



# Prevention of Sexual Harassment

## Main Points of the Set of Rules

**Sexual harassment and the persecution associated with it cause harm to human dignity, freedom, privacy and gender equality; therefore, these behaviors, in any form whatsoever, are prohibited by law.**

### To whom the law refers:

Harassment and persecution can be perpetrated by both men and women and directed at both genders.

Sexual harassment or persecution in a framework of work relationship exists in any of the following circumstances: in the workplace, in another place where the employer's activities are carried out, or by exploitation of authority in work relationships in any place (such as in the home of a person in charge).

### The prohibited acts:

Sexual propositions or references towards a person who is not interested or through the exploitation of authority and discipline, as well as shaming or humiliating a person based on their sex or sexual orientation may constitute sexual harassment.

In order for the behavior to constitute sexual harassment, it has to be sexual in nature (therefore, an invitation to have a cup of coffee or a compliment on a haircut would usually not constitute harassment, as long as it is not done subsequent to an expression of non-consent), but it does not have to derive from sexual motives or to serve sexual purposes. For example, acts which are carried out in order to humiliate, intimidate, badger or for the purpose of taking someone's place can also constitute harassment.

### The following acts are prohibited even if they are done one single time:

- Extortion by threatening to commit an act of a sexual nature.
- An indecent act (an act with the intent of humiliation, or sexual arousal or satisfaction, which is done without the consent of the complainant).
- Humiliating or derogatory treatment directed at a person in relation to his gender (i.e., being a man or a woman), sexuality or sexual orientation.
- Publication of a photo, film or recording of a person which focuses on his sexuality in circumstances where the publication may humiliate or degrade the person, without his consent.

### The following acts are prohibited only when all of the following conditions are fulfilled (accumulatively):

- References made which are focused on sexuality or repeated propositions of a sexual nature.
- The person to whom the references or propositions are directed has clearly shown to the harasser (in words or behavior) that he is not interested in them.

- The harasser continues with references / propositions even after that person has shown that he is not interested.

\*In cases where references or propositions are made while exploiting unequal power relations (for example, between an employee and his supervisor), the very fact of the repeated suggestions constitutes an offense, even if the person to whom the references or propositions are directed does not show that he is not interested in them.

### Prohibited persecution:

Harm which originates from sexual harassment or a complaint or a suit filed for sexual harassment.

### What would not be considered sexual harassment:

Any type of non-sexual interaction, or courtship performed in good spirit, with the mutual consent and free will of all persons involved.

### Maximum penalty:

- **In criminal law**, the maximum penalty for harassment and / or persecution is two to four years in prison.
- **In civil law**, the Labor Court may award compensation of up to NIS 120,000 without proof of damage, as well as additional compensation for proven damages.
- **In disciplinary proceedings**, steps can be taken, such as dismissal, disqualification from civil service, and the reduction of pension rights.

### Complaint submission procedure - three treatment options:

- **Disciplinary procedure:** A complaint may be made to the Gender Equality Officer in the office, to the Director of the Gender Equality Division at the Civil Service Commission or to the Civil Service Discipline Division. A complainant may also file a complaint with her superiors in the office, who are obligated to report to one of the above parties.
- **Criminal Procedure:** Filing a Complaint with the Police. If a criminal proceeding is opened, the disciplinary division of the Civil Service Commission monitors it and upon its completion considers taking disciplinary actions. **These two routes are alternative routes.**
- **Civil procedure (tort claim):** The civil claim route may also be taken in parallel to the disciplinary route or to the criminal route.  
**A person who is harmed by sexual harassment or persecution may choose to initiate one or more of the said proceedings in each of the above routes.** In each of the routes detailed above, the complainants

are accompanied and supported by the Gender Equality Division and / or by the Gender Equality Officer.

### Limitation – the duration of the period in which a person can be prosecuted or a claim can be filed:

- In a disciplinary proceeding, the duration of the limitation is not counted from the day of the incident and depends on the fulfillment of the conditions specified in section 64 of the Civil Service Law (Discipline), 5723-1963. Therefore, in some cases, a complaint can be filed for sexual harassment many years after the incident.
- In a criminal proceeding, a person can be prosecuted within a period of up to 5 or 10 years after the incident, depending on the type of offense.
- In a civil proceeding, a claim can be filed up to three years after the incident.

### Address for Submitting a Complaint:

The complainant may choose the following options, all or part:

- The Gender Equality Officer at the office / hospital can be contacted,

Mrs. \_\_\_\_\_

by phone \_\_\_\_\_

or by E-mail \_\_\_\_\_

- You may contact the Gender Equality Division at the Civil Service Commission by phone **02-6705491** or by email, **hatrada@csc.gov.il**, or contact the Disciplinary Division of the Civil Service Commission by telephone **02-6705226/7** or the Investigation Department at the CSC: **02-5089571**.
- A complaint can be filed with the police (criminal law).
- You may sue for damages in a civil tort suit in court or the Labor Court if harassment has occurred in the work environment.

The binding version appears in the Prevention of Sexual Harassment Law, 5758-1998 and in the Set of Rules adapted for the Civil Service by virtue of the law. This sign shall not be used instead of the Law and the Set of Rules, and it does not replace them in any way. The full Law and Set of Rules can be found on the website of the Civil Service Commission.



\* Any use of feminine language refers also to male persons, and vice versa.