



## Payment for work on holidays –

### The Commissioner of Foreign Workers' labor Rights

Following numerous inquiries on the subject and following the publication of the ruling of the National Court **The Legal standing of the Commissioner for Foreign workers' labor rights regarding the payment of holidays for foreign caregivers that work in the patients home** (it should be noted that the right is not unique to foreign workers and applies whether the worker is foreign or Israeli):

**What is your right?** According to the law, an employee is entitled to **9 holidays a year**. The length of the holiday is the length of the weekly rest, i.e. **25 hours**. A monthly paid employee is entitled to be absent from work on public holidays without his salary being harmed (Article 7 (b) of the 2000 Framework Agreement - <https://bit.ly/2O6OWjY>). Non-Jewish workers are allowed to choose the holidays on which they will be absent from work - Jewish holidays **or** holidays according to their religion, when **this must be coordinated with the employer at the beginning of the employment period and determined in the employment contract**.

**Is it allowed to work on a holiday?** Overall, **the employee must be allowed to be absent for the purpose of his holiday**. As long as the employee was employed on a holiday, the employee must be paid for his work on that day in addition to his regular monthly salary.

**How much you should get paid if you worked?** The national court (AA (national) 38313-03-18 Ilan Israeli Association for Victims of Injury - Michael Mohdinov, given on 01.06.2020, hereinafter: "the ruling") regarding the payment to a monthly employee who worked on a holiday ruled that:

"**A monthly worker** who lost a working day due to a holiday should not be deducted for his monthly salary for that. If the employer will ask his employee to work on the holiday that he was not supposed to work on, the latter will be entitled - in addition to his monthly salary – to a payment for the additional working day on the holiday (payment made as a value of weekly rest day)" [Emphasis not in original]

Meaning that **in addition to the monthly payment** (which constitutes the 100% payment) the employee is entitled to a payment for working on the holiday as the value of a working on the weekly rest day (150%). That means that the payment in total you should receive 250% for work on the holiday.

**A foreign caregiver in the patients residence works on the holiday is entitled, in addition to his full monthly salary, to a payment of 361.68 NIS.**

### Calculation:

The salary for employing foreign workers corresponds to the minimum wage currently stands at **NIS 5,300** (before deductions).

Regarding the payment for the weekly rest day (as determined in PSD 47576-10-12 Tetelman N. Petrov) -

The value of the employee's "normal" working day (monthly salary divided by 25) is 212 NIS per day. An employee who is required to work on his day of rest is entitled to an increase of 150% on his salary. That means that the value for foreign caregivers who work on their rest day is **318 NIS**.

Since the length of the rest day of a foreign caregivers is 25 hours, a payment must be added to the above amount for an additional hour (the 25th hour) (as determined in PSD 11874-03-16 Steinberg v. Todika) in the amount **43.68 NIS**.