

Asylum-seeker workers' rights during the Coronavirus period

My workplace has asked me to go on unpaid leave because of the Coronavirus. What are my rights?

Due to the Coronavirus crisis, many workplaces are shutting down temporarily or permanently. We have received many questions from workers whose employers have asked them to go on unpaid leave. Residents of Israel are entitled to National Insurance payments for unpaid leave, but refugees are not, and thus the impact of unpaid leave on them is more severe.

First, you should know that you can use any vacation days you have accumulated during this period.

If you have not accumulated any vacation days, you can choose whether to accept your employer's offer of unpaid leave and look for temporary work until you can return to your permanent job. That way you can retain the seniority you have achieved at your workplace, which will not be affected by this leave.

Another option you have is not to agree to unpaid leave, and to quit your job, in which case you count as terminated. This means that your job at this workplace will be lost, and you will be entitled to realize benefits you have not used, like payment for unused vacation days, compensation for recuperation days and so on.

If you decide to quit your job, make sure that your decision is documented in writing and formally delivered to your manager at your workplace.

Am I entitled to severance pay if I quit under these circumstances?

Yes, but - note carefully! Your severance pay is held in your deposit account (the 16% of your pay that your employer deducts). Thus, if throughout your employment period your employer has deducted this amount from your pay, you will not get additional severance pay when you quit.

If you worked there before the Deposit Law went into effect, you will get partial severance pay for the period before the Deposit Law.

What do you advise us to do? Quit or wait?

The coming period will be full of uncertainty, for Israeli workers as well as asylum-seekers. It's hard to know which businesses will be hurt, which ones will go back to work and when.

We recommend that you speak to your managers to try to find out your chances of getting your job back, and when. If you have been working in the same place for a long time, we recommend that you try to retain your right to get your job back.

Note that you have the right to look for a new job, and that if you find one before you get your old one back, you will still have the right to quit and count as terminated.

I have a resident certificate (A / 5) Do I have additional rights?

Yes, residents are eligible to receive Social Security unemployment benefits during unpaid leave or due to dismissal. You can find information on the subject at the Social Security website:

<https://www.btl.gov.il/English%20Homepage/Benefits/Unemployment%20Insurance/Pages/default.aspx>

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