

## **Legal Hotline for Ultra-Orthodox Women in the Workforce**

### **First Year Activity Summary**



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## **Introduction**

Participation of ultra-Orthodox women in the workforce has skyrocketed in recent years. Twenty years ago only 48% of ultra-Orthodox women participated in the workforce while today more than 75% participate. However, despite the significant change of employment patterns among ultra-Orthodox women, many of them still experience continued discrimination and violation of rights in the workforce.

*The Legal Hotline for Ultra-Orthodox Women in the Workforce* was established in October, 2017, as a separate extension of the hotline that has been operating at the Israel Women's Network for more than 30 years. The designated line was established based on the understanding that working women in the ultra-Orthodox sector have unique characteristics and needs that necessitate an adjusted response, and it offers such women legal assistance in the field of employment law, free of charge.

Upon the completion of the hotline's first year of activity, we observe the desire and aspiration of many female employees in the ultra-Orthodox sector to be able to be employed fairly and legally. The large number of women who called the hotline during the past year indicates the need for the unique response that it provides and the importance of taking systematic actions to make information more accessible to women in the ultra-Orthodox community and to expand their access to legal instances.

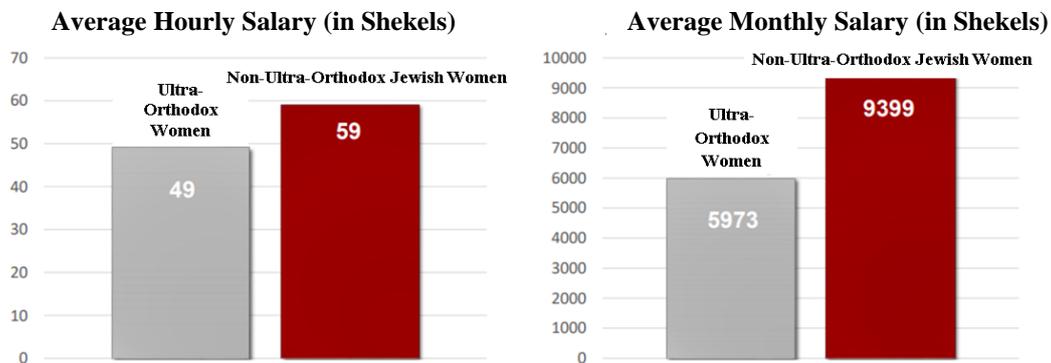
**The report below summarizes the first year of activity of the Legal Hotline for Ultra-Orthodox Women in the Workforce and presents the main conclusions emerging therefrom.**

## **Background: Ultra-Orthodox Women in the Workforce**

Official data indicates significant gaps in the salaries, scope of employment and in additional characteristics of employment between ultra-Orthodox women and Jewish women who are not ultra-Orthodox. Although in the majority of ultra-Orthodox households, women are the main breadwinners, their rate of employment is still approximately 9% lower than that of non-ultra-Orthodox Jewish women. The rate of ultra-Orthodox women who are employed in part-time positions is approximately 50%, 8% of whom are employed part-time non-voluntarily. Among non-ultra-Orthodox Jewish women, only 29.3% are employed in part-time positions, only 3.1% of whom do so non-voluntarily.

The average monthly salary of ultra-Orthodox women is much lower than the average salary of non-Orthodox women, and this is not explained by the difference in working hours. While ultra-Orthodox women work on average 20% fewer hours than non-ultra-Orthodox women, they make, on average, approximately 37.5% less per month (Kasir et al., 2018; The Ministry of Labor and Social Affairs, 2017).

The following graphs present the hourly wage gaps and the monthly wage gaps between ultra-Orthodox women and non-ultra-Orthodox Jewish women:



Source: Ministry of Labor and Social Affairs, 2017, Ultra-Orthodox Employment

## **Background: Ultra-Orthodox Women in the Workforce**

The differences in the salaries and scope of working hours between ultra-Orthodox and non-ultra-Orthodox Jewish women stem, among other reasons, from differences in social norms and from the closed nature of the ultra-Orthodox work market.

Contrary to what is customary in non-ultra-Orthodox society, in the majority of cases, ultra-Orthodox women assume the role of the household's primary breadwinner. This role is not instead of their traditional role as primary caretaker of the children and the housework, but is in addition thereto. It thus follows that ultra-Orthodox women experience the work-life balance conflict, which to some degree is common to women of all sectors and is generally expressed in significant employment sacrifices, at an even greater intensity.

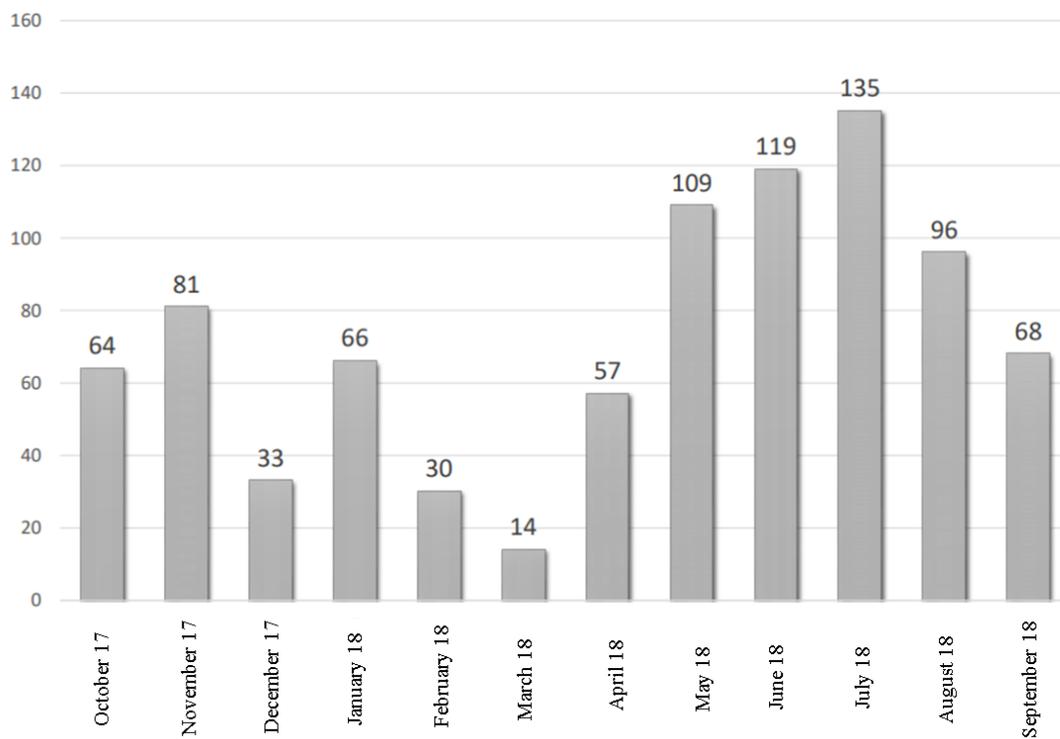
The intensity of the conflict, alongside additional unique characteristics of the ultra-Orthodox society, have led many ultra-Orthodox women to engage in the teaching profession – a field that allows them to work shorter hours and to work within the ultra-Orthodox community. In recent years, in light of high demand for teaching positions in ultra-Orthodox society, this field has become saturated, and more varied and profitable employment tracks have opened to women. However, while in the general population approximately 17% of women engage in teaching, still approximately 44% of ultra-Orthodox female employees are engaged in this field, which is characterized on average by few working hours and low pay. (Kasir, 2018; Miletzky, 2017).

Beyond the difference in working hours between ultra-Orthodox and non-ultra-Orthodox women and the high concentration of ultra-Orthodox women in teaching and in other low-paying professions, there are also sectorial gaps in the field of violation of rights. Generally speaking, research indicates a phenomenon of non-compliance with employment laws in ultra-Orthodox society, and of lack of awareness regarding the law. Ultra-Orthodox women report more violations of their employment rights than any other population, and they are less organized in labor unions than non-ultra-Orthodox women, and at most the ultra-Orthodox educational institutions in which many of them are employed, no workers' unions operate at all. (Kasir and Tzachor-Shai, 2017).

## **Calls to the Hotline: Numerical Data**

- ✦ During the past year, since the beginning of the activity, 892 people called the Legal Hotline for Ultra-Orthodox Women in the Workforce.
- ✦ The hotline began operating on October 17, 2017, and 64 women called within its first two weeks of operation.
- ✦ During 2018, an average of 75 women called the hotline per month.

### **Number of monthly calls to the Legal Hotline for Ultra-Orthodox Women in the Workforce**



## **Calls to the Hotline: Matters of the Calls**

In accordance with the unique needs of the ultra-Orthodox female employees, the content of the calls that are made to the designated hotline, is difference from the calls to the general hotline. While most of the calls to the general hotline address the violation of gender rights – rights related to pregnancy and childbirth, sexual harassment or discrimination in pay, many of the calls to the hotline that is designated to ultra-Orthodox women address the violation of the protective laws that anchor the most fundamental employment rights,

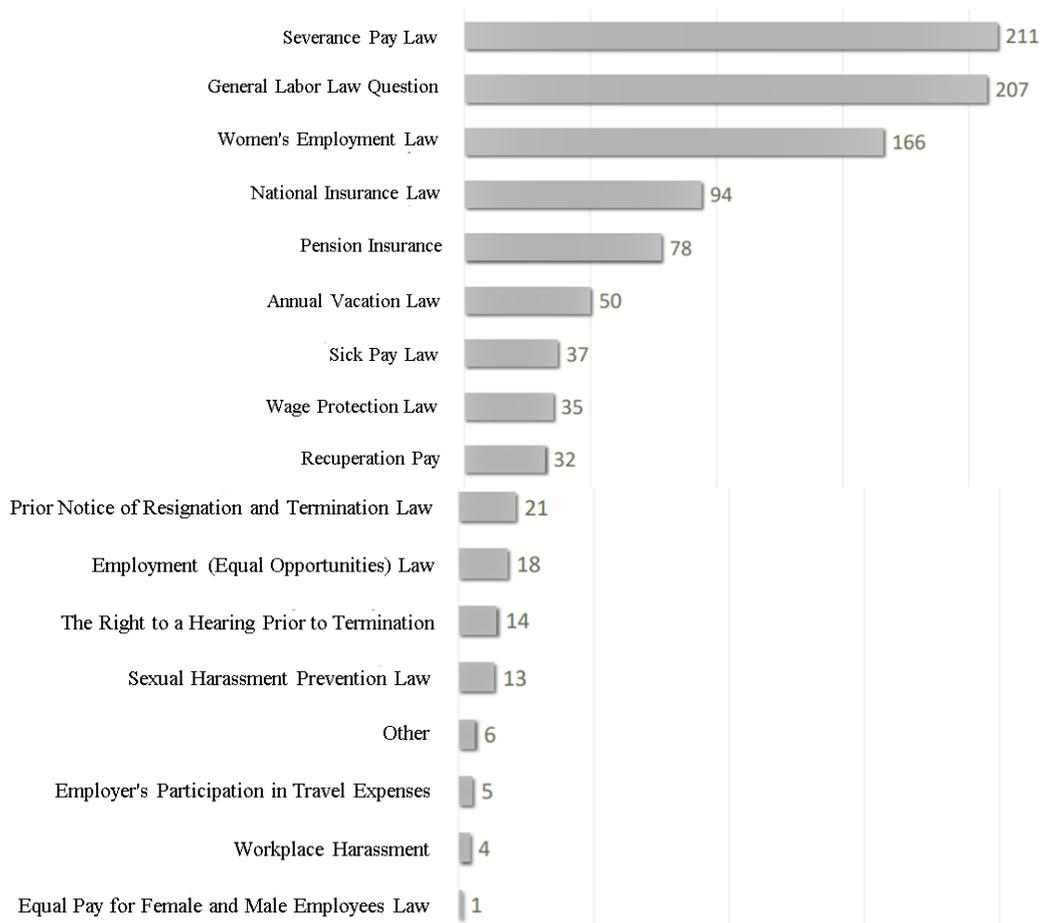
✦ Among the calls that were made to the designated hotline for ultra-Orthodox women during the past year:

- Approximately 34% addressed matters related to termination proceedings and severance payments.
- Approximately 13% of the calls addressed matters related to the National Insurance Law, primarily unemployment allowance.
- Approximately 32% of the calls addressed matters related to general employment law questions that are not related to termination: questions relating to pension rights and entitlement to vacation days, recuperation or sick pay.

✦ Approximately 23% of the calls addressed gender matters that are regulated in the Women's Employment Law, most of which relating to rights during pregnancy, during maternity and parental leave and thereafter (parental hour).

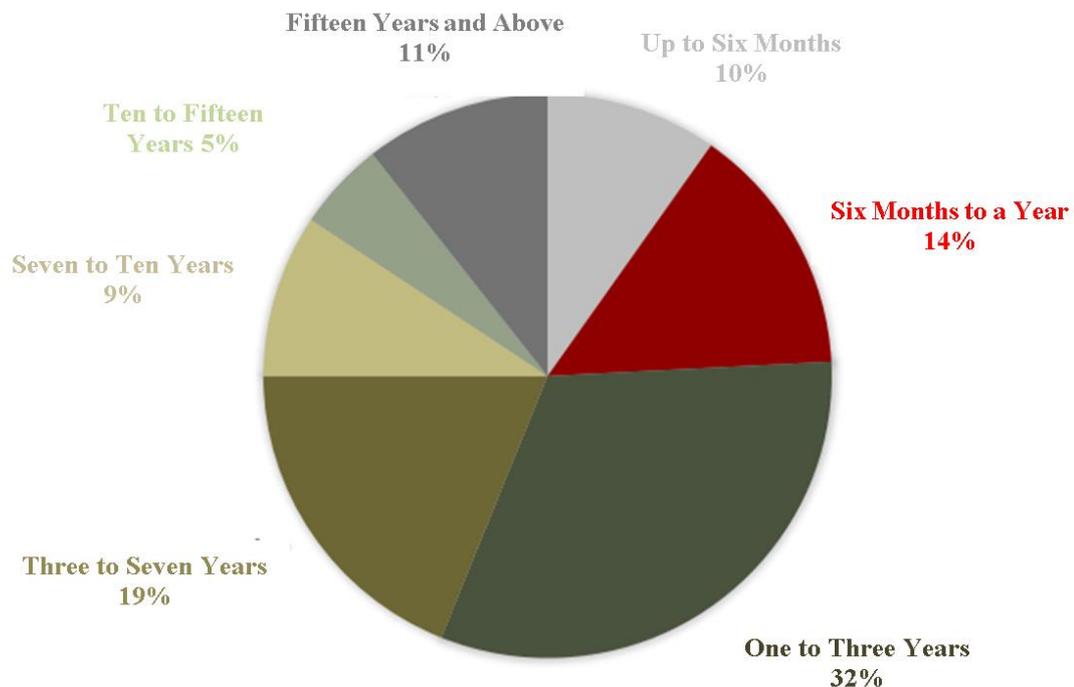
✦ 13 calls were made relating to sexual harassment or sexual assault at the workplace, constituting only 1.5% of all of the calls made to the hotline. In the hotline intended for the general population, 14.5% of the calls addressed this matter.

## Calls to the Hotline: Number of Calls to the Hotline according to Laws or Matters



## **Who are the Women Calling the Hotline?**

- ✦ Approximately 35% of the callers to the hotline work in the fields of teaching or childcare.
- ✦ In other fields, the majority of the callers to the hotline are employed in junior positions: secretaries, call-center employees, cashiers, etc.
- ✦ More than half of the callers to the hotline have worked at their workplace for three years or less. The following graph presents the distribution of the callers in accordance with the time they have been with the workplace:



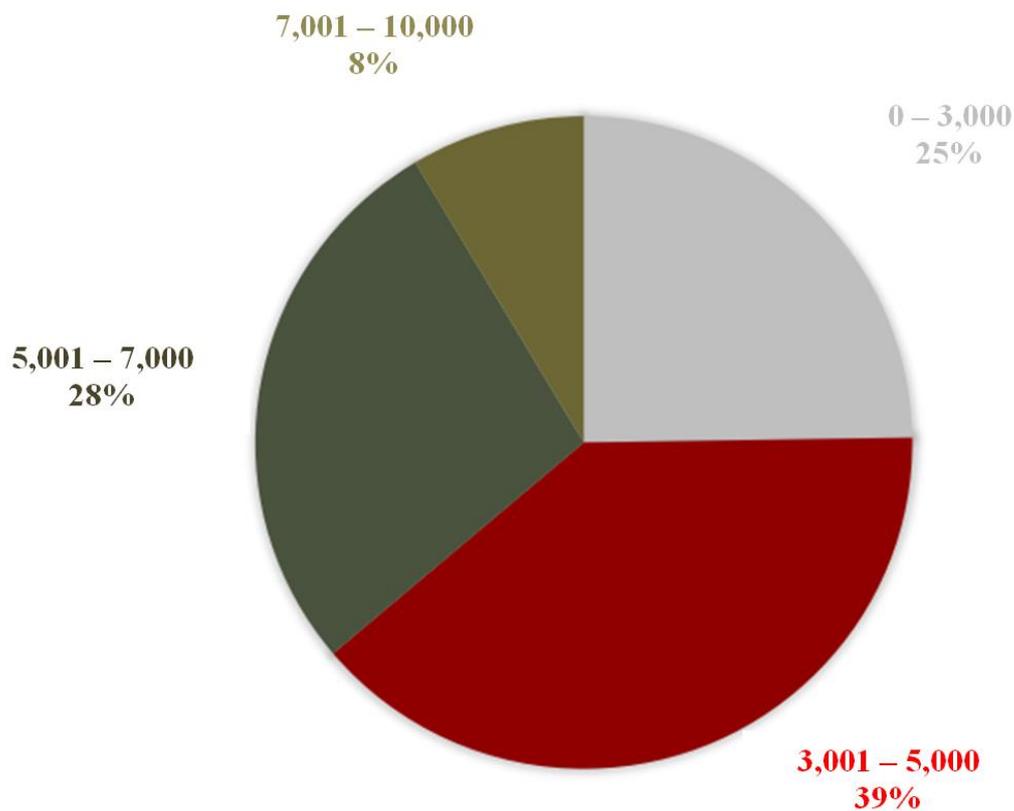
## **Examples from the Hotline**

M was hired to work as a class assistant in a religious high school. A day after the school year started, she met with the headmaster, at her own initiative, regarding work procedures, and at the end of the meeting – right before signing the employment agreement, she told him that she is pregnant. The headmaster notified her on the spot that since she will be having a baby during the school year she is not suitable to work in the institution and he asks that she go home. The headmaster refuses to take M back to work.

## **Who Are the Women Calling the Hotline?**

- ✦ The majority of the callers did not provide full details about their salaries. More than 60% of those callers, who agreed to disclose their salary, make less than NIS 5,000 per month.

### **Distribution of Callers According to the Callers' Monthly Salary**



- ✦ Approximately 52% of the callers are employed as hourly paid employees.
- ✦ Despite the partial data relating to the callers' salaries, it can be assumed that the majority of them have low salaries also in relation to the scope of their position. This is due to the many violations of the protective laws that are described by the callers, which, as mentioned, are the main reason for them calling the hotline.

## **Who Are the Women Calling the Hotline?**

- ✦ Approximately 60% of the callers have part time positions, and only 40% of them are employed in full time positions. Among the general population in Israel, 32% of the female employees are employed in part time positions and 68% in full time positions.
- ✦ The majority of the callers live in Jerusalem, Bnei Barak and Modi'in Illit. Most of the callers were exposed to the hotline following focused advertising in local newspapers in these cities, and we are currently acting to expand the areas of advertising.

### **Examples from the Hotline:**

A. was employed as a programmer in a company for approximately 10 years. After repeatedly reducing her working hours, until she reached a quarter of her original working hours, she asked to resign due to a material adverse change to the terms of her employment. Contrary to the law and contrary to previous promises by the employers – they refused to pay her the entire severance payments that she deserved and paid her only part of the amount. Following her approach to the hotline, she was referred to Adv. Goldie Rothenberg, who filed a claim with the Tel Aviv Regional Labor Court on her behalf. Following the legal proceeding, she was paid all of the severance payments she deserved amounting to NIS 36,000.

## Conclusions

- ✧ Ultra-Orthodox female employees are highly motivated to work and to be able to be employed legally and fairly. However, we identify that among this population there is lack of information and awareness regarding even the most fundamental of employees' rights and regarding the courses of action that can be taken when their rights are violated.

*In order to inform women regarding their employment rights, the Israel Women's Network distributes 'Rights Booklets' among women in the ultra-Orthodox sector, which contain information regarding labor law rights which cannot be waived, and holds sessions regarding rights for ultra-Orthodox women throughout the country.*

- ✧ The ultra-Orthodox female employees experience systematic violation of protective and other labor law rights, primarily when the employer is an ultra-Orthodox entity. There are employers whose names are mentioned in a large number of calls to the hotline.
- ✧ There is willingness among ultra-Orthodox female employees to take action against the violation of their rights, however concurrently there is difficulty in approaching the State's institutions, such as the Ministry of Labor and Social Affairs or the Labor Courts. Additionally, in many cases there is a concern regarding tarnishing the employer's reputation.

*In order to alleviate the ultra-Orthodox female employees' access to legal instances, we offer callers from the ultra-Orthodox sector the possibility of suing violating employers by using the IWN's "Enforcement Network" project. In the framework of the project, lawyers from the IWN represent the caller at reduced legal fees.*

## **Policy Recommendations**

✧ Upon the end of the first year of activity of the designated Legal Hotline for Ultra-Orthodox Women in the Workforce, and the conclusions that were presented in this report, we see a need for the government to take broad responsibility to improve the quality of the employment and the terms of employment of these female employees. Therefore, we recommend adopting the following policy actions:

- **Initiating a designated campaign to increase awareness of employment rights** among employers and female employees in the ultra-Orthodox community.
- **Liaising between the relevant State enforcement and regulation entities and male and female leaders in the ultra-Orthodox community**, and deepening the familiarity with employment laws and the commitment to abiding therewith, among this population, so as to prevent cases of violation of the law which stem from lack of knowledge of law and to strengthen the connection and the possibility of ultra-Orthodox female employees to act to enforce their rights, by means of these institutions.
- **Implementing a broad enforcement campaign** by the State, at workplaces that employ large numbers of ultra-Orthodox women, with an emphasis on enforcement of protective rights, such as contributions to pension insurance, payment of recuperation pay, etc.
- **Implementing a national program to improve the quality of employment of ultra-Orthodox women**, and determining qualitative and quantitative goals that relate to pay, training, scopes of position and status in the workforce. This being in addition to the existing employment goals which primarily relate to expanding the participation of the ultra-Orthodox population in the workforce, with an emphasis on the participation of ultra-Orthodox men.
- **Promoting direct employment of female teachers** from the ultra-Orthodox sector in the framework of the Ministry of Education, so as to reduce the number of women employed by non-profit organizations and by other third parties, and thus to reduce their exposure to systematic violations of rights.