

April 2020



An Update Regarding Emergency Regulations that Came Into Effect Yesterday:

- | Restrictions on the Number of Employees at the Workplace;
- | Restrictions on Activity in Public Areas.

On Tuesday morning, March 31, 2020, **Amendment No. 1** to the Emergency Regulations (Restrictions on the Number of Employees at the Workplace to Minimize the Spread of the Novel Coronavirus) (Amendment), 5780-2020 (the “**Work Regulations Amendment**”), was published. The Work Regulations Amendment placed further restrictions on the number of employees allowed to be present at a workplace at the same time. **The Work Regulations Amendment came into effect on Wednesday, April 1, 2020** and the restrictions will remain in effect until April 16, 2020.

On Tuesday evening, March 31, 2020, **Amendment No. 2** to the Emergency Regulations (Novel Coronavirus – Restriction of Activity), 5780-2020 (the “**Regulations**”), was published. The Regulations include **additional restrictions on activities in public spaces, additional responsibilities for employers and additional rules on behavior in public spaces**. The Regulations will remain in effect for seven days.

Emergency Regulations: Restrictions on the Number of Employees at the Workplace

Restricting the rule applying to the private sector and setting additional limitations

→ **Restricting the rule:** In the private sector, the maximum number of employees allowed to be present at a workplace at the same time is 10 employees or 15% of the workforce (instead of 30%), according to the higher number;

This number may include cleaners, security guards and computer technicians.

This number may also include additional employees that are not involved in the core activity of the workplace (e.g., secretaries), subject to certain limitations. In order to include these employees, see the restrictions for “support staff” below.

→ **How can the number of employees be increased?** An employer is allowed to increase the maximum number of employees permitted to be present at the workplace at the same time to 30% of its employees, subject to meeting the following two conditions:

1. The increase is essential for the ongoing activity of the workplace; and
2. The employer sends written notice to the Ministry of Economy and Industry detailing the names of the employees whose presence at the workplace is necessary, their position and the reasons why their presence is necessary.

→ **“Support Staff”**: as aforementioned, **employees that are not involved in the core activity of the workplace** may not be included in the number of permitted employees at the workplace (as described in the Regulations as “support staff”), unless:

1. The employee’s presence at the workplace is essential to the ongoing activity of the workplace; and
2. The employer sends written notice to the Ministry of Economy and Industry detailing the names of the employees whose presence at the workplace is necessary, their position and the reasons why their presence is necessary.

→ **Reception Areas**:

Operating reception areas for the public at the workplace are prohibited, unless such areas are necessary for supplying an essential product or service, provided that the number of employees at the reception area is minimized as much as possible.

→ **Working in shifts**: In a workplace normally employing **shift-based employees**, the employer must assign the same group of employees to work in the same shifts, to the extent possible.

Changed - The exception applying to the industries described in the Workplace Regulations Amendment

→ Workplaces in which field of practice is included in the Workplace Regulations Amendment (as described in the following [link](#)) are still permitted to have an unlimited number of employees arrive at the workplace at the same time (including cleaners, security guards and computer technicians), provided that the number of employees necessary to ensure the essential activity of the workplace is minimized as much as possible.

→ **An additional section was added** stating that an employer must prohibit entrance to an employee who is not involved in the core activity of the workplace (“support staff”), unless **the employer determined**:

1. That the support staff member is required to ensure the ongoing activity of the organization; and
2. It is essential that the employee will execute their work at the workplace.

Unchanged - The exception applying to the infrastructure and construction industry

→ For a description of the exception applying to the infrastructure and construction industry, see our update from March 22, 2020 via the following [link](#).

Changed - The exception for factories with special permits to employ employees during rest hours

→ Regarding factories with special permits to employ employees during rest hours (permits granted in order not to disturb the work process), the Workplace Regulations Amendment allows **up to 15%** (instead of 30%) of total employees or the number of employees allowed pursuant to the permit, according to the higher number.

→ Cleaners, security guards and computer technicians may be **included**; but employees that are not involved in the core activity of the workplace (*e.g.* secretaries) **are not to be included**, subject to the exceptions described above.

→ **How can the number of employees be increased?** An employer is **allowed to increase the maximum number of employees** permitted to be at the workplace at the same time to **up to 30% of its employees**, subject to meeting the following two conditions:

1. The increase is essential for the ongoing activity of the workplace; and
2. The employer sends written notice to the Ministry of Economy and Industry detailing the names of employees whose presence at the workplace is necessary, their position and the reasons why their presence is necessary.

Arriving at the workplace

- Arriving at and returning from a workplace in accordance with the Regulations is permitted;
- An employee is permitted to arrive at the workplace to perform essential maintenance and urgent repairs;
- The transport of an employee to his or her workplace in accordance with the Regulations is permitted.

Employer responsibilities at the workplace

→ Lack of fever and symptoms declaration:

- The responsibility of employers to place a stand at the entrance of the workplace to take the temperature of entrants was cancelled;
- Now, employees must check their temperature before arriving at work and sign a declaration stating that they took their temperature and do not have the following symptoms: temperature above 38 degrees Celsius, coughing, difficulty breathing. An employee declaration form can be downloaded from the following [link](#).
- The employer will collect and save the employees declarations every day;
- For an employee not employed in the framework of the employer's business or in the occupation of the employer – an oral declaration can be given.

→ Social distancing and taking additional measures:

- An employer is responsible to ensure that individuals maintain a distance of at least 2 meters between each other;
- In a workplace that cannot maintain the aforementioned distance requirements, the employer must take additional measures to prevent contagion (the term "additional measures" remains undefined in the Regulations);

→ Allocating personal equipment for each employee:

- Each employee will be provided with permanent personal equipment, to the extent possible, including: keyboard, mouse and a telephone line;
- Equipment used by more than one individual will undergo strict disinfection before being transferred to other people.

→ Guidelines to maintain hygiene:

- Employers will provide their employees with instruction on how to maintain hygienic standards, including hand washing.

→ Elevator usage:

- Employers will provide their employees with guidelines with respect the use of elevators throughout the workplace, and there will be no more than 2 passengers in an elevator car at the same time.

Delivery services

- Delivery services are permitted.
- With respect to delivery services to places of residence, the parcel delivered should be left at the doorstep.

The operation of stores, restaurants and recreation and leisure areas

- Places selling food, pharmacies, optometry stores or any other store in which its main business is the sale of hygiene products can continue to be opened to the public; opening a laboratory for fixing communication or computer devices is also permitted.

- Stores open to the public must maintain the current rules, including:
 - The owner or operator of the store will insist, to the extent possible, that individuals that do not live together maintain a distance of at least **2 meters** between each other, including when waiting in lines, and for these purposes **the store will mark** the places where customer should stand by the cash register area and in the waiting line area;
 - The owner or operator of the place will **prevent, to the extent possible, the crowding** of individuals in one place and for this purpose will adjust the entrance area for visitors;
 - At all times there will be the maximum ratio of customers to the number of the store's active cash registers **may not exceed 4 to 1**.
- Other types of stores may remain open (including laboratories for fixing or replacing broken devices; restaurants; and hotel restaurants), **but they may not be open to the public**. Orders via telephone or the internet must be taken ahead of time, while restricting these services only to delivery, prohibiting "take away".
- We note that malls may not be open, **excluding** pharmacies, stores in which its main business is the sale of hygiene products, stores selling food (such as grocery stores) or restaurants (subject only to delivery services and restricting take away as described above);
- Opening additional recreation and leisure areas remains prohibited, as explained in our previous update (click [here](#) for more details).

Our firm has a dedicated team that continuously follows updates and publications in connection with these matters and is prepared to consult on any questions arising from these issues including assistance in submitting appropriate applications to the relevant regulators.

We invite you to contact us for any necessary clarifications or with any questions you may have with respect to the issues described herein and any other general concerns or needs that may arise.



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