any person who interferes with an Inspector of Labour in the exercise of his powers or refuses to answer any question which he is obliged to answer or fails to exhibit a permit as

required by section 15(b) shall be liable to a fine not exceeding nine thousand, six hundred new Shekalim or to imprisonment for a term not exceeding two weeks or to both such penalties.

(c) A person who contravenes any provision of section 9A shall be liable to a fine not exceeding nine thousand, six hundred new Shekalim.

Responsibility of directors and managers.

27. Where a company, co-operative society or any other body of persons has employed any person in contravention of this Law or other wise than in accordance with regulations made or a permit granted thereunder, every director, manager or official of such body of persons shall likewise be regarded as responsible for the offence and may be tried and punished as if he had committed it, unless one of the following is proved:

- (1) that the offence was committed without his knowledge;
- (2) that he took all proper steps to ensure compliance with the provisions of this Law relating to such offence.

Position of workers contracting group.

28. In the case of a worker's contracting group, whether or not it be a corporate body, each member of the group shall be deemed to be an employee of the person who has entrusted any work to the group, provided he would be so deemed if a direct link existed between him and that person.

29. Repealed.

PART SEVEN: VARIOUS PROVISIONS

Application of this Law.

30. (a) This law shall not apply to the employment of the following.

- (1) members of the Israel police; and members of the Prison Service;
- (2) government employees whose duties require them to be available for employment outside ordinary working hours;
- (3) sailors and fisherman;
- (4) members of an air-crew;
- (5) persons employed in administrative duties or duties requiring a special degree of personal confidence;
- (6) employees, the conditions and circumstances of whose employment render it impossible for the employer to control their working hours and hours of rest.

(b) Where a dispute has arisen as to whether an employee belongs to a class of employees to whose employment this Law does not apply, the employee, employer, employees' committee at the place of employment, if any, or an Inspector of Labour, may apply to the Labour, within the meaning of the Labour Courts Law, 5729-1969, for a decision; the Court shall give the employees' committee an opportunity to state its case, in such manner as it shall direct, even it was not the committee which applied for the decision.

The State as employer.

31. For the purposes of this Law, a government employee shall be regarded in the same way as any other employee.

Implementation and regulations.

32. 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 its implementation, including regulations as to the manner in which an employer shall bring the provisions of this Law to the knowledge of his employees.

Duty to consult.

33. The Minister of Labour and Social Affairs shall not make regulations under sections 4, 8 or 19, grant a general permit under sections, 11, 12 or 23, make an order under section 13 or exercise his powers under section 25(b), except after consultation with the national workers' organisation representing the largest number of workers and representative national organisations of employers who, in the opinion of the Minister, have an interest in the matter.

Delegation of powers.

34. The Minister of Labour and Social Affairs may delegate his powers under this Law, other than his power to make regulations, to make an order under section 13, to grant a general permit under section 11, 12, or 23 or to publish a notice under section 25(b).

Notice of any such delegation of powers shall be published in *Reshumot*.

Preservation of rights.

35. This Law shall not derogate from any right given to an employee by law, collective agreement, contract of service or custom.

Repeal.

36. Article 495 of the Majelle is hereby repealed.

Commencement.

37. This Law shall come into force as of 27th Elul, 5711 (28th September 1951).

**Special Provisions in Amendment No.8 to the Law,
5753-1973**

5. Transitional Provisions

In a workplace where prior to the coming into force of this law there is a collective agreement in force in which the hours of work between 45 and 47 hours are not overtime hours - such provisions in the collective agreement shall be annulled within sixty days after the date on which this law came into force.

N.B. The law came into force on 11.8.93