29 Tishri 5780

October 28 2019

**The GOI's Response to the questionnaire of the working group on the issue of discrimination against women in law and practice**

1. Further to your letter we would like to elaborate on the relevant issues raised therein. We hope you will find this information useful.

**General**

1. Nearly 80% of Israelis aged 46-25 are employed, compared to an average of 73.7% in the OECD countries. The unemployment rate in Israel is about 4%, which is considered very low. In order to overcome employment difficulties in recent years, more than 120,000 people have participated in the employment programs run by the Ministry of Labor, Social Affairs and Social Services. The programs aim to provide tools for integration and advancement in the labor market. We work with determination to reduce social gaps and provide optimal tools for job-challenged populations to integrate into the workforce and earn respectfully.

***Women in the Civil Service***

1. Women constitute 62% of the employers in the Civil Service. 43% of the high-rank positions in the Civil Service are staffed by women. 18% of the Hospital Director Generals are women. 32% of the judges of the High Court of Justice are women.
2. In order to accommodate the appropriate treatment in gender equality and gender issues in general, in the early 90's, it was decided to appoint a Gender Equality Supervisor in every Government Ministry. In October 2014, following an in-depth examination, the supervisors' authority and duties were officially defined and the term of this duty as well as its benefits were approved. In addition, the official title of this position was changed to "Gender Equality Supervisor and Director Advisor for promotion of Women" (hereinafter: Supervisor), which are now deployed in various governmental authorities. In 2017 the gender pay-gap for the average civil servant was 15%, and in the general population 31%. One of the reasons for this disparity is that the work in the CS, as well as the worker's pay, is not determined by a negotiation between the worker and the employer before employment. Thus, the pay gap is significantly lower in comparison to the private market.
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***Business Diversity Index***

1. The Diversity Index is a measuring tool developed by the EOC, the Central Bureau of Statistics and Tel Aviv University. The Diversity Index enables the indication of the level of diversity among employees in the private sector. The calculation is based on both representation and equal salary. It focuses on five (5) groups of population: women, Arabs, Israeli citizens of Ethiopian decent, people above the age of 45, and ultra-Orthodox citizens.
2. Following are some of the findings from the index:
	1. The diversity achievements in employment are significantly different for women and men from all population groups.
	2. Women constitute about half of the population and their participation rates in the labor market are approaching that of men. A breakdown by education in the twenty major industries examined shows that educated women are less represented in the labor market than non-educated women and they face greater barriers in the labor market, both in employment and in equal pay. In contrast, educated men are more represented in the work than non-educated men.
	3. The representation of women with an academic education from minority groups is lower than the representation of men from the same minority group, and their salary are lower by nearly half, in all the twenty major private sector industries examined in the index.
	4. Gender pay gaps are particularly high among women aged 45 and over without an academic education, when they earn 48% of men's wages in the corresponding group. Part of the high gender pay gap for women aged 45 and over can be explained by the difficulties in entering the salaries employees labor market at these ages and the fact that non-academic women have high representation and even over-representation in the low-paying industries.

**Practices to ensure the realization of women's right to work and at work**

***The Equal Employment Opportunity Commission***

1. In order to cope with the phenomenon of discrimination in the work place and to eliminate it, the **Equal Employment Opportunity Commission** was established in 2008 (hereinafter: "the Equality Commission" or "the Commission") pursuant to Section 18A of the *Equal Employment Opportunities Law* 5748 – 1988.
2. The Equality Commission aims to lead a process for the incorporation of the principle of equality and to eliminate discrimination in the labor market. As well as, serve as a "normative marker" for the adoption of norms and values, which will form the basis for an equal labor market in the State of Israel. Accordingly, the Commission handles the enforcement of equality legislation at the civic level, works to internalize the proper norms for equal opportunities at work and aims to lead wide-ranging and comprehensive reform in the implementation of equal opportunities in the labor market.
3. Discrimination against women in the labor market manifests itself in various ways. The Equality Commission is working in these main capacities to reduce and eradicate existing discrimination:
	1. Better representation of women in senior positions.
	2. The pay gap between male and female employees performing the same or similar job.
	3. Sexual harassment in the workplace.
4. The main law under which the Equality Commission operates is the *Equal Employment Opportunities Law* 5748 – 1988, which prohibits the employer from discriminating between employees or job seekers, in respect of hiring, working conditions, promotion and dismissal *inter alia*, due to their gender, sexual orientation, marital status, pregnancy, fertility treatments, in vitro fertilization treatments, being parents (unless the distinction is required due to the character and nature of the job).
5. The Commission handles public inquiries and the investigation of numerous complaints regarding the violation of employment equality legislation (approximately 750 inquiries on average per year), the Commission provides legal counsel in its fields of practice to employees, employers, government ministries, and various factors in the employment market; The Commission also deals with the formulation of legal positions in its fields of practice, and in preparing legal opinions; In various cases, the Commission also issues orders to employers to obtain data, information or documents regarding compliance with their obligations under the employment equality legislation, or to the extent required by the Commission for the performance of its duties, including data on the employment of women. The Commission also intervenes in the appropriate cases in pending legal proceedings (with the court's permission) and renders its professional position; In appropriate cases, the Commission also initiates legal proceedings to exercise rights under employment equality legislation, on behalf of the applicant or on behalf of the Commission, or to join the case as a "friend of the court", in accordance with its powers.
6. The work of the Commission concerns promoting the recognition of rights under the equality legislation in respect of five (5) major disadvantaged populations, including women.

***The Department of Gender Equality at the Civil Service Commission (CSC)***

1. The Gender Equality Department in the CSC which was established in 1995 ("the Department"), continues to coordinate and enhance this issue in the Civil Service, including participating in Knesset Committees, integrating gender perspectives in decisions adopted in the CSC, holding training sessions and promoting female leadership as well as conducting courses on prevention of sexual harassment for cadets, senior staff members etc. The Department for Gender Equality in the CSC publishes an annual report, "Leading for Change", which included all the activities taken to advance gender equality in the Civil Service.

***Legislation***

1. In addition to the Equal Employment Opportunities Law, various and well established legislation in Israel ensure equality for women in the labor market. For example:
2. *Male and Female Workers Equal Pay Law* 5756 – 1996. This law provides that a male and a female employee employed by the same employer at the same workplace are entitled to equal pay for the same job.
3. *Employment of Women Law* 5714 – 1954. This law protects women during pregnancy and throughout parenthood, minimizing damage due to their absence from the job market to the development of their career, allowing them to continue and advance to influential posts.
4. Section 15A of the *Civil Service Law (Appointments)* 5719 – 1959. This law provides for the mandatory representation of women among local authority employees in all levels and professions.
5. Section 6C of the *Women's Equal Rights Law* 5711 – 1951. This law provides for the mandatory representation of women in the various rankings, in the management, the board of directors and in the council.
6. Sections 42, 42A, 64A of the *Employment Service Law* 5719 – 1959. This law prohibits discrimination in hiring, *inter alia*, on the basis of gender.
7. Here are some of the key legislative amendments from recent years concerning women's rights in the labor market:
* **Extension of maternity leave** – on March 21, 2017 the maternity leave period of which parental allowance is paid was extended from 14 to 15 weeks, according to the criterions under the Law (Amendment No. 57 of the *Women's Employment Law* 5714-1954 (hereinafter: *Women's Employment Law*).In addition, the Amendment extends the flexibility in the entitlement of a father to parental leave; *inter alia*, the father may go on paid parental leave for a period of one (1) or more weeks (instead of a minimum of three (3) weeks). The purpose of this amendment is to encourage the exercise of this right by fathers, thus promoting greater fathers' involvement in raising their children. Furthermore, a father can take seven (7) days of parental leave simultaneously with his wife, and will be able to utilize them at any stage of the parental leave, according to the provisions under the Law.
* **Absence of spouse after birth** – Amendment No. 54 of the *Women's Employment Law* (Section 7(C3)), provides that an employee may be absent from work up to five (5) days after the birth by his spouse. The first three (3) days of absence counts as an annual leave (and if he has utilized all his annual leave at the time of birth, he will be entitled to an unpaid leave). The two (2) remaining days of absence are paid as sick leave, and they are regarded as the second and third sick days, meaning days in which 50% of the salary is paid. Note that this is additional to the extension of maternity leave to fifteen weeks mentioned above.
* **Parental leave for a father whose wife is self-employed** – Amendment No. 193 of the *National Insurance Law* 5755-1955 (hereinafter: "*National Insurance Law*") from April 20, 2016, provides that an employee whose wife is self-employed is entitled to parental leave in lieu of his wife; this Amendment compares the conditions of a spouse whose wife is an employee.
* **Renaming the maternity leave, representing a new perception –** according to Amendment No. 55 of the *Women's Employment Law* (2016) the name of the maternity leave was amended to “birth and parental period”. The former name of maternity leave in Israel was (in literal translation) "birth vacation". The aim of this amendment is to change the social perception that this is not a vacation but a period requiring adjustment and personal preparation, and to strengthen the understanding that this right is also available to the father, aimed to encourage gender equality.
* **Hospitalized infant** - Amendments 49, 50 and 55 (2016) to the *Women’s Employment Law* has broadened Section 6D(1) of the Law with respect to a female employee who has given birth and her child needs to stay in hospital or return to hospital for over two (2) weeks, and she will be entitled to extend the period of leave for up to 20 weeks, where necessary, even if the hospitalization period was not sequential.
* **Parental Hour** – Amendment 56 of the *Women's Employment Law* of March 30, 2017 extends the number of women who are eligible to a shorter working day (an hour of absence). The law now grants this right during the first four (4) months after returning from a period of Birth and Parental Period not only to women who work full-time but also to women who work less than that, according to the criterions under the Law. Thus, the Amendment can benefit women who work less than a full time job (though many hours nonetheless), and want to pursue their parental commitments simultaneously. Amendment No. 55 to the same Law provides that the parenthood hour can be used alternately by the father and the mother, and applies on designated parent within surrogacy process or an adoptive parent. This Amendment enhances the use of parental rights by both mothers and fathers as well as encourages fathers to take an active part in child-raising. Note that in July 2015, the Civil Service Commissioner approved a shorter working day for a parent of a child up to one (1) year-old for men whose spouse is in maternity leave, in order to encourage fathers to actively participate in parenthood and equally share their family responsibilities.

**Women's safety at work**

1. The main law addressing sexual harassment in the work place is *The Prevention of Sexual Harassment Law* 5758 – 1998. This law sets provisions prohibiting sexual harassment in the workplace, where the law requires the employer to take reasonable measures to prevent sexual harassment and/or torment within the labor relations. The law also states that an employer who employs more than 25 employees must establish sexual harassment regulations. An example of such regulations can be found in the *Prevention of* *Sexual Harassment Regulations (Employer's Obligations)* 5758 – 1998. Employers must issue a code of conduct for the prevention of sexual harassment; allow instruction and explanatory sessions on the subject for the employees; demand that all employees refrain from sexual harassment; establish an efficient way for lodging a complaint in respect of sexual harassment; deal effectively with all cases of sexual harassment; etc. Furthermore, the Regulations state that an officer in charge must be appointed in the workplace. Other duties of the officer include providing recommendations to the employer on how to handle a case of sexual harassment in the workplace, and providing the employees with consultation, information and guidance. The regulations determine that if possible, the appointed officer should be a woman.
2. A Noteworthy amendment to the *Prevention of Sexual Harassment law* 5758-1998 is Amendment No. 8 from 2013. This Amendment increases the compensation without proof of damage to NIS 120,000 (35,300 USD). Additionally, Amendment No. 10 of 2014 to Section 3A added to the definition of sexual harassment the publication of a photograph, video or recording focusing on the sexuality of a person. Amendment No. 12 to Section 6A of the Law reverses on to the employer the burden of proof in the event that an employee or of a candidate for a job was harmed due to sexual harassment in the context of a labor relationship.
3. On December 17, 2017 Government Resolution No. 3229 was adopted. The Resolution created a national plan to combat sexual harassment in Israel, and allocated 10 Million NIS (2,853,750 USD) for the upcoming three (3) years for this purpose.
4. On May 22, 2016 the Civil Service Commissioner published guidelines elaborating on the rights of sexual harassment victims, to be informed of decisions and developments made in its case. This defines the duty of the Gender Equality Supervisor to inform the victim in every stage of the case, whether an investigation procedure will take place, alternately a dismissal in the case.

***The Stauber Committee***

1. In June 2014, the Government approved Resolution No. 1697, in which it resolved that within five (5) years women shall reach a representation level of 50% in all the top management ranks in the Civil Service. Currently, the representation level stands at 44% with regard to top management ranks.
2. This Resolution followed the report of The Committee for the Advancement of Women in the Civil Service (*"The Stauber Committee"*), which was appointed in 2014 by the Civil Service Commissioner and the Supervisor on Wage and Labor Agreements in the Ministry of Finance. The Committee issued a comprehensive report, which included a full data analysis and statistics of women employment in the Civil Service, presented the main obstacles and reasons for the current status of women in the Civil Service, ways to tackle them, and more.

**Emerging practices realizing women's right to work in the context of technological and demographic change, as well as globalization and the shift towards sustainability**

1. Government Resolution No. 2331 of December 14, 2014, entitled "Promoting gender equality and integration of gender thinking" decided to rename the Authority for the Advancement of the Status of Women as the "Authority for the Promotion of Gender Equality", including ordering the Civil Service Commissioner and other senior officers to reconstruct the organizational structure of the Authority so that it may meet its following main tasks: Policy planning - promoting gender equality and the formulation of strategic plans both for the public and private sectors, promotion of opinions regarding gender aspects of legislation, government resolutions and budget, initiating and managing inter-ministerial projects, creating a knowledge center in its field of authority, training, guidance and advocacy to implement gender thinking - including a change of mind, language and organizational culture in relation to gender equality and integration of gender thinking among policymakers, both in the public and private sectors and the promotion of equal representation, prevention of discrimination and empowering women, including women of minority populations.

***Women in Hi-Tec companies***

1. In 2016, the MOEI has initiated a venture with the aim to enhance the involvement of women in the Hi-Tecindustry. The MOEI published a tender, seeking to map the relevant companies and NGOs that are suitable to take part in this project. The proposed venture seeks to orientate and encourage the involvement of women in the Hi-Tecindustry in various ways, including: Offering benefits for women who chose a carrier-path relevant for Hi-Tecfield, such as personal mentoring throughout the years of studies, assistance with job finding, encouraging employers to promote women in Hi-Teccompanies, and more.

**Demographic changes and minority groups**

1. The Commission is advancing a program for the promotion of employment diversity. The Diversity Initiative implemented by the Commission from 2017, aims to bring about a significant change in the level of diversity and equal opportunities in Israeli organizations for all diversity groups. The operation of the Initiative is based on the development and implementation of organizational plans in leading companies in various sectors of the economy. In every program emphasis is placed on integrating women into senior positions in the companies. The programs are based on a scheme of organizational consulting and legal guidance offered by the Commission. This combination allows for the implementation of policies and practices for diverse employment. The goal of the programs is both to increase the rate of diverse representation in organizations and to develop an inclusive organizational culture for employees from diverse backgrounds. As of presently, the program has been implemented in three key sectors of the economy: government companies, academic institutions and insurance companies. Today, the initiative is facing significant expansion with the goal of embedding the concept of diversity as an organizational standard in the Israeli economy. Following the data revealed in the index, many companies joined the Commission in the implementation of equality processes, and more companies are seeking to join.