EMPLOYEES' COLLECTIVE RIGHTS IN THE PUBLIC SECTOR

Israel

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I. INTRODUCTION

In Israeli law, it is a given that all public service employees, including state employees, to the extent that an employee-employer relationship exists between them and their employers, are considered employees for all purposes--whether in the individual or the collective realm. Thus, all labour laws, including those which deal with the collective sphere, apply to these employees. In contrast, in many other countries, employment conditions for state employees are imposed unilaterally either by the government or by a parliamentary committee[1]. As a result, these employees do not benefit from rights such as the freedom of association or the freedom to strike.

In Israel, even though state employees, like all public service employees, are considered employees in all respects, a number of laws specifically apply only to state employees[2], certain provisions in the labour laws relate only to public employees[3], and certain provisions in the laws of local authorities relate specifically to the employees of those authorities[4]. All of these laws and provisions, except one, relate to the individual rather than to the collective realm[5].

II. FREEDOM OF ASSOCIATION

A. Freedom of Association

In Israel, the freedom of association granted to employees is included among the recognized albeit unwritten freedoms (which also include the freedom of speech and the freedom of protest)[6]. Recently it has been proposed that this freedom, together with other fundamental social rights, be incorporated explicitly in an entrenched basic law[7], but, in light of political considerations, it is doubtful whether such a law will be passed. In the absence of a constitution or such a basic law, or even of an ordinary law specifically addressing this issue, the freedom of association is protected in our judicial system by the general and labour courts. The courts grant all freedoms which are not explicit in the law a preferred status, such that only an explicit statute can abridge such a freedom[8]. The freedom of association applies also to public-service employees and is denied, as per an explicit statutory provision, only to police[9].

B. Collective Agreements Law

The Collective Agreements Law was passed in 1957. This law organized the area of collective contractual relations by delineating the subjects of collective agreements (some obligatory and some normative), types of collective agreements (general and special) appropriate parties (on the one hand an employees' organization, as opposed to an employees' committee, and on the other an employer or an employers' organization), and the proper registration procedure which is an essential condition to the transformation of an agreement into a "collective agreement"[10].

The courts, and later the legislature, recognized collective arrangements as well as collective agreements. Such an arrangement consists of an agreement which sets the rights of a group of employees but fails to qualify as a collective agreement either because it was signed by an employees' committee --as opposed to an employees' organization--or because it was not registered. These collective arrangements are not as binding as collective agreements, in that such an arrangement cannot be applied forcibly in the collective realm, while on the individual level its personal provisions are considered implied terms of individual employment contracts which can be waived, and any explicit contractual provision takes precedence. In contrast, personal provisions in a collective agreement always take precedence over all individual contractual conditions, and they cannot be waived[11].

In the public service, as stated in the Collective Agreements Law[12], an employer who employs at least one hundred employees must register any agreement relating either to wages or to social conditions, whether such agreement fulfills all conditions of a collective agreement or not; that is, this obligation relates also to collective arrangements. Breach of this obligation carries sanctions[13].

C. The General Federation of Israeli Workers (Histadrut)

In Israel, the vast majority of organized employees are members of the General Federation of Workers (Histadrut) which is a primary employees organization, not merely a federation or a confederation[14]. Likewise, most state employees are members of this organization. The Histadrut acts through employees councils --on a geographical basis--and through various professional unions[15].

Some employees organizations are not connected to the Histadrut. These include the Medical Federation, the journalists union, the organization of high school teachers, and the organization of the academic faculty of the universities.

III. WHAT IS PUBLIC SERVICE?

The law does not define either the term "public service" or the term "public employee". Rather, each law which mentions these terms provides a list of all services which should be considered public services for the purposes of applying that particular law. For example, the Collective Agreements Law[16] lists the following as public services (thus requiring the registration of all collective agreements and collective arrangements): any inspected body by the State Controller (the state itself, any state-owned undertaking or institution, any person or entity which has title to state property other than by contract, local authorities, and any undertaking or institution in which the state participates in management); any incorporated body set up or recognized by a Law devoted thereto (such as the Ports & Railways Authority, the Airports Authority, and the Broadcasting Authority); and any incorporated body the management of whose affairs is subject to the control or inspection under a Law (such as banks or insurance companies).

In reference to unprotected strikes, however, the Settlement of Labour Disputes Law[17] lists the following as public services: the state service, any undertaking or institution established by a Law, the local authorities, the health services, all levels of education, transportation and air cargo, the production and manufacture of fuel and its conveyance by pipes, the generation and supply of electricity, and the operation of a telecommunication installation and the provision of a telecommunication service.

IV. WHO IS AN EMPLOYEE FOR THE PURPOSES OF LABOUR LAW

The topic under discussion is the collective rights of employees in the public sector; thus, our first order of business must be to define the term "employee", since not everyone who is paid for the service he provides is considered an employee or defined in terms of an employee-employer relationship.

Israeli law deliberately does not define the term "employee" but permits the term to remain flexible. The methods to distinguish between the employee and the independent contractor, and such questions as whether an elected official of a statutory body or of an employees' or employers' organization be considered an employee, vary to mirror differences in the economic make-up of the market. This is especially true when small undertakings become large corporations as well as in the manner in which a the society relates to those who do various jobs. The question also comes up as to the status of a director of a company, a partner in a partnership, or a member of a cooperative society.

This is not the place to discuss at length the approach found in Israeli law on these issues[18]. I wish to mention only the following: The status of a person as an employee is established with regard to the particular matter at hand. Thus, someone may be considered an employee for the purpose of considering the issue of theft from employer or under torts law, but may not be considered an employee for the purposes of labour law with which we are concerned. A person's status as an employee for the purposes of labour law and social security is determined by the labour courts according to the mixed test whose main component is the integration of organization test with its negative and positive prongs.

The elected official, whether he holds a position with the authority or whether he holds an elected position in an employees' organization, is not considered an employee. A director of a company is an employee only if

he can prove that he has a contract with the company and actually works in addition to his function as a director. A partner or a member of partnership is not considered an employee.

I wish to discuss police, lifesaving services, soldiers, holders of public office, and elected officials in employees' organizations because these are considered for various purposes to be public employees or public service employees but I will not discuss members and office-holders of an incorporated body because they are not considered to be public employees.

A. Police

Policemen are state employees, that is, an employee-employer relationship exists between them and the state. Parenthetically, let me note that Israel does not have municipal police. Many laws have special relationship to police. Thus, provisions in the Hours of Work and Rest Law do not apply to their employment conditions[19], they receive better pension benefits[20], and matters of discipline, including dismissal of a policeman, are not heard in the labour courts[21].

Since policemen are employees, they organized (in 1977) and established an organization dedicated to struggling for improved employment conditions. The head of the police department issued a regulation banning the organization of police, but the High Court of Justice struck down this regulation, stating that police, like all employees, have the freedom of association which can be taken away only by direct legislation[22]. Several weeks after this decision, the Police Ordinance was amended to prohibit the organization of police[23].

Wages and employment conditions for police are connected to those of career soldiers, through adjustments made by the government[24].

B. Lifesaving Services

Three lifesaving services are recognized in the public service: firemen, who are employed either by the local authorities or by a union of cities set up for that purpose; lifeguards at beaches, who are employees of the local authority whose jurisdiction includes the beach; and employees in first aid stations who are employees of Magen David Adom (MDA)--the Israeli counterpart to the Red Cross--which is a cooperation established by law.

Employment conditions of lifesaving service employees, whom everyone agrees are public employees, are set in collective agreements. The agreements covering firemen and lifeguards are general collective agreements, drafted specifically for those professions, between the organization of local authorities and the union of clerks within the framework of the Histadrut. The agreement relating to MDA employees is a special collective agreement between MDA and the union of clerks.

Only in regard to firemen do the laws relating to lifesaving services[25] authorize the Minister of the Interior to issue regulations, including setting their wages and their rights to certain grants and compensation[26]. The Minister exercised this right once, and the labour court, to whom the firemen turned to invalidate these regulations on the grounds that they infringed upon the freedom of association which is a fundamental right, dismissed the case since the regulations were issued at a time when there was no collective agreement in effect to determine wages[27].

C. Soldiers

Soldiers, whether in the regular service, reserve duty, or career, are not considered employees. Their status is not defined in any law, but both civil and labour courts have established this in all cases involving this question[28].

Soldiers do not have the right to organize, and their wages are set unilaterally by the government. Pension rights for career soldiers are set in a special law[29].

D. Holders of Public Office

The president, the State Controller, government ministers, Members of Knesset, the Governor of the Bank of Israel, heads of local authorities and their paid deputies, and judges are appointed as holders of public office. All are chosen either in general elections or by elected boards, or other boards, as established in various laws. They are not considered employees[30] even though their wages are paid by either the state or municipal treasury. Labour laws, whether protective laws or laws dealing with collective labour law, do not apply to them. Their wages, employment conditions, and pension rights are set by a Knesset committee, as per provisions found in each law relates to one of these positions[31]. Since they are not state employees or employees of the local authority they serve, neither provisions of law[32] nor collective agreements and arrangements which apply to employees apply to them.

E. Elected Officials of Employees' Organizations

The question of the status of elected officials of employees' organization came up when one such official sued his organization in the labour court, and the labour court had to determine whether or not it had subject-matter jurisdiction. The court decided that he was not an employee in regard to labour law since the connection between him and his organization was not contractual. He was not appointed to the job, and the organization could not fire him[33].

V. ESTABLISHING EMPLOYMENT CONDITIONS IN THE PUBLIC SERVICE

Employment conditions of public service employees (except retirement for state employees which is mandated by law), are generally arranged in collective labour agreements made between public service employers--in the broad meaning of the term public service--and the Histadrut via its various branches. At times, these agreements are framework agreements which relate to all public service employees, while at other times separate agreements are signed for different sectors, via various branches of the Histadrut (the union of state employees for unskilled state employees, the union of nurses for nurses in government hospitals, the union of clerks for employees of local authorities, the various academic unions (engineers, holders of dgrees in the sciences and humanities) for employees who belong to them and are employed in the public service). Likewise, agreements are signed with employees' organizations outside the Histadrut regarding employees in those professions. On numerous occasions negotiation prior to the renewal of a collective agreement is accompanied by organized measures, that is, strikes or slowdowns.

Some public service employment conditions are arranged in collective arrangements between various public service employers and an employees' organization. Some of these agreements are bilateral but others are unilateral, that is, orders of the employer which are sometimes issued after consultation with employee representatives. Later[34] it will be proven that the governmet has control over employment conditions of all public service employees and not only over its direct employees.

As mentioned above, retirement for state employees is mandated by law, in the Government Service (Retirement) Law. The law authorizes various entities to set rules, conditions, and general principles but conditions this[35] on negotiation with state employee representatives who have the right to demand mediation on matters where they cannot come to an agreement.

VI. SETTLEMENT OF DISPUTES IN THE PUBLIC SERVICE

A. Mandatory Arbitration

It should be emphasized that there is no mandatory arbitration in the public service even with regard to essential services. There were many attempts to establish mandatory arbitration both in public service in general and in essential services in particular. Close to thirty private bills were presented to the Knesset on this issue, and only six of them passed the requisite preliminary reading[36]. Not even one passed the full procedure necessary to become a law[37]. Likewise, the government prepared two suggested bills but these were not even presented to the Knesset[38].

B. Bipartite Committees, Standing Committees, and Arbitration

In the public service, collective agreements or collective arrangements explicitly provide for the settling of disputes in a bipartite committee which is made up of representatives of each side of the agreement[39]. The committee's sole area of authority is in legal disputes that arise from the agreement. Some agreements mandate arbitration in cases where the bipartite committee cannot reach an agreement.

In recent years a new institution was established called the standing committee, whose purpose is to interpret a collective agreement and sometimes even to complete it[40]. This committee is made up of main officials of the parties to the agreement. The committee has the authority to settle economic and legal disputes. The main difference between this and an ordinary bipartite committee is that if the standing committee cannot reach an agreement, there is no obligation to move on to arbitration.

In 1977, a collective agreement between the government and the Histadrut set up an Institute of Voluntary Arbitration in the Public Service, which is authorized to hear economic and legal disputes in state service. Over the years, a few public services joined this institution. The institution is a permanent board whose members are appointed by the two parties to the agreement. A panel of three hears cases. The provisions of the Arbitration Law apply to it, and its decisions are registered as a collective agreement for the duration of one year[41]. For various reasons, the institution did not succeed and is rarely utilized.

C. Conciliation and Arbitration According to the Settlement of Labour Disputes Law

The Settlement of Labour Disputes Law, 1957, established procedures for conciliation and arbitration. One of the labour relations officers acts as conciliator. When the Chief Labour Relations Officer calls for conciliation, the parties to the dispute are obligated to appear. Arbitration, on the other hand, occurs only by mutual consent of the parties. The law defines a labour dispute as referring only to an economic dispute[42].

The law permits, but does not obligate, notice of a labour dispute to the Chief Labour Relations Officer and to the employer[43]. In an instance of any dispute involving the threat of either a strike or a lockout, however, there is an obligation of notice at least fifteen days in advance.[44].

This law applies also to the public service and even to the state, but the Minister of Labour & Welfare decides as to conciliation in a dispute in state service, and the conciliator may not be a state employee[45].

VII. FREEDOM TO STRIKE

The freedom to strike, whether it is considered a separate and distinct freedom or part of the freedom of association, is also not found in any law and is treated similarly to the freedom of association. Provisions of various laws protect employees in the individual sphere who participate in a strike[46]. The basic assumption of the legislature is that all employees, even those in public service, in the widest sense of the term have the right to strike[47], but protection given to employees who take part in a strike in public service is limited, as will be discussed below.

Two things should be pointed out. Firstly, the labour court has defined the term "strike" broadly so as to include any organized interruption in the ordinary work procedure. Thus, slowdowns fall into this category[48]. Secondly, only strikes in the context of labour law will be discussed, so political strikes[49], among other subjects, will not be mentioned.

VIII. STRIKES IN THE PUBLIC SERVICE

The number of strikes in the public service[50] exceeds that of the private sector. There are many reasons for this: wage in public service is relatively lower than in the private market; many organizational difficulties stem from the fact that a number of different departments are involved in dealing with employee complaints, causing a lack of opportunity for the direct employer in the public sector to reach an agreement with the employees, without getting approval from the government[51]; and finally--not necessarily in order of importance, public service includes many essential services in which a strike effects the entire population, thus bringing pressure on the employer to settle a dispute by granting all or at least part of the demands of those who strike--this fact makes the use of this weapon very attractive[52].

As mentioned above, the legislature did not prohit strikes in the public service but did remove three protections. One is no longer relevant, and the other two we will discuss. Firstly, the Collective Agreements Law[53] establishes that "participation in a strike shall not be regarded as a breach of a personal obligation." In the public service, only participation in a protected strike will be protected by this law. Secondly, the Civil Wrongs Ordinance[54] establishes that one who knowingly and unjustifiably causes another to breach a contract with a third party is liable with respect to that third party, but strikes and lockouts are not considered breach of contract. In the public service only a protected strike is considered a strike.

An "unprotected strike", as per the Settlement of Labour Disputes Law[55], is a strike of employees in a public service[56] as follows: a strike held at a time when a collective agreement applies, except for a strike unconnected with wages or social conditions which was approved by the central national governing body of the authorized employees' organization; a strike held at a time when there is no collective agreement in force but the strike was not declared or approved by the agency or agencies authorized in that behalf and in proceedings prescribed therefore; or a strike held without the legally mandated notice[57].

IX. MEASURES AVAILABLE TO THE EMPLOYER AND TO THE STATE TO COUNTER AN UNLAWFUL STRIKE

When an unlawful strike breaks out, the employer may request an injunction from the labour court. This principle applies even in the public service. Most strikes in the public service are "wildcat strikes", that is, they are called by the employees' committee at the workplace rather than by the employees' organization--sometimes even against the will of the employees' organization[58]. As long as the strike is lawful, and in the public service as long as it is not unprotected, the labour court has no authority to prohibit the strike regardless of the consequences. The labour court's policy in this matter is not our concern here. It should be emphasized, however, that the court attempts, often successfully, to return the parties to the negotiating table and thus avoids the necessity to decide whether or not it is appropriate to grant an injunction. Injunctions, when granted, are directed against both the employees' organization which is related to the sector which is striking and the employees' committee which is involved.

In the public service and in practice in all essential services even if they do not fall within the category of public service, the government may enact emergency regulations which force the employees to return to work[59]. The government may use this power whether the strike is lawful or unlawful.

X. GOVERNMENT INTERVENTION IN ESTABLISHING EMPLOYMENT CONDITIONS IN THE PUBLIC SERVICES

As described above[60], employment conditions in the public sector, as in the private sector, are set in collective agreements. In the entire public sector, however, when employment or dismissal conditions which depart from those accepted with regard to all state employees are set, there must be the agreement of the Treasury Department[61]. Such an agreement which lacks this approval is void. The parties to may conduct negotiations and may even come to an agreement, but they are presumed to be aware that the agreement, to the extent that it departs from that which is customary in state service, will become valid only after it has been properly approved[62].

The labour court will decide as to the validity of such an agreements in instances of collective disputes which break out during negotiations over a collective agreement in a case where the employer is willing to come to an arrangement but the treasury refuses to approve it. The court also hear cases in which an individual sues his employer in a situation when the employer is not able to fulfill the terms of an agreement, usually a dismissal agreement, because it lacks the proper approval. Similarly, civil courts clarify the validity of these types of agreements when the state seeks to invalidate an agreement which some public service made with its employees which does not fulfill the demands of the law.

This provision of law conflicts with two conventions of the International Labour Organization: the principle of freedom of unionization and the protection of the right to unionize (1948), and the principles regarding the right to unionize and to conduct collective negotiation (1949), which was approved by Israel after the enactment in 1957 of the Collective Agreements Law, and this in accordance with the decision of the managing committee of the International Labour Organization in the matter of the freedom of unionization[63]. In the Israeli legal scheme, a provision of Israeli law takes precedence over a provision of an international convention approved by the state. Thus, both civil and labour courts enforce the provision of Israeli law,

usually by giving a declarative judgement invalidating an agreement which did not receive the proper approval.

XI. CONCLUSION

Public service employees in Israel have a wide variety of collective rights vis-a-vis their employers. Other than police, they have the right to organize in an employees' organization. Their employment conditions, other than pension arrangements for state employees, are set in collective agreements, and they have the right to strike, albeit with limitations on unlawful strikes. Public service employees who are not state employees need the permission of the state for collective employment agreements which they reach with their employers only when what they arrive at through negotiation is greater than what their colleagues in state service receive.

Both the law and collective agreements establish forums for the arbitration of claims of public service employees, and their decisions are binding on the employer to the same extent that they obligate the employees and their representatives.

The restrictions which apply to public service employees, as detailed above, are reasonable in light of the obligation of the public service to give the public the service it deserves and in light of the ever-present attractive option of striking. In comparing the collective rights of public service employees in Israel to those of many other countries, it seems that these employees have nothing of which to complain.

1. Y. Reuveni, The Public Administration in Israel (Masada 1974), 33-35; F. Schmidt, "Collective Negotiations between the State and its Officials", International Review of Administrative Sciences, vol. XXVIII (1962), 269-305; A. Kruger & C. Scmidt Eds., Collective Bargaining in the Public Service (N.Y. Random House, 1969).

2. State Service (Appointments) Law, 1959 (2 L.S.I. 87); State Service (Discipline) Law, 1963 (17 L.S.I. 58); State Service (Benefits) Law [Consolidated Version], 1970 (24 L.S.I. 57).

3. Severence Pay Law, 1963 (17 L.S.I. 161), sec. 30 (police); Hours of Work and Rest Law, 1951 (5 L.S.I. 125), sec. 30(a)(1) (police), (2) (government employees); Employment of Women Law, 1954 (8 L.S.I. 128), sec. 2(c)(1) (night work in state service).

4. Municipalities Ordinance [New Version], 1951, Ch. 9, sec. 167-186; Local Authorities Order (A), 1951, Ch. 8, sec. 139-145; Local Councils Order, 1958, Ch. 8, sec. 55-62; in the matter of discipline see Local Authorities (Discipline) Law, 1978 (32 L.S.I. 187).

5. Settlement of Labour Disputes Law, 1957, (11 L.S.I. 51), sec. 37A (unprotected strike in public service (infra Ch. VIII)), 44A (conciliation in state service dispute).

6. The General Federtation of Israeli Workers v. Municipality of Tel Aviv 12 P.D.A. 52.

7. Basic Bill: Social Rights, 1994, at 326.

8. Motion 338/87 Margalit v. Israeli BarAssociation 42(i) P.D. 112, at 114; Motion 337/81 Mitrani v. Minister of Transportation 37(iii) P.D. 337, at 359; Motion 789/89 Ofek v. Minister of the Interior 33(iii) P.D. 480.

9. Police Ordinance [New Version], 1971, sec. 93B.

10. The Israeli Medical Union v. Hadassah Hospital 19 P.D.A. 268.

11. On collective arrangements see: R. Ben-Israeli, "Collective Arrangements", 12 Iyunei Mishpat (1987), 457.

12. Sec. 3.

13. Sec. 10B.

14. A. Shirum, Introduction to Labour Relations in Israel (Am Oved 1983), 73.

15. A. Globerzon and O. Carmi, Men in an Organization (Safrit HaMinhal 1982), 263.

16. Sec. 10B.

17. Sec. 37A.

18. For an overview of the subject see: M. Goldberg, "`Employee' and ``Employer' - A Situational Picture", 17 Iyunei Mishpat (1992), 19; A. Zamir, "Employee or Independent Contractor", 22 Mishpatim (1993), 113.

19. Sec. 30(a)(1).

20. State Service (Benefits) Law [Consolidated Version], Ch. 5, sec. 70-181.

21. Police Ordinance [New Version], sec. 93A.

22. Ofek v. Minister of the Interior, supra, at n. 8.

23. See supra, at n. 9 and accompanying text.

24. Terrar v. The State of Israel 16 P.D.A. 32, at 35.

25. Fire-Fighting Services Law, 1959, (13 L.S.I. 215); Bathing Places (Regulation) Law, 1964 (18 L.S.I. 170); Red Shield of David Law, 1950 (4 L.S.I. 127).

26. Fire-Fighting Services Law, 1959 (13 L.S.I. 215), sec. 35(3).

27. The General Federation of Israeli Workers v. Municipality of Tel Aviv, supra, at n. 6.

28. Goldberg, "Employee and Employer", supra, n. 18 at 41 and accompanying citations.

29. Defense Army of Israel (Permanent Service) (Benefits) Law [Consolidated Version], 1985.

30. Goldberg, "Employee and Employer", supra, n. 18 at 46 and accompanying citations.

31. The most encompassing law is the Benefits to Holders of Public Office Law which establishes rules for the payment of pensions to judges.

32. M. Goldberg, "An Overview of the Legal Status of Judges", 13 Alon HaMaarechet HaShiputit (October 1988), 2.

33. Goldberg, "Employee and Employer", supra, n. 18 at 47 and accompanying citations.

34. See infra, Ch. X.

35. Sec. 103, 104.

36. According to accepted practice in Israel, a bill which is not presented by the government must pass a preliminary vote. If it is approved, it passes to a Knesset committee, and only after that, if it is approved by the committee, is it returned to the full Knesset for its first, second, and third readings.

37. For a detailed discussion on the topic see: M. Meironi, "Mandatory Arbitration - Eighty Years of Debate", Labour Law Yearly A(1990), 117 and B(1991) 127; for details of the private bills see vol. 2 at 129.

38. A suggested bill is a proposal for a bill prepared by a goverment ministry. The proposed bill becomesa bill only after being approved either by a legislation committee of ministers or by the full cabinet.

39. Takshir (Work Rules for State Employees), sec. 6-224; Work Rules for Employees of the Local Authorities, sec. 84; State Employees' Union v. The State of Israel 12 P.D.A. 182; Mintz v. Municipality of Ramat-Gan 9 P.D.A.32; Municipality of Ramat-Gan v. Martzel 6 P.D.A. 46; Sochorovitz v. The State of Israel 18 P.D.A. 337; R. Ben- Israel, "The Nature and the Force of Provisions of the Takshir", 34 HaPraklit (1982), 456; A. Meital, "More on the Issue of Labour Disputes in State Service", 35 HaPraklit (1983), 478.

40. The General Federation of Israeli Workers v. Manufacturers' Union of Israel 23 P.D.A. 412.

41. M. Meironi, Arbitration in Labour Disputes: The Institute for Voluntary Arbitration - Hopes and Lessons (Machon Sacker 1986); M. Meironi, "Legal Outlook in the Action of the Institute for Voluntary Arbitration in the Public Service", Bar-Niv Book (Ramot 1987), 203; R. Ben-Israel "The Essense of Economic Arbitration through the Institute for Voluntary Arbitration", 8 Iyunei Mishpat (1981), 315.

42. The Union of Argicultural Workers v. Union of Farmers
3 P.D.A. 253.

43. Sec. 5.

44. Sec. 5A; F. Raday, "A Cooling-off Period for Israel", The Israel Law Review, vol. 6 (1971), 569.

45. Sec. 44A.

46. Collective Agreements Law, 1957 (11 L.S.I. 58), sec. 19; Annual Leave Law, 1951 (5 L.S.I. 155), sec. 4(b)(4); State Service (Benefits) Law (Consolidated Version), 1970, (24 L.S.I. 57), sec. 3(2); Severence Pay Law, 1963, (17 L.S.I. 161), sec. 2(2); Employment Service Law, 1959 (L.S.I.), sec. 44; Civil Wrongs Ordinance [New Version], sec. 62(b).

47. In re: Hebrew University 5 P.D.A. 115, at 129; The General Federation of Israeli Workers v. Airports Authority 19 P.D.A. 449, at 456.

48. Ginsler v. The State of Israel 8 P.D.A. 3, at 28.

49. R. Ben-Israel, "The Political Strike", 11 Iyunei Mishpat (1986), 609; The State of Israel v. Chativ 15 P.D.A. 393; Motion 525/84 Chativ v. The National Labour Court 40(i) P.D. 673.

50. See supra, n. 17 and acccompanying text.

51. See infra, Ch. IX.

52. A. Galin and A. Harel, Developments and Contributions in the Area of Labour Relations in Israel (Masada 1978), 134-141.

53. Sec. 19.

54. Sec. 62 [New Version].

55. Sec. 37A.

56. See supra, n. 50 and accompanying text.

57. See supra, n. 43 and acccompanying text; F. Raday, "The `Unprotected' Strike", The Israel Law Review, vol. 12 (1977), 36.

58. R. Ben-Israel, "The Status and Ramifications of a Wildcat Strike", 37 HaPraklit (1986), 150.

59. M. Meironi, "Work Mobilization Orders as a Tool for Government Interference in Labour Disputes in Essential Services", 15 Mishpatim (1986), 350.

60. See infra, Ch. IX.

61. Foundations of the Budget Law, 1985, sec. 29.

62. The General Federation of Israeli Workers v. Ports' Authority of Israel 17 P.D.A. 18.

63. I.L.O., O.B., vol. LIII. 2, at 23, 24, 35.