

# APPRENTICESHIP LAW, 5713-1953

## PART ONE: PRELIMINARY

### Interpretation.

1. (a) In this Law -
  - "juvenile" means a person who has not yet reached the age of eighteen years;
  - "trade" means an occupation declared by order to be a trade to be acquired by way of apprenticeship;
  - "apprentice" means a juvenile who works in order to acquire a trade by guided practical work and by attending approved trade lessons within the meaning of this Law, including an industrial school attached to the undertaking in which he works and approved by the Commissioner of Apprenticeship for the purpose of this Law;
  - "trade school" means a school which the Minister of Education and Culture has approved for the purposes of this Law by declaration published in *Reshumot*.
- (b) For the purposes of this Law, a juvenile is regarded as employed, and the person with whom he works is regarded as his employer, if the juvenile works -
  - (1) with his parents for purposes of their business or occupation;
  - (2) in any undertaking (even if the work is not done for purposes of business or profit), including a place declared by the Minister of Labour and Social Affairs to be a centre of vocational training for juveniles designed to impart a trade by practical work, but not including a trade school.

## PART TWO: PRINCIPLES OF APPRENTICESHIP

### Juvenile to be employed only as an apprentice.

2. (a) A juvenile shall not be employed in a trade otherwise than as an apprentice; this provision does not apply to a juvenile who has received a certificate under Section 22, or passed an examination and received a leaving certificate from a trade school, in respect of that trade.
- (b) The Commissioner of Apprenticeship may permit a juvenile to be employed in a trade otherwise than as an apprentice -
  - (1) when there exists a state of emergency in the State by virtue of a declaration under section 9(a) of the Law and Administration Ordinance, 5708-1948; or
  - (2) if in his opinion, and having regard to the personality of the juvenile, it is in the latter's interest to be employed otherwise than as an apprentice; or
  - (3) if the juvenile works with his parents.

**Curriculum of apprenticeship.**

3. The Minister of Labour and Social Affairs, after consultation with the Minister of Education and Culture, shall prescribe for every trade a curriculum of apprenticeship in various stages. Notice of the prescribing of a curriculum of apprenticeship shall be published in *Reshumot*, and the curriculum itself shall be published in such manner as the Minister may think fit.

**Period of apprenticeship.**

4. (a) The Minister of Labour and Social Affairs shall prescribe the period of apprenticeship by regulations either generally or in respect of a particular trade.

(b) The Commissioner of Apprenticeship may, on conditions prescribed by him, shorten the period of apprenticeship of a particular apprentice, having regard to his vocational proficiency and general education.

(c) Where a juvenile had worked in any occupation before it was declared a trade, the Commission of Apprenticeship may, having regard to the vocational proficiency of the juvenile and subject to such conditions as he may prescribe, direct that the whole or a part of the period of the work in that occupation prior to the declaration shall be counted against the period of apprenticeship.

(d) The Commissioner of Apprenticeship may shorten the period of apprenticeship of an apprentice by a period of time not exceeding six months, having regard to the date of the apprentice's enlistment in the Defence Army of Israel.

**Age and education.**

5. The Minister of Labour and Social Affairs may prescribe by regulations, either generally or in respect of a particular trade, the minimum age and minimum education required of a prospective apprentice as preconditions of apprenticeship, and the modes of proving the same.

**Number of apprentices.**

6. (a) The Minister of Labour and Social Affairs may, having regard to employment prospects, prescribe the minimum number of apprentices whom the owner of an undertaking operated for purposes of business or profit shall employ in his undertaking.

(b) The Minister of Labour and Social Affairs may prescribe the maximum number of apprentices whom the owner of an undertaking operated for purposes of business or profit may employ, having regard to employment prospects, the processes of production in the undertaking, the number of skilled persons therein, as well as to its equipment and work conditions.

(c) The Minister of Labour and Social Affairs may, as aforesaid, prescribe by regulations in respect of a particular trade, the minimum number of apprentices whom every owner of an undertaking operated for purposes of business or profit and in

respect of which no number has been prescribed under subsection (a) or (b) shall employ in his undertaking, and the maximum number of apprentices whom he may employ.

**Prohibition of employment of apprentices and juveniles.**

7. The Commissioner of Apprenticeship may prohibit a person from employing apprentices if in his opinion such a person is unable to ensure to the apprentice the guidance necessary for achieving the purpose of apprenticeship; such a prohibition does not affect the prohibition imposed by section 2.

**Prohibition of payment.**

8. A person shall not demand or accept any payment or benefit in respect of an apprentice or prospective apprentice in connection with his apprenticeship.

**Apprentice over eighteen years of age.**

9. For the purposes of this Law, an apprentice over eighteen years of age shall be deemed to be a juvenile -

- (a) if he continues work with the same employer; of
- (b) if he continues work with a different employer in the same trade.

**Encouragement of apprenticeship.**

10. (a) The Minister may award a certificate of appreciation, the text of which shall be prescribed by him, to a person whose apprentices have distinguished themselves by progress in their trade, and in examinations, and to a person under whose guidance an apprentice as aforesaid has worked.

(b) In ascertaining the chargeable income of a person who, with the approval of the Minister, incurred in the year preceding a particular year of assessment, capital expenditure on the acquisition of equipment in connection with the employment of apprentices in an undertaking, there shall be deducted from such income, in each of the five years beginning with that year of assessment, an amount equal to 20 per cent of the said expenditure.

## **PART THREE: PARTICULARS OF APPRENTICESHIP**

**Notification to Commissioner.**

11. Within fifteen days from the day on which an apprentice begins to work for him, an employer shall notify the Commissioner of the apprenticeship, including in the notification particulars in accordance with a form prescribed by regulations.

12. Repealed.

### **Register of Apprentices.**

13. The Commissioner of Apprenticeship shall keep a register to be called the "Register of Apprentices", and shall enter therein the particulars included in a notification delivered under section 11. The Register shall be open for inspection free of charge by any person at any reasonable time.

### **Duties of an employer.**

14. (a) The employer shall -

- (1) employ the apprentice until the expiration of the period of apprenticeship;
- (2) employ the apprentice in accordance with the curriculum of apprenticeship.
- (3) ensure to the apprentice suitable guidance and a work method calculated to impart the trade within the period of apprenticeship prescribed therefore; if the employer does not supervise the work of the apprentice directly or give guidance to him, he shall impose that duty upon another person in the undertaking, and when that person has agreed to assume that duty he shall full it as if he were the employer; but the imposition of a duty as aforesaid does not relieve the employer himself from responsibility for its fulfillment;
- (4) excuse the apprentice from work, without deduction of pay, in order to enable him to attend approved trade lessons, to the extent that he is required to do so under section 16(c), and to be examined as required by section 22.

This provision shall add to, and not derogate from, the provisions of section 4(c) of the Compulsory Education Law, 5709-1948.

(b) An employer shall not employ his apprentice in work not connected with any purpose of the apprenticeship.

### **A wage to the apprentice.**

15. (a) The employer shall pay the apprentice a wage not less than the minimum wage fixed for the trade in question by the Apprentices' Wage Committee (hereinafter: "Wage Committee") in accordance with subsection (c).

(b) The Minister of Labour and Social Affairs may appoint, in respect of all trades or a particular trade, a Wage Committee whose procedure shall be prescribed by regulations; provided that every Wage Committee shall comprise equal representation of the national employees' organisation representing the largest number of employees in the State and representative employers' organisations in the State which in the opinion of the Minister are interested. Notice of the appointment and address of every Wage Committee shall be published in *Reshumot*.

(c) (1) The Wage Committee shall, upon instructions from the Minister of Labour and Social Affairs, determine by resolution the wage system, having regard to the apprentice's progress in the trade, and the minimum rate and mode of payment of the wage.

(2) A resolution of the Committee shall have effect for not less than one and not more than three years, as may be provided in the resolution, but a Wage Committee may, before the expiration of the period, extend it from time to time for an additional period not exceeding one year.

(d) A copy of a resolution of a Wage Committee under subsection (c) shall be delivered to the Commissioner of Apprenticeship and to the organisations of employees and employers represented on the Committee. The Commissioner of Apprenticeship shall, in such manner as he may think fit, bring the resolution of the Wage Committee to the knowledge of the employers and apprentices concerned.

(e) The provisions of this section do not apply where the apprentice works with his parents or in an undertaking as specified in section 1(b)(2).

### **Duties of apprentice.**

16. The apprentice shall -

- (1) work with his employer until the expiration of the period of apprenticeship;
- (2) devote himself to his work with a view to acquiring the trade within the period prescribed as the period of apprenticeship for that trade and to passing examinations in accordance with section 22;
- (3) regularly attend approved trade lessons, as the Minister of Labour and Social Affairs may prescribe by regulations for the trade in question, unless the Commissioner of Apprenticeship has exempted him from this duty wholly or in part;
- (4) obey the instructions of his employer and of the person under whose supervision and guidance he works as to any matter relating to the work and the order thereof.

### **Severance of relationship.**

17. (a) Repealed.
- (b) The relationship between the employer and the apprentice may be severed
- (1) by either party -
- (i) during a period of six weeks from the day on which the apprentice begins to work for the employer, or
- (ii) if the Commissioner of Apprenticeship has approved the severance of the relationship or
- (iii) for any reason determined by regulations;
- (2) by the employer, if the apprentice has interrupted his work, without a reason approved as sufficient by the Inspector of Apprenticeship, and does not return to work within 14 days;
- (3) by the apprentice -
- (i) if the employer has transferred the undertaking to another locality or if the parents of the apprentice have transferred their residence to another locality;
- (ii) if the apprentice wishes to work as an apprentice with another employer, and the Commissioner of Apprenticeship certifies in writing that it is in the apprentice's interest to do so;
- (iii) if work in the undertaking has been interrupted for a period exceeding one month.

### **Suspension of apprenticeship.**

18. Where the commencement of an apprentice's regular service under the Defence Service Law, 5709-1949 has not been deferred in order to enable him to complete his apprenticeship, and the apprentice commences service as aforesaid, the apprenticeship shall be suspended for the duration of the service.

### **Duty of notification.**

19. Where the relationship between the employer and the apprentice has been severed under section 17, or the apprenticeship has been suspended under section 18 or the apprentice has completed his period of apprenticeship, his employer shall notify such fact in writing to the Commissioner of Apprenticeship in a form prescribed by regulations.

### **Settlement of disputes.**

20. (a) In the event of disagreement or a dispute between an employer and an apprentice as to whether the relationship between them may be severed under section 17, the Commissioner of Apprenticeship or person appointed by him for that purpose shall decide, after hearing the parties or representatives of the employees, and employers' organisations to which the parties respectively belong.
- (b) (1) A dispute not settled under an agreed procedure within a time acceptable to the Commission of Apprenticeship shall be settled in a manner prescribed by regulations.
- (2) In this subsection, "dispute" means a dispute or disagreement as to the terms of an apprentice's employment, arising between the employer and an employees' organisation to which the apprentice belongs, or between an employers' organisation to which the employer belongs and an employees' organisation to which the apprentice belongs, and causing or likely to cause interruption of the apprentice's work, except a dispute or disagreement arising out of section 17.
- (c) The provisions of this section do not apply where the apprentice works with his parents or in an undertaking as specified in section 1(b)(2).

### **Approved trade lessons.**

21. (a) Approved trade lessons are lessons to impart a trade and the general education connected therewith, approved by the Minister of Labour and Social Affairs for the purposes of this Law.
- (b) The Minister of Labour and Social Affairs may organise and maintain approved trade lessons and encourage such lessons in such other manner as he may think fit.
- (c) The Minister of Labour and Social Affairs, after consultation with the Minister of Education and Culture, shall prescribe a standard minimum curriculum for approved trade lessons either for

one trade or for a number of trades; but the prescribing of a curriculum as aforesaid shall not affect the right to add lessons to those prescribed in the curriculum.

(d) Approved trade lessons shall be supervised by the Minister of Labour and Social Affairs or a person appointed by him; the person actually responsible for the conduct of the lessons shall submit to him, at such dates as he may require, a report in a form prescribed by regulations.

(e) An apprentice shall not be required to make any payment for approved trade lessons. This provisions shall not apply to equipment and study material.

#### **Examinations and trade certificates.**

22. (a) An apprentice shall take intermediate examinations and final examinations.

(b) The Minister of Labour and Social Affairs shall prescribe by regulations the form, programme and procedure of the examinations.

(c) In respect of final examinations, the examinee shall pay a fee prescribed by regulations.

(d) A person who has passed intermediate examinations shall receive a certificate to this effect, and a person who has passed final examinations shall receive a trade certificate; every certificate shall be signed by the Commissioner of Apprenticeship and the chairman of the examination board. The form of the certificate and the manner of its issue shall be prescribed by regulations.

(e) The Commissioner of Apprenticeship shall keep a register to be called the "Register of Qualified Apprentices" and shall enter therein particulars prescribed by regulations.

#### **Transitional provision.**

23. A person who has passed an intermediate examination held before the coming into force of this Law under the auspices of the institution which was known as the Apprenticeship Council established by the Jewish Agency for Israel, Manufacturers' Association and the General Federation of Labour in Israel shall be deemed to have passed intermediate examinations under this Law.

### **PART FOUR: IMPLEMENTATION AND PENALTIES**

#### **Appointments.**

24. The Minister of Labour and Social Affairs shall appoint the Commissioner of Apprenticeship, District Commissioners of Apprenticeship, and Inspectors of Apprenticeship.

#### **Apprenticeship Council and powers thereof.**

25. There shall be set up an Apprenticeship Council (hereinafter, "the Council") to advise the Minister of Labour and Social Affairs as to the making of regulations under this Law and other matters relating thereto.

### **Composition of Council.**

26. (a) The Council shall consist of representatives of the Government appointed by the Minister of Labour and Social Affairs and members of the public appointed by the Minister of Labour and Social Affairs as representatives of employees, working youth and employers and of public institutions which in the opinion of the Minister are interested; provided that the representatives of employees, working youth and employers shall make up two thirds of the members of the Council.
- (b) The representatives of employees shall be appointed after consultation with the national employees' organisation representing the largest number of employees, the representatives of working youth as the Minister of Labour and Social Affairs may decide, and the representatives of employers shall be appointed after consultation with representative national employers' organisations which in the opinion of the Minister of Labour and Social Affairs are interested.
- (c) The number of the different kinds of members of the council shall be prescribed by the Minister of Labour and Social Affairs by notice published in *Reshumot*, provided that the number of the representatives of employees and of working youth together shall be equal to the number of the representatives of employers.
- (d) The Minister of Labour and Social Affairs or, in his absence, a person appointed by him for that purpose shall act as chairman of the Council.
- (e) Notice of the appointment and composition of the Council shall be published in *Reshumot*.

### **Trade Apprenticeship Board.**

27. (a) The Minister of Labour and Social Affairs shall appoint Trade Apprenticeship Boards (hereinafter: Boards").
- (b) A Board may be for the whole country (hereinafter: "National Board") or for a particular region, for one trade or for several trades which in the opinion of the Minister are related to one another. A Board for a trade or for several trades may also be appointed before that trade or one of those trades, as the case may be, has been declared a trade to be acquired by way of apprenticeship.
- (c) Every Board, other than a National Board, shall consist of three or five members, as the Minister of Labour and Social Affairs may decide, of whom one shall be appointed by the Minister of Labour and Social Affairs to be chairman and the remainder shall be persons qualified in the trade in question, appointed after consultation with the national employees' organisation representing the largest number of employees with the largest organisation of working youth as the Minister of Labour and Social Affairs may decide, and with representative national employers' organisations which in the opinion of the Minister are interested, provided that the number of the representatives of employees shall be equal to that of the representatives of employers.

(d) Every National Board shall consist of six members, and its composition shall be the same as that of a Board other than a National Board, except that it shall also include a representative of the Minister of Education and Culture; notice of the appointment and composition of a National Board shall be published in *Reshumot*.

### **Powers of Board.**

28. (a) The Minister of Labour and Social Affairs shall consult a National Board before -
- (1) prescribing the curriculum of apprenticeship;
  - (2) approving trade lessons under section 21(a);
  - (3) prescribing the curriculum of approved trade lessons under section 21(c).
- (b) the Minister of Labour and Social Affairs shall invite the opinion of the National Board and bring it before the Council before consulting the Council as to -
- (1) prescribing the period of apprenticeship.
  - (2) prescribing the minimum age and minimum education under section 5,
- (c) The Minister of Labour and Social Affairs shall consult the National Council before exercising his power under section 6(c). The Minister of Labour and Social Affairs shall consult the National Council before exercising his power under section 6(c), and the Regional Council concerned before exercising his power under section 6(a).
- (d) The Commissioner of Apprenticeship shall consult the Regional Council concerned before exercising his power under sections 2(b), 4(b), 4(c), 7 and 16(3).

### **Term of office.**

29. The Minister of Labour and Social Affairs may, by regulations, determine the term of office of the representative of the public on the Council and of the members of the Boards, and the reasons for termination of their membership.

### **Procedure.**

30. The Council and the Boards shall themselves prescribe their procedure in so far as it is not prescribed by regulations.

### **Supervision.**

31. (a) An Inspector of Apprenticeship may enter any place where juveniles are employed, or where he has reason to believe that juveniles are employed, and examine any person being in that place as to any matter relating to his Law, but a person shall not be required to give an answer or evidence tending to incriminate him.
- (b) An Inspector of Apprenticeship may prepare a record of the answers and statements of the persons examined, and such a record shall be deemed to be a statement prepared under section 2 of the Criminal Procedure (Evidence) Ordinance, and section 3 and 4 of that Ordinance shall apply thereto.
- (c) An Inspector of Apprenticeship may require an apprentice to perform some particular work in his presence, and he may also supervise the methods of the apprentice's work and the guidance given him at his workplace.
- (d) An Inspector of Apprenticeship may enter any place where approved trade lessons are given and be present during the lessons.

### **Offences and penalties.**

32. (a) A person who -
- (1) in contravention of section 2 employs a juvenile otherwise than as an apprentice; or
  - (2) refuses or fails to employ the number of apprentices whom he is bound to employ under section 6 or employs a number of apprentices exceeding the number he is permitted to employ under that section; or
  - (3) employs apprentices or juveniles in contravention of section 7; or
  - (4) accepts payment or a benefit in contravention of section 8,
- is liable to a fine not exceeding nine thousand, six hundred new Shekalim in respect of every juvenile or apprentice employed or not employed as aforesaid or in relation to whom the offence was committed, or to imprisonment for a term of one month or to both such penalties.
- (b) A person who -
- (1) hinders an Inspector of Apprenticeship from exercising his powers; or
  - (2) refuses to answer a question of an Inspector of Apprenticeship which he is under a duty to answer.



is liable to a fine not exceeding nine thousand, six hundred new Shekalim or to imprisonment for a term of two weeks or to both such penalties, but a juvenile shall not be punished with imprisonment or with a fine exceeding 9600 new Shekalim and shall not be imprisoned for non-payment of a fine.

(c) An employer who -

(1) fails to comply with the provisions of section 11; or

(2) fails to make notification in accordance with section 19, is liable to a fine not exceeding nine thousand, six hundred new Shekalim in respect of every apprentice in relation to whom the offence was committed.

**Responsibility of directors and managers.**

33. Where a company, cooperative society or any other body of persons has been found guilty of an offence under section 32, every director, manager, partner or official of such body shall likewise be regarded as responsible for the offence unless he proves -

(1) that it was committed without his knowledge, or

(2) that he took all reasonable steps to ensure compliance with the provisions of this Law.

34. Repealed.

**The State as employer.**

35. The State as an employer shall, for the purposes of this Law, be treated like any other employer.

**Implementation and regulations.**

36. 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 such implementation, including regulations as to the modes of supervision of apprenticeship.

**Delegation of Powers.**

37. (a) The Minister of Labour and Social Affairs may delegate to another person the powers conferred on him by section 3 and 6 - insofar as the act in question is not done by regulation - and section 21; notice of any such delegation of powers shall be published in *Reshumot*.

(b) The Commissioner of Apprenticeship may delegate any of which the Minister of Labour and Social Affairs is charged, an apprentice shall be regarded as an employee, unless otherwise provided in this Law, the law in question or any other law.