



Syllabus

MANAGEMENT AND RESOLUTION OF LABOR CONFLICTS - 54712

Last update 30-07-2017

HU Credits: 2

Responsible Department: conflict management & resolution

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Yael Ilany

Coordinator Email: yaelilany63@gmail.com

Coordinator Office Hours: At the end of the lesson

Teaching Staff:

Ms. Yael Ilany

Course/Module description:

The course includes introduction to Israeli labor laws on the personal and the collective level.

Study of rights and obligations of the parties in labor relations. Exposure to labor disputes in the Israeli economy.

Ways of coping as individuals and as a collective in the labor relations system. Study of legislation and Recent Judgments.

Course/Module aims:

The course goals are to learn labor laws in Israel on a personal and collective level.

Exposure to individual and collective labor disputes and the ways to manage and settle conflict. Choosing a way to manage conflict -the meaning of the selection, advantages and disadvantages.

Learning outcomes - On successful completion of this module, students should be able to:

At the end of the course, students will be able to:

Identify legal rights and duties applicable to workers and employers in labor relations.

Analyze individual labor disputes and collective labor disputes.

Implement legislation and case law relevant to the subject as taught in class while analyzing labor conflict.

Recommend a way of managing and resolving the labor conflict.

Attendance requirements(%):

Compulsory attendance

Teaching arrangement and method of instruction: Frontal teaching

Course/Module Content:

List of topics the course will cover:

1. Introduction to labor law, Sources of labor law

2. Collective disputes, Bargaining unit, Strikes

3. Personal disputes

Employer-employee relationship, Equal Opportunities Employment law, Termination of employment relationship

4. ADR and ways to settle labor disputes

Negotiation and Mediation, Arbitration, ADR and Labor Law

Required Reading:

Reading list and additional resources required:

1. Labor Court law, 1969

Guy Davidov and Reut Begas, *Representatives of the public at the Labor court: the role and contribution in practice*, Alik Barak-Aososkin, Stephen Adler et al, Nevo, 2012, 185-206 (Hebrew)

Basic Law: Human Dignity and Liberty - 1992

LC 55/3-145 State of Israel, Ministry of Housing v. Jacob Bucharis, Nevo 2001.

2. Collective Agreements Law, 1957

Settlement of Labor Disputes Law, 1957

LD(National)23/10 Akerstein Industries Ltd. v. Coach laovdim, democratic labor organization and others, 03.24.10

LD(National) 21/07 Hebrew University of Jerusalem v. Faculty Association of the Hebrew University of Jerusalem, 14.01.08

LD(National)20/07 Local Government Center and three major cities in the State of Israel v. Teachers Association post-primary schools, 12.04.07

LD(National)48472-06-11 State of Israel v. Israel Medical Association, July 25, 2011

3. 93/5168 Samuel Moore v. National Labor Court and Gideon Engel, (4) 628.

2929/01 Gaya Koren v. Yedioth Ltd., 2001

Employee notification and candidate for employment about conditions of employment and procedures for selection and admission to work, 2002

Equal Opportunities Employment Law, 1988

Women Employment Law, 1954.

LB 3-129, Sharon Plotkin v. Eisenberg Brothers Ltd., 481

HCJ 1758/11, Home Center (DIY) Ltd. v. Orit Goren -5/2012

127/10 Adva Zafon - Benjamin v. Naeman advice and guidance for seniors, Ltd., 18.01.2010

LC 9466-08 Yoram Shoval v. IBM Global Services Israel Ltd., 2011

Severance Pay Law, 1963

LA (TA)08 -8469 Moshe Mazor v. Halperin Optics Ltd., 29.09.2010

LDC 10/24 HOT - National Labor Federation and others, 16.3.2010

LA 1027/01 Dr. Yossi Guterman v. Jezreel Valley College, 448

LCR 1531-09 Gottfried v. Elchanit Properties Ltd. 11.2011

LB(TA)6741/04 Merav Halperin v. The State of Israel, Nevo 2008

Michal Horvitz, *A Hearing conducted in a superficial manner- the principle of a hearing from an analytical perspective*, 9 Law and Business, 2008, 311-345 (Hebrew).

4. Mordechay Meroni "Mediation and ADR: eighty years of history as a basis for changing the definition of the role of the courts and the judge" the judiciary 29 32

Courts Law [Consolidated Version] - 1984 - Section 79

Courts Regulations (Mediation) - 1993

Labor Court Regulations (conciliation) - 1993

Arbitration Act - 1968

Mordechay Meroni "Innovations in negotiating and conflict resolution in the workplace" *Law and Business* (July 2005) 75-121(Hebrew)

MOORE CHRISTOPHER W., *THE MEDIATION PROCESS: PRACTICAL STRATEGIES FOR RESOLVING CONFLICT*, John Wiley & Sons, 2014

Yael Ilany, *The Experience of Mediation in the Tel Aviv Regional Labor Court*, IN *STUDIA Z ZAKRESU PRAWA PRACY I POLITYKI SPOŁECZNEJ*, Andrzej Swiatkowskiego ed., 729, 2015

Additional Reading Material:

Additional Reading list and other sources :

Ruth Ben-Israel, *Employment Law*, Open University ,2002

HJC 94/721 El Al Israel Airlines Ltd. v. Jonathan Danilevic and the National Labor Court, Part Five, 749.

LA(Ntional)627/06 Orly Morry v. M.D.P Yellow Ltd, March 16, 2008.

Rabin Sharon Margalioth" explanation (excuse) for gender market wage gaps:

Following the judgment Homec entr's (DIY) Ltd. v. Orit Goren "lawyer 501.(Hebrew)

Sharon Rabin Margalioth "A turning point in personal labor law" *Din and Dvarim* (2011) 341.(Hebrew)

Yitzhak Lubotzky, *Termination of employment*, Bar Association publication 4th ed. 2013(Hebrew)

Guy Davidov, *Collective Bargaining Laws: Purpose and Scope*, 20 *International Journal of Comparative Labour Law and Industrial Relations* 81 (2004)

Elisheva Cohen "consensual dispute resolution mechanisms: a comparative review of the arrangements prevailing in the United States" *National Center for Mediation and Conflict Resolution*, Department of Justice (2002)(Hebrew)

BROWN HENRY J., MARRIOT ARTHUR Q.C.,

ADR PRINCIPLES AND PRACTICE, 3rd. Ed., SWEET & Maxwell, 2011

Amira Galin, *Negotiations: the hidden dimension*, Ramot - Tel Aviv University Law, 2005, print 11 2008.

Alberstein Michal, *On Hastiness and Procedural Justice at the Tel Aviv Labor Court: Observations of Mediations and Litigations*, 7 *MAAZANEI MISHPAT*, 119 (2010) (Hebrew)

Roger Fisher ,William Ury and Bruce Patton, *Getting to yes - to negotiate without giving up*, 3rd ed. Penguin Books 2011

Uri Shtruzman, *Book of arbitration*, L.a.d. Publishing Law (1999) Ltd. - 2001.

Guy Mundlak "Working relationship in Era of Transition" *IDI Regulations*, 2005

Account- Steering Committee regarding mediation in labor courts (Chairperson - Varda Wirth - Levne) - 2001

Varda Wirth Levne "Mediation in the labor court" *Sharey Mishpat* 1 89

Mordechay Meroni "Innovations and innovation in negotiating and conflict resolution in the workplace" *Law and Business C* (July 2005) 75-121

Additional Books

Bar-Haim Aviad, Human Resource Management, Unit 9: Labor Relations, The Open University of Israel, 2002, 140-155
Goldberg Menachem, Joseph Houseman, Labor Law, published sedan (44th edition, 2006)
Guttmann Nehemiah ,Personal and collective labor law, halacha lemaase Publishing Ltd (Edition 22, May 2006)
Porat Hila, Attorney , The Complete Guide of labour law, distribution CE Vision Ltd (Seventh edition October 2015)

Course/Module evaluation:

End of year written/oral examination 85 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 15 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

Project submission: up to two printed pages. Personal work. Instructions will be published on the course website.

End of course examination :Home Test.

Instructions will be given