



State Comptroller and Ombudsman  
Annual Report 70B | 2020

# Implementation of the Sexual Harassment Prevention Law, 1998

Abstract



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## Abstract

### Background

The Sexual Harassment Prevention Law, 1998, was designed to protect human dignity and promote gender equality. The law determines which behaviors are sexual harassment and offers three procedures for the victims: criminal, civil and disciplinary proceedings under labor law.

On 27.2.18, the State's Audit Committee of the Knesset asked the State Comptroller to prepare an opinion by virtue of section 21 of the State Comptroller Law, 1958, on the implementation of the Sexual Harassment Prevention Law. In formulating this opinion, consideration was given to the infrastructure in place to deal with the phenomenon both within and outside the governmental and public bodies; all this to build insights, after two decades since the Law was enacted, in areas where actions need to be taken to ensure the protection of the wellbeing and dignity of individuals in the society.

### Key figures

1 of 4 women

Replied in the survey (2011) that she had experienced sexual harassment or indecent acts on public transport

153,000

Were sexually harassed in 2018, according to the Personal Security Survey 2018 conducted by the Ministry of Public Security and the CBS

95% - 98%

Of the respondents who reported sexual harassment in personal security surveys conducted by the Ministry of Public Security chose not to complain to police about the violation

4,814

The number of claims on sexual harassment received in assistance centers for sexual assault victims in 2018

1,568

The number of students who reported being sexually harassed by teachers in 2017 survey by the National Authority for Measurement and Evaluation in Education survey

302

The number of complaints about sexual harassment by patients treated by a medical team in the healthcare system from 2015 to 2017

146

The number of lawsuits on sexual harassment filed in 2018 at Magistrate's Courts and Labor Tribunals


29

The number of indictments filed in 2019 where sexual harassment was the only or major offense, out of 129 indictments that included a sexual harassment offense

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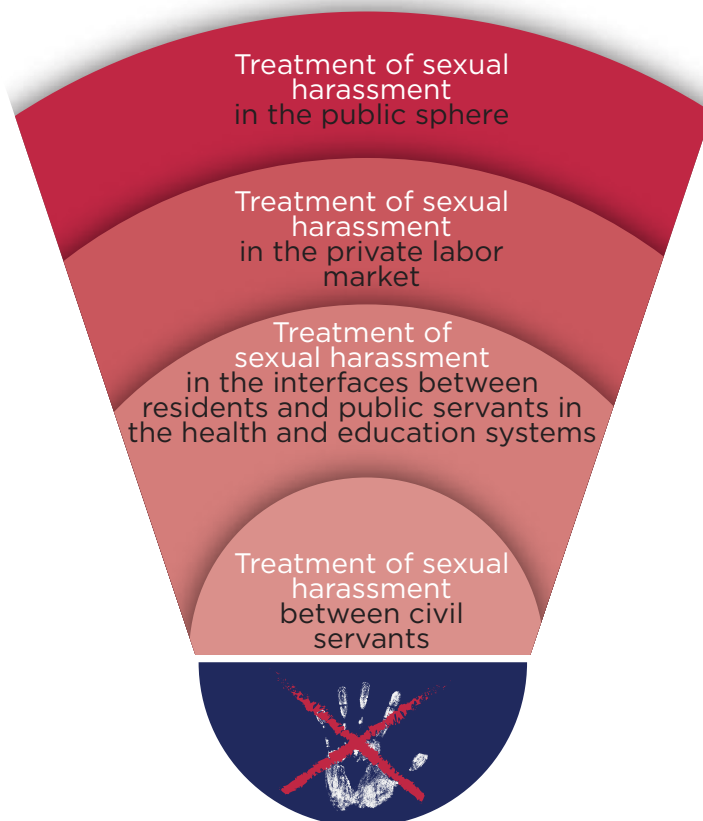
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## Audit Actions

 The opinion deals with the following topics: Data and studies on the phenomenon of sexual harassment; the course of the law dealing with harassment; the treatment and prevention of sexual harassment in the labor market; the treatment and prevention of sexual harassment in the health and education system.

For the purpose of preparing the opinions, audits were conducted in the Ministry of Justice, the Civil Service Commission, the Ministry of Education, the Ministry of Health, the Ministry of Labor, Social Welfare and Social Services and the Authority for the Promotion of the Status of Women in the Ministry of Social Equality. Certain aspects of the issue were checked as well at the Ministry of Economy and Industry, the Standards Institute, the IDF, the Israel Police and the Prison Service.

As mentioned above, in preparing the opinion, attention was given to the infrastructure that was set up to deal with the phenomenon in four areas where protection against sexual harassment is required: in the public sphere; in the private sector workplace; interaction between citizens and employees within the health and education systems; in relations among public sector employees.




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## The Situation Reflected in the Audit Findings

The treatment of sexual harassment exists in the face of two restrictive conditions: one, subreporting to government agencies that are trained in the field of treatment and enforcement; second - the lack of comprehensive and up-to-date data on the extent of the phenomenon in the various surroundings.




-  There are considerable gaps in the support system, treatment and enforcement in the area of sexual harassment in the various surroundings. As you move away from the circle of government and public bodies to the general public, the effect of regulation is diminished and the treatment systems are poorer.



The State Comptroller's Office views in a positive light the preparation of the ongoing personal security survey conducted by the Ministry of Public Security, according to which trends can be identified and practical conclusions drawn.

## Public Sphere








-  In 2015 - 2018, 595 sexual harassment complaints were filed with the Civil Service Commission (about 150 complaints a year). The number of complaints as compared with the number of civil servants probably indicates subreporting. In response to a questionnaire passed by the State Comptroller's Office to sexual harassment supervisors in government offices, various difficulties were cited, including: The regulators do not have a regulated status in the internal disciplinary process conducted in the Ministry, and the Civil Service Commission does not always update them and through them the complainants about the termination, which makes it difficult for them to support the complainant.



In the large security bodies - the IDF, the police and the IPS - a variety of measures were taken to change organizational culture and prevent sexual harassment among employees.


## Interaction Between Government Ministries and Citizens - Ministry of Health and Ministry of Education



-  Interpersonal interactions and power gaps make coping with these systems in the area of sexual harassment particularly complex, partly because of the identity of the victims (populations of patients and minors), and because sexual harassment has a wide range of forms and expressions, and thus a wide range of responses to sexual harassment is required. Both Ministries found that regulations dealing with sexual harassment did not give full response to sexual harassment incidents, and the measures to address harassment were unsatisfactory.
-  There is no information about offenders in the Ministry of Health, and thus offenders may switch between jobs and commit additional offenses.
-  The Ministry of Education's disciplinary information system does not incorporate all the information on adults who abuse minors. In the absence of comprehensive data, abusers may return and harm students.
-  The Ministry of Education does not make use of its existing tools available to it, which would allow the dismissal of a teacher even when a complaint of a minor about sexual harassment has not yet resulted in a criminal conviction.
-  For many years, the Ministry of Education has not completed its update of the CEO's circulars dealing with sexual offenses.


## The Private Sector Workplace



-  The powers conferred by law to some relevant government agencies are limited, and there is no experienced regulator dealing with the issue of sexual harassment in the private sector workplace.






## Public Sphere



-  In the absence of a regulating government agency, harassed women in the public sphere can file a criminal complaint or sue in a civil lawsuit, but there is a notable small quantity of criminal complaints and even less civil lawsuits.

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## Main Audit Recommendations

-  The Ministry of Justice, in charge of the implementation of the law, must consider an examination of the way the State acts in regard to the prevention of sexual harassment, as well as an examination of the need for changes in the distribution of responsibilities among the relevant government agencies, while targeting disadvantaged populations (including contract workers). As part of this examination, data should be collected to identify the extent of the problem and on their basis finding a solution to the phenomenon of subreporting on sexual harassment.
-  The Department of Justice should consider the possibility of expanding the scope of Regulation 9 of the Sexual Harassment Regulations (a regulation that stipulates annual reporting obligations to prevent sexual harassment in higher education institutions and the security forces) and to apply it to other bodies, including the Education and Health Ministries.
-  The Ministry of Health must undertake comprehensive regulation of ways to deal with sexual harassment complaints and prevent harassment in a manner that is tailored to the unique characteristics of health care institutions, given the plethora of populations and institutions re-sponsible for it. In the meantime, it must examine the ways the Health Services Ombudsman delivers updates regarding those who are part of the health services establishment accused of harassment in order to prevent the possibility that abusers move to other jobs and carry out recurring abuses.
-  The current situation, in which teachers who sexually harass students but have not been convicted of a criminal proceeding, can continue their work, requires regulation from the Ministry of Education, preventing recidivism and protecting complainants as well as all students.
-  The Ministry of Justice must examine the application of the law in workplaces, and in particular, it must examine with the relevant Ministries the possibilities for improving the handling of complaints in private sector workplaces. To do this, a process of RIA-Regulator<sup>1</sup> Impact Assessment should be considered.

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## Summary

The State institutions have established mechanisms to prevent and deal with sexual harassment between civil servants. On the other hand, sexual harassment incidents between public servants and the general public are not sufficiently addressed, whereas the treatment of sexual harassment events occurring in the private sector workplace and in the public sphere is poor and lacks supervision by the State.

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<sup>1</sup> Assessment process of the positive and negative effects of existing and future legislation and of non-regulatory alternatives.

