

REGULATIONS

FOR PREVENTION OF SEXUAL HARASSMENT

The language of the Prevention of Sexual Harassment Law, 5758-1998 and the regulations thereunder shall control. Any language in the feminine gender also relates to the masculine gender and vice versa.

Sexual harassment is prohibited by law - The law prohibits sexual harassment of any kind in the framework of employment, in the framework of studies and in the security forces.

The harasser is liable for up to two years imprisonment.

Prohibited acts - Blackmailing someone into performing an act of a sexual nature, sexually exploiting a relationship of subordination or authority, an indecent act (one incident is sufficient), repeated overtures of a sexual nature, repeated references to human sexuality, humiliating and degrading reference to the sex or sexual tendencies of a person (one incident is sufficient), harassment.

Example of sexual harassment: An employer or employee who touches an employee for the purpose of sexual stimulation or exposes a private part of his body to her without her consent, an employer or employee who threatens (explicitly or implicitly) to fire an employee or to impair her rights if she refuses to spend time with him or to have sexual relations with him.

What acts are not considered sexual harassment? Courting that is conducted in a good spirit, with mutual consent and free will.

Prohibited harassment - Any harm to an employee or employment candidate originating in sexual harassment or any harm to anyone who assisted or testified on behalf of another employee in a complaint of sexual harassment. The harasser may be sentenced to three years imprisonment.

Nonconsent - The harassment victim must clearly indicate that s/he does not consent to the behavior of the harasser – in words or behavior. In the case of a helpless minor, patient, or victim of exploitation in a dependent relationship or a subordinate employment relationship, there is no obligation to prove nonconsent.

When should a complaint of harassment or sexual harassment be lodged?

It is advisable to complain of harassment when it occurs. This can be done up to three years after the incident. It is advisable to document the incident as far as possible and to substantiate it with witnesses (i.e., tell a friend or family member).

Modes of response - The law offers four options. All or some of them may be utilized, simultaneously or one after the other:

- Internal disciplinary hearing - A complaint of harassment can be lodged with the employer or with the supervisor of sexual harassment issues in the workplace, for the purpose of commencing internal disciplinary proceedings.
- Labor Court - A harasser and his/her employer can be sued and monetary damages can be claimed.
- Civil Court - A claim for damages can be filed against the harasser. The maximum fine is up to NIS 50,000.
- File a complaint with the Police - For the purpose of commencing criminal proceedings.

The employer's obligations - Employers must take reasonable measures to prevent sexual harassment in workplace relations. An employer can be sued personally for the acts of his/her employees if he/she did not take measures to prevent harassment or sexual harassment.

- The employer must appoint a supervisor of sexual harassment issues in the workplace.
- The employer must formulate an effective mode of submitting a complaint of harassment or sexual harassment.
- The employer must demand that all employees refrain from harassment and sexual harassment of both employees and customers.
- The employer must conduct explanatory and instructional activities and require all employees to participate in the activities.
- An employer who employs over 25 employees must display the sexual harassment regulations in a prominent place.

Employment agencies are deemed equivalent to employers.

Employer handling of the investigation findings: After receiving the conclusions and recommendations of the supervisor, the employer must decide within no more than seven work days to implement one of the following:

- Separating the alleged harasser from the complainant, if this does not impair a component of the employment conditions.
- Taking measures to prevent a recurrence of the act and to rectify the harm done to the complainant.
- Instituting disciplinary proceedings in accordance with the disciplinary provisions applicable in the work place.

The employer must provide written notification explaining the decisions to the complainant, to the alleged harasser and to the supervisor.



Office of the Prime Minister
Authority for the Advancement
of Women

Who to contact:

Ministry of Industry, Trade
and Labor - Supervisor for
Enforcement of the Prevention
of Sexual Harassment Law
Voicemail for complaints:
1-800-354-354

Association of Rape
Crisis Centers:
Tel. 1202

Women's organizations that
operate telephone hot lines:
Emuna - 03-6857179
Wizo - 03-6923825
Naamat - 03-5254422
Israel Women's Lobby -
03-6123990

Supervisor of sexual
harassment issues in the
workplace:

Organization / company: _____

Name of supervisor: _____

Telephone number: _____

The obligation to prevent sexual harassment is designed to protect
human dignity and freedom and to promote equality between the sexes