

## *The Hebrew University of Jerusalem*

### *Syllabus*

# **MANAGEMENT AND RESOLUTION OF LABOR CONFLICTS - 54712**

*Last update 26-10-2014*

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: The Swiss Center for Conflict Research, Management and Resolution

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Yael Ilany

Coordinator Email: [yaelilany63@gmail.com](mailto:yaelilany63@gmail.com)

Coordinator Office Hours: At the end of the lesson

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Teaching Staff:

Yael Ilany

Course/Module description:

The course includes Understanding of labor laws in Israel on a personal and a collective level.

Learning 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 system of labor relations. Learning legislation and Recent Judgments. Guest Lecture: Management of Labor Disputes in a large organization.

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:

Introduction to labor law

Sources of labor law

Employer-employee relationship

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*Who is a worker?*  
*Who is the employer? Labor Contractors*  
*Equal Employment Opportunities law*  
*Employer -Employee relationship termination*  
*Severance Pay Law*  
*Collective employment law*  
*Bargaining unit*  
*Strike and lockout*  
*ADR and ways to settle labor disputes*  
*Negotiation and Mediation*  
*Arbitration*  
*AD R and Labor Law*

*Required Reading:*

*Reading list and additional resources required:*

*Introduction to labor law:*  
*Labor Court law - 1969*  
*99/164 Dan Frommer and Check Point Software Technologies Ltd. - Radguard Ltd, 294.*  
*Guy Davidov and Reut Bags, Representatives of the public at the Labor court: the role and contribution in practice, Alika Barak-Aososkin, Stephen Adler et al, Nevo, 2012, 185-206*  
*Sources of labor law*  
*Fundamental Law: Freedom of Occupation - 1994*  
*Fundamental Law: Human Dignity and Liberty - 1992*  
*3-145 State of Israel, Ministry of Housing v. Jacob Bucharis*

*Employer-employee relationship*

*Who is a worker?*  
*93/5168 Samuel Moore v. National Labor Court and Gideon Engel, (4) 628.*  
*2929/01 Gaia Korn v. Yedioth Ltd., 2001*  
*177-3 Netanya Municipality v. David Burger - NLC No / 27*

*Who is the employer?*

*Labor Contractors*  
*Employment labor contractors Law 1996*  
*Law to increase enforcement of employment law - 2011*  
*142-3 Hassan Alia Alharinat - Kfar Ruth, 535*  
*Sharon Rabin - margaliot " Services companies, Clients of services companies and especially everything in between: the status and enforcement of civil rights of service companies workers" Law Studies 525*

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## *Equal Opportunities in Employment*

*Equal Employment Opportunities Act, 1988*

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

*HCJ1758/11, 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*

## *Employee termination benefits*

*Severance Pay Law - 1963*

*08 -8469 Moshe Mazor v. Halperin Optics Ltd., 29.09.2010*

*1925/99 Revital SISO Lboton v. Tnufa personnel Services , 103*

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

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

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

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

## *Collective Law*

*Collective Agreements Law - 1957*

*Settlement of Labor Disputes Act- 1957*

*Bargaining unit:*

*Akerstein Industries Ltd. v. Coach laovdim, democratic labor organization and others, 03.24.10*

## *Strikes*

*21/07 Hebrew University of Jerusalem v. Faculty Association of the Hebrew University of Jerusalem, 14.01.08*

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

*48472-06-11 State of Israel v. Israel Medical Association, July 25, 2011*

*21074-12-12 State of Israel v. Histadrut -Nurses Union, 12.12.12*

*Settlement of Disputes*

*ADR*

*Mordechai Meroni "Mediation and AD R: eighty years of history as a basis for changing the definition of the role of the courts and the judge" the judiciary 29 32*

## *Negotiation and Mediation*

*Courts Law [Consolidated Version] - 1984 - Section 79*

*Courts Regulations (Mediation) - 1993*

*Labor Court Regulations (conciliation) - 1993*

*Arbitration*

*Arbitration Act - 1968*

*ADR and Labor Law*

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

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### Additional Reading Material:

Additional Reading list and other sources :

#### *Introduction to labor law*

2234/03 Avishar siba lemesiba v. Tapiero Amir, 10.4.2008

6601/96 AES SYSTEM INC v. Moshe Saar and others, p 874-877

189/03 Girit v. Mordechai Aviv , p 728

86/08 Shahal Telemedicine v. Ronnie Tubal, 23.9.08

. 687/05 Eli Gore v. Makhteshim - Chemical Works Ltd, 15.11/06

Ruth Ben-Israel, *Employment Law*, Open University - 2002 - Volume I, pp. 33-48

Ruth Ben-Israel, "The role and place of the Labour Court in the Israeli legal system," *the lawyer*, (1993) 431

#### *Sources of labor law*

Ruth Ben Israel "Basic Laws implications on labor law and labor relations" *Labour Law D* 29

#### *Employer-employee relationship*

Ruth Ben-Israel, *Employment Law*, Open University - 2002 - Volume II, pp. 349-383.

Ruth Ben-Israel, *Employment Law*, Open University - 2002 - Volume II, pp. 401-454

*Who is the employer? Labor Contractors*

*Collective agreement for manpower agencies* , 16.02.2004

3045/04 (TA) Shmoelov moshe pons cleaning service - Bank Hapoalim, 10.12.2006

911583/99 (regional TA) Hani Avni Cohen v. State of Israel and the Courts

*Administration* 2001

2152/04 Raid Fahoum v. National Insurance Institute and others , March 28, 2006

472/09 (nationwide) Zohar Golan v. ORS Human Resources Ltd, September 12, 2010

116/03 State of Israel, Ministry of Education - Moshe Hajbi, 2.2.2006

273/03 Dovrat Schwab - State of Israel Ministry of Agriculture, 02.11.2006

46568-02-11 Susanne Lang v. Rambam Medical Center and others, June 29, 2011

1893-06-11 Elijah Yona v. State of Israel , July 18, 2011

#### *Equal Employment Opportunities*

6485/00 Eytana Niv v. Labour Court and the General Medical Center, PD, Part Six 663.

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

4773/97 Ephraim Recanat v. National Labor Court, (5) 330, 345

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.

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

#### *Collective law*

##### *Bargaining unit*

10/21 National Labor Federation in Israel v. The employee representatives of El Al

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,2.5.10

#### *Strike and lockout*

7029/95 Histadrut v. National Labor Court, Amit -Macabi Union worker, Judgment  
Read at: Ruth Ben-Israel, *Employment Law, Open University - 2002 - Volume III*, p  
963-983

1074/93 Attorney General, Bezeq - The Israel Telecommunication Corp. Ltd. v.  
National Labor Court in Jerusalem, at pp. 409-505

1016/08 New Histadrut - Negev District v. Assia Chemical Industries, Ltd (Teva  
Tech) 9.13.2009

Menachem Goldberg, "Characteristics of employers in labor organization" *The  
lawyer* 372, at pp. 372, 377-381. Read at: Ruth Ben-Israel, *Employment Law, Open  
University - 2002 - Volume III*, p 1016-1022

Zvi Berenzon, "labor relations in government and public sector" *Law Review* (3)  
1983 461-468

Ruth Ben-Israel, *Employment Law, Open University -2002 vol iv* pp. 1403-1465

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

G. Davidov, *The Three Axes of Employment Relationships: A Characterization of  
Workers in Need of Protection*, *UTLJ*, vol. 52, 2002, p. 357.

Gregor Gall, *Statutory Union Recognition Provisions as stimulants to Employer Anti  
Unionism in Three Anglo-Saxon Countries*, *Economic and Industrial Democracy* 2010  
Vol.31 (1) :7-33

Gregor Gall, *Trade Union Recognition in Britain: An Emerging Crisis for Trade  
Unions?* *Economic and Industrial Democracy* 2007 Vol. 28 (1) :78-109

#### *ADR*

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)

Henry J. Brown, Marriot, *ADR Principles and Practice* (Second Edition, 1999, London  
Sweet & Maxwell (p.12-20

Linda R. Singer, *Settling Disputes Conflict Resolution in Business' Families, and the  
Legal system* (Westview Press) p.1-12

Stephen B. Goldberg, Sander, Roger, Cole, *Dispute Resolution, Negotiation,  
Mediation, and Other Processes* (Fourth Edition, 2003, Aspen Publishers (p.3-12

#### *Negotiation and Mediation*

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

Pp. 23-39

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

#### *Arbitration*

Uri Shtruzman, *Book of arbitration, L.a.d. Publishing Law* (1999) Ltd. - 2001.  
760/79 Lily Dayan v. National Labor Court, 3820

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## *ADR and Labor Law*

*Amnon Caspi "Monitoring committees: an additional tool for settling disputes in Israel" Labour Law Annual 6 198*

*Baruch Azulay "Reconciliation through public representatives Labor Court in Be'er Sheva" the judiciary 29 55*

*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*

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

*Zvi Berenzon "labor relations in government and public sector" Law Review (3) 1983, 461-468*

*Ruth Ben Israel "Obligatory Arbitration in the public service " Law Review 172*

## *Books*

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

*Hila Porat, Attorney , The Complete Guide of labour law, distribution CE Vision Ltd (Sixth edition December 2012)*

*Menachem Goldberg, Joseph Houseman, Labor Law, published sedan (44th edition, 2006)*

*Nehemiah Gutman ,Personal and collective labor law, halacha lemaase Publishing Ltd (Edition 22, May 2006)*

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

## *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 work submission: up to two printed pages. Personal work. Will be published on the course website.*

*End of course examination :Multiple Choice - 25 questions, each question 4 points and a total of 100 points.*