

Iyar 18th, 5780
May 12th, 2020

To
Licensed Private Agencies in the Nursing Sector
Via e-mail
Greetings,

Re: Instruction Concerning the Redeeming of Vacation Days
at the End of the Year

1. Due to repeated complaints that have reached the Corporations and Private Agencies Bureau, the undersigned issued an instruction on 06.02.2020 regarding the requests of foreign workers from their nursing employers to redeem their vacation days at the end of the calendar year and before the termination of their employer-employee relations.
2. **Following consultations with Adv. Shiri Lev-Ran Lavi, Foreign Workers' Labor Rights Supervisor at the Ministry of Labor, Social Affairs and Social Services, I hereby issue an update on this matter:** "As a general rule, the law is that vacation days should be redeemed in kind, that is to say: the employer needs to ensure that the employee will take an actual day of leave, and the employee's vacation days should not be redeemed in money (except upon the termination of employment relations). Hence, the courts do not accept settlements in which the redeeming of vacation days is paid during the employment period."
3. It should be clarified that the instruction issued is in accordance with what is stated in the "Kol-Zchut" website regarding "The Redeeming of an Annual Leave". It should also be noted that the above was written in accordance with the position of the Ministry of Labor, Social Affairs and Social Services in this matter.
4. **Furthermore, the "Kol-Zchut" website states as follows:**
"The redeeming of an annual leave prior to the end of the employment period is wrong and in violation of the Annual Leave Law and its purpose

(the emphasis is not in the original – S.N.). It is the employer's duty to allow the employee to take an actual leave according to the amount of vacation days that he or she has accumulated. An employer who chose to redeem the employee's vacation days during the employment period (even if done according to the employee's own request) risks paying double redeeming of vacation days".

5. Due to further complaints that have reached the Bureau these days, I hereby reiterate the instruction and clarify that foreign workers should not be instructed to redeem their vacation days that they have accumulated at the end of the calendar year, but only upon the legal termination of employer-employee relations as stated above.
6. Therefore, it is clear that these matters apply to all private agencies in the nursing sector and it is expected that they will act accordingly.

Respectfully,

Shiran Naor, Adv.

Corporations and Private Agencies Bureau

Cc: Adv. Yifat Hen, Director of the Corporations and Private Agencies Bureau