

The Hebrew University of Jerusalem

Syllabus

Managment and Resolution of Labor Conflicts - 54712

Last update 15-09-2022

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: Conflict Management & Resolution

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Yael Ilany

Coordinator Email: yaelilany63@gmail.com

Coordinator Office Hours: At the end of the lesson. Available by email any time apart from Friday- Saturday

Teaching Staff:

Dr. 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:

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,, Principles of labor law

2. Personal disputes

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

3.Collective disputes,Bargaining unit,Strikes

4. ADR and ways to settle labor disputes

Negotiation and Mediation, Arbitration.

There may be a change in the order of topics depending on the progress of learning.

Required Reading:

*1. Introduction to labor law, Principles of labor law:
Labor Court law, 1969*

Guy Davidov and Reut Begas, 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(Hebrew)

Basic Law: Human Dignity and Liberty

Basic Law: Freedom of Occupation

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

01/2929 Gaya Korean – Yediot Aharonot, 2001

2. Personal disputes:

Discrimination in the workplace:

Equal Opportunities Employment Law, 1988

Women Employment Law, 1954.

Equal Pay Law for Female and Male Employees, 1996

Amendment 6, 2020

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. Neman advice and guidance for seniors, Ltd. 2010

15-08-969 S.Z – L.A. Ltd., 2020

Workplace mobbing:

Mobbing Bill, 2015

38335-03-14 Menachem Naftali v' State of Israel- Prime minister's Office 2016

Orit Kamir , "Workplace mobbing: between psychology and law, between legislation and court rulings" Mishput ve Asakim (Law and Business) ,307-364, 2018

67012-07-18 Adv. Ilanit Micheli – Jerusalem Municipality, 2021

Termination of Employment:

Severance Pay Law, 1963

4001-02-22 Avraham Levi – Orio Green Parking Ltd. 7/2022

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

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

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).

3. *Collective Disputes:*

Collective Agreements Law ,1957

Settlement of Labor Disputes Law, 1957

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

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

46399-05-22 Dan Beer Sheva Transportation (2015) – The Israel Leumi Workers Histadrut , June 2022

4. *Dispute settlement in The Labor Court:*

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

Michal Rubinstein, *Essence of Mahut- Implementation of mediation in the Israeli court system, a collection of articles in honor of Judge Tova Strasberg-Cohen*, 329,2017

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*, *Studies on Labour Law and Social Policy*, 2015, Vol. 22, 729
<http://www.ejournals.eu/sppips/2015/Vol-2015/art/9639/>

The procedures for holding negotiation procedures in collective labor disputes, 13.9.2021 *The National Labor Court, Instructions of the procedure of the presidency of the Labor Court*https://www.gov.il/he/departments/policies/president_of_labour_courts_regulation_1_21

Gideon Fisher , *ARBITRATION IN THE BUSINESS WORLD*, 2021

Israel Shimony, *THE LAW OF ARBITRATION- NEW HORIZON ARBITRATION*, Expanded Second Edition 2014

Issachar Rosen-Zvi, *Privatization of the judiciary*, *Mechkarey Mishpat* (2021)

Additional Reading Material:

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.

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

25725-05-14 *Ruby Kapar- Skan Doc Ltd.*, 2016

16783-04-14 *Guy Eliyahu-Prim-minister Office*, 2016

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

Rabin Sharon Margalioth" explanation (excuse) for gender market wage gaps: Following the judgment *Home center (DIY) Ltd. v. Orit Goren* "lawyer 501. (Hebrew)

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

Davidov Guy, Collective Bargaining Laws: Scope and Purpose, 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)

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, Getting to Yes, 1983(Hebrew)

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

BROWN HENRY J., MARRIOT ARTHUR C.Q.,ADR PRINCIPLES AND PRACTICE ,3 rd Ed.,Sweet & Maxell, 2011

Shulamit Almog, Workplace Mobbing, Labor, Society and Law 223, 2005

Stephan Adler, Freedom of Strike in the light of court rulings, Beranzon Book, Part two, 475, 2000

Hadara Bar-Mor, The strike and it's genetic classification - following the High Court ruling on of Electricity company, (265) Work, Society and Law 16 ,2020

Guttmann Nehemiah ,Personal and collective labor law, halacha le'maase 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. Instructions will be published on the course website.

End of course examination :Home Test.

Instructions will be given