



Democracy & Workers' Rights Center-Palestine

مركز الديمقراطية وحقوق العاملين - فلسطين

WORKERS' RIGHTS ARE HUMAN RIGHTS

Collective bargaining in Palestine



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Introduction

For the International Labor Organization (ILO) and its Freedom of Association Committee, unimpeded collective bargaining is an essential element of freedom of association. The ILO defines collective bargaining as *“a voluntary process through which employers and workers discuss and negotiate their relations, in particular terms and conditions of work. It can involve employers directly, or as represented through their organizations; and trade unions or, in their absence, representatives freely designated by the workers”* and specifies that it should be conducted *“freely and in good faith by all parties. This implies:*

- *Making efforts to reach an agreement*
- *Carrying out genuine and constructive negotiations*
- *Avoiding unjustified delays*
- *Respecting the agreements concluded and applying them in good faith, and*
- *Giving sufficient time for the parties to discuss and settle collective disputes.”*¹

Collective bargaining is a fundamental right that has allowed workers in many countries to achieve substantial improvements of work conditions and circumstances, in particular in terms of wages. Collective work agreements at sector level often define a minimum wage for particular sectors and occupations, or even replace the setting of a minimum wage at national level. While adequate legislation in line with international labor standards may provide a protective framework, collective work agreements result from negotiations between workers and employers, and thus require strong representation and bargaining power of workers' organizations. The Palestinian political, social and economic context may be unique, due to the impact of the Israeli occupation that confiscates and violates individual and collective human rights on a daily basis, yet Palestinian workers share universal aspirations for decent work and decent life. In view of the emergence of an independent and democratic trade union movement in Palestine throughout the past decade, and an increasing visibility and frequency of workers' protest movements and struggles, it has become imperative to start documenting and analyzing the situation of collective bargaining and draw lessons that will enable the labor movement to achieve further progress in securing male and female workers' rights and benefits.

This study is an exploratory research into the context of collective bargaining in Palestine that aims at providing an overview of the general trends and some of the challenges that have been faced by trade unions in recent years. It looks at the legal framework and the bargaining processes that have taken place in the private and non-governmental sector, local authorities (as semi-governmental sector) and the governmental sector. It should be noted that for reasons related to its specific political, social and economic situation, collective bargaining has been very

¹ http://www.ilo.org/empent/areas/business-helpdesk/WCMS_DOC_ENT_HLP_CB_EN/lang--en/index.htm

much absent from the Gaza Strip, except in the sectors that include workplaces in both West Bank and Gaza.

1. The bargaining context in Palestine: overview of socio-economic context and main characteristics of the Palestinian labor market

The Palestinian economy is an economy under occupation, where control of resources and borders are in the hands of the occupying power, and where economic policy making is de-facto hampered by the Paris Economic Protocol, which ties the Palestinian economy to the Israeli occupier's economy under unfavorable conditions. This relationship has been termed as one of de-development. "De-development defines the forcible capture of the economy, an imposed relationship of dependency, and the halt of the free development of civil institutions."² While Palestinian products' entry into the Israeli market is limited through various means, and exports to other countries are made very difficult, Israeli products can freely access Palestinian markets, except for the ban on settlement products that was incompletely implemented.

Under these circumstances, the Palestinian economy has increasingly become a services economy, heavily dependent on foreign aid. In the years since the Oslo process, the productive sectors of agriculture and manufacturing have been steadily losing ground, accounting for less than one fifth of GDP in 2011 compared to one third in 1994. The ILO Director General's report to the International Labour Conference in 2012 states that "Sustained restrictions on movement and access to productive resources [...] have played a central role in the weakening of the Palestinian productive base."³

Economic circumstances have led to growing discontent. Like on many other aspects, the Palestinian National Authority (PNA) has little control over prices of fuel and VAT, which are linked to Israeli prices (the PA has to follow Israeli rates and can only lower them by a small margin). In September 2012, skyrocketing prices of fuel and gasoline, and announced increase of VAT (to accommodate rises in Israel), accompanied by a raise in food prices due to local and global circumstances, triggered a wave of unprecedented popular protests, transport and public sector strikes all over the West Bank, and has forced the government to cancel the rises and take measures to monitor food prices. Protesters not only blamed the government, they also explicitly called for the end of the Paris Protocol and the Oslo agreements, seen as main causes for the continued economic crisis, and Israeli's unhindered continuation of land confiscation,

² International Labor Organization, Regional Office for the Arab States, Policy Brief 2, Protecting Workers in the West Bank and Gaza Strip

³ International Labour Conference, 101st session, 2012, ILC.101/DG/APP, Report of the Director General, Appendix, The situation of workers of the occupied Arab territories, International Labor Office, Geneva

settlement building, house demolitions and other violations of Palestinian human and national rights.

As for the Gaza Strip, it continues to be under blockade, which means that the economy cannot return to its normal situation and the private sector cannot be rebuilt. The tunnel economy that grew during the years of blockade since 2007, created a new class of rich profiteers, who amassed wealth at the expense of the rest of the population (and those who died in the tunnels).

According to official statistics, slightly more than one out of four Palestinians (25.8%) were living below poverty line in 2011, (17.8% in the West Bank and 38.8% in Gaza Strip), and about 12.9% of Palestinians were living below the deep poverty line (7.8% in the West Bank and 21.1% in Gaza Strip)⁴.

Characteristics of the labor market and situation of labor rights:

In the 2nd quarter of 2012, the labour force participation rate of persons aged 15 years and above was 43.6% (1.109 million, about 738 thousand in the West Bank and about 371 thousand in Gaza Strip). The labour force participation rate in the West Bank was 45.4% and 40.3% in Gaza Strip. Women's participation in the labour market continued to be one of the lowest in the world, as it reached 17.3% compared to 69.2% for men⁵.

The Palestinian labor market suffers from a structural incapacity to create enough jobs to absorb job seekers, especially young people and women. Furthermore, the Palestinian government has decided to freeze employment in the public sector, due its financial crisis and external pressures for reform (reducing expenses). It should be noted that women in particular tend to privilege public sector employment due to social benefits, the assurance of being paid a maternity leave and having job security, in addition to the fact that many find employment in the education or health sectors, two traditional sectors for women's employment. In the 2nd quarter of 2012, the unemployment rate in Gaza Strip was 28.4% compared with 17.1% in the West Bank, and the unemployment rate for men was 18.8% compared with 29.5% for women. As in previous years, the highest unemployment rates were registered among youth and highly educated women; the highest unemployment rate was 35.6% among youth aged 20-24 years, and it was 42.6% for women with 13 years of schooling or more.

The PNA' Fund for Employment and Social Protection, reactivated two years ago as part of the National Employment Strategy, has only implemented small pilot projects so far, and will once again fall short of expectations if it does not find support for large-scale job creation and income-generating programs.

⁴ PCBS, Press release on Levels of Living and Poverty in the Palestinian Territory, 2011, issued on 10/06/2012

⁵ PCBS, Press Report on the Labour Force Survey Results, (April - June, 2021) Round (Q2/2021), 2nd quarter of 2012

Regarding rights at work, over 75% of private sector workers are not benefiting from most basic rights (severance pay, annual vacation). The labor law implementation is still problematic in most sectors, and in particular in middle and small enterprises, which constitute the wide majority of the economy. As per PCBS survey on private sector (excluding agriculture) in 2010, 96% of non-agricultural establishments in Palestine in 2010 were small, and they employed 69% of wage workers. Furthermore, 59% of workers in small establishments are unpaid workers. Medium establishments represent 3% and employ 12% of wage workers. Big establishments only represent 1% and employ 19% of wage workers. In big establishments, 92% of the employees are paid wages and only 8% work without wages. These big establishments have more stability and less job insecurity for workers. There is also a higher level abundance with labor rights, and the Telecom & IT sector is the sector most respectful of workers' rights⁶.

Due to pressure from trade unions (including the Kindergarten, Private Schools and Day-care Centers Workers' Union, a member of the General Federation of Independent Trade Unions, which held an unprecedented sit-in with their women affiliates in front of the Council of Ministers on 10/12/2011 and mobilized massively on 29/4/2012 for the Global Education Campaign demonstration), the wages committee was finally formed in 2012. The negotiations would have probably lasted forever as the employers' proposals were extremely low, when the September protests led Prime Minister Fayyad to pressure social partners to agree on a minimum wage by mid-October 2012. The minimum wage adopted by the Palestinian Council of Ministers on October 9, 2012, is 1450 NIS per month (around 290 euros), 65 NIS per day for day-wage laborers (13 euros) and 8.5 NIS per hour (1.7 euros). This is very low compared to the Israeli minimum wage that was raised to 4,300 NIS (about 860 euros) per month and 23.12 NIS per hour (4.6 euros) as of October 1st, 2012. However, it reflects well the gap between the standard of living in Israel and in the occupied Palestinian territories. Although our price levels are high because they are either indexed to Israeli prices (like for fuel) or influenced by them (VAT is also indexed, Israeli products flood our market and the vast majority of other imports have to come through Israeli intermediaries), income levels are much lower because the economy is unable to develop and compete.

Overall, union affiliation rates remain low in Palestine. As per PCBS Labor Force Surveys, 15.5% of employed persons were affiliated to professional unions or trade unions in 2011, 18.5% of men in Gaza and 15.1% in West Bank compared to 7.8% of women in Gaza and 14% in West Bank.

Situation of social protection:

There is no social protection for workers in the private sector, and only limited benefits are available to public sector workers (excluding the great majority of those employed by the local authorities, who are not benefiting from the same status as government employees). There are no social insurances that would give access to unemployment benefits or disability benefits.

⁶ PCBS, Press release on work conditions of workers in non-agricultural private sector establishments in 2010

Around 100,000 Palestinian families are depending on social aid allowances from the Social Affairs Ministry. This aid is not sustainable, as it is largely financed with donations from foreign countries, in particular the European Union.

Public sector workers contribute to and benefit from a pension scheme, and from governmental health insurance, which gives them access only to the public health system. Public sector employees represented 21.9% of the employed in the 2nd quarter of 2012 (37.9% in Gaza Strip and 14.9% in the West Bank). The percentage in Gaza is particularly high to the specific situation in the Gaza Strip, where the continued blockade and impossibility to reconstruct the private sector industries, as well as the national division (the Hamas government has employed its own personnel, while most of those formerly employed by the PA are paid their wages but are not actually working), have inflated the proportional representation of the public sector employees among the employed. Female workers in the public sector have a paid maternity leave of a duration of 10 months (which is less than the 14 weeks preconized by the ILO) and a paid nursing leave for one hour per day. The same rights are stipulated by the labor law for private sector employees, except that a woman needs to have worked 180 days for the same employer to be eligible for maternity leave, and that only half the women benefit from a leave as per statistics.

As for private sector workers, employers have no obligation to provide health insurance. A law for universal health coverage has been proposed for adoption, but its ratification has been postponed due to various oppositions. On the other hand, the labor law stipulates that employers have to insure employees against work injuries (with private insurance providers since there is no public scheme). Coverage reached 32% of wage employees in establishments in 2010 (excluding the agricultural sector), while the percentage of coverage is higher in the industrial sector (42% for men & 64% for women) and the construction sector (48% for men and 63% for women). In general, coverage is higher in more dangerous sectors. However, there is a lot of concern that certain categories of workers are not benefiting from any coverage, especially those working informally.

A social insurances law that had been ratified in 2004 was never implemented, and later canceled due to external pressures on the grounds that its implementation is not economically feasible. In its place, the pension system law applied to the public sector was extended to the private sector by amendment of the law. However, the new Palestinian Pension Law no 7 of the year 2005 was not immediately implemented, as seems to be the case for most of the laws that concern social protection in Palestine. From 2009, the Federation of Independent Unions started campaigning for the issuance of the by-law that would open the pension system to private sector workers, and it was issued by the Council of Ministers in 2010. However, the Council made the participation in the pension system elective, instead of compulsory as stated in the law. This is illegal, and until now the Council of Ministers has not amended its by-law. Through their mobilizations and protests, the Federation of Palestinian University Professors and Employees Trade Unions (a member of the Federation of Independent Unions) obtained the inclusion of university professors in the pension system through agreements to be negotiated by

each university with the pension agency. As for others, it is still pending. In parallel, a private pension scheme nicknamed “Portland Trust” pension scheme (by the name of its main foreign backers) has been pushed forward by certain private sector companies and banks, with the idea that workers’ severance pay could be invested in this fund that would be managed by the private sector, and re-invested in it. The Federation of Independent Unions strongly opposed this scheme when it was first proposed, and continues to do so. Basically, the battle is engaged between having a just universal pension system, and a private scheme that would only benefit the richer categories of the population (while remaining very risky) and does not meet ILO standards.

In addition, there has been renewed advocacy for the adoption of a new social security law and for the establishment of a comprehensive system, with contributions going to several funds at once. This would be ideal, but very unlikely in the Palestinian context and recent track-record (we do not have a legislative council to adopt laws and counterbalance the executive since 2006). In 2012, the Ramallah Council of Ministers has appointed a national commission to examine the matter of building a social protection system in order to show the good intentions of the government.

2. The legal framework for the right to collective bargaining

The right to collective bargaining is guaranteed under international and Palestinian law. Although Palestine is not yet a member of the International Labour Organization (ILO), and has thus not ratified any of its conventions (although this is now technically possible since its recognition as a non-member observer State by the UN general assembly), the Palestinian Basic Law stipulates in its article 10, paragraph 1, that “Basic human rights and liberties shall be protected and respected” and in paragraph 2 that “The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights”. In practice, international labor standards are used as a reference in order to develop Palestinian legislation, although there is a margin of progress.

2.1. The right to collective bargaining, a fundamental human right guaranteed in international conventions

In 1948, the Universal Declaration of Human Rights, article 23, paragraph 4 stipulated that “Everyone has the right to form and to join trade unions for the protection of his interests.” The same year, the ILO adopted the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), which guarantees the right of workers and employers to join and form the organizations of their own choice. A year later, the ILO adopted the fundamental Convention covering the right to collective bargaining, which is the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Convention guarantees workers’ right to protection from acts of anti-union discrimination, including denying them the right to organize, dismissal and other prejudice by reason of union membership or participation in union activities, as well as their right to protection from interference and domination of their unions by employers or employers’ organizations.

Key articles of ILO Convention no 98, 1949

Article 1

1. (1) Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

1. (2) Such protection shall apply more particularly in respect of acts calculated to-

(a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;

(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or

because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

2. (1) Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. (2) In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

3. Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 4

4. Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

The right to organize and the right to collective bargaining are also guaranteed to government workers, through the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the Labour Relations (Public Service) Convention, 1978 (No. 151).⁷

Key articles of ILO Convention No. 151, 178

Article 4

1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

(a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation;

(b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation.

⁷ <http://www.ilo.org/global/industries-and-sectors/public-service/lang--en/index.htm>

Article 5

1. Public employees' organisations shall enjoy complete independence from public authorities.
2. Public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.
3. In particular, acts which are designed to promote the establishment of public employees' organisations under the domination of a public authority, or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article

Article 7

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

Article 8

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

Article 9

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

The right to collective bargaining has been recognized as one of the fundamental rights at work, included in the **1998 ILO Declaration of Fundamental Principles and Rights at Work**, which affirms the importance of the effective recognition of the right to bargain collectively.

In article 2, the Declaration states that all ILO members

“even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

- (b) the elimination of all forms of forced or compulsory labour;*
- (c) the effective abolition of child labour; and*
- (d) the elimination of discrimination in respect of employment and occupation.”⁸*

2.2. Palestinian legislation

The right to collective bargaining is covered in the Palestinian Labor Law no 7 of the year 2000 (hereafter referred to as PLL), which devotes section four to collective labor relations. However, the Civil Service Law that applies to governmental employees only deals with individual rights.

Likewise, **the right to organize** is protected under the PLL (this right is also guaranteed by article 25.3. of the Palestinian Basic Law), but a number of gaps arise from the fact that the PLL is not complemented by a trade union law. In fact, the PLL refers to the trade union law in its article 1, where a trade union is defined as “any professional organization established according to the law (trade union law)”, while a Palestinian trade union law respectful of ILO standards for freedom of association and the right to organize has not been adopted yet, and an extremely restrictive law dating back to the Egyptian mandate continues to be in force in the Gaza Strip. The PLL excludes governmental and local authorities employees from its scope of implementation, “while the right to organize in their own unions is guaranteed to them” (article 3); likewise, it excludes domestic workers, for whom the Minister should issue a special regulation, and first degree relatives of the employer. Article 5 stipulates that workers and employers have the right to form union organizations on a professional basis with the aim of defending their rights and interests. The PLL only addresses the right to organize in a general manner, and does not foresee any sanctions or procedures for addressing acts of anti-union discrimination over and beyond barring dismissal on grounds of union activities. The law specifies that “involvement or participation in trade union activities outside of working hours, or during work if it has been approved by the employer” and “candidacy for becoming a workers’ representative, being a workers’ representative or having exercised such a function in the past” cannot be deemed real reasons to dismiss an employee (article 39).

With regard to conditions and mechanisms of **collective bargaining**, the PLL is more explicit. The law defines the concept of collective bargaining as a “a dialogue between any of the workers’ unions or workers’ representatives, and employers or their representatives, with the aim of settling a collective dispute or improving work conditions and circumstances, or increasing productive efficiency” (article 49, PLL) and identifies 3 levels of bargaining: at enterprise level between an employer or enterprise administration, and workers' representatives, at sector level between employers of this activity and concerned labor union, and at national level between employers federation and labor unions federation.” (article 53)

⁸ <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>

It also stipulates that collective bargaining should be conducted, “freely with no pressure or influence” (article 50), and protects the right of workers and employers to choose their representatives independently, stating that “Any party of collective bargaining shall have the right to nominate a representative; none of the two parties have a right to contest this representation” (article 51).

It indicates the supportive role that shall be played by the authorities: “according to a request of any of the parties to collective bargaining, competent authorities shall have to provide required data and statements.” (article 52), “The minister shall issue necessary instructions to implement the collective work agreement”(article 59)

In chapter two under the same section, article 54 stipulates that a collective work agreement shall be “entirely written in the Arabic language, concluded between two parties of negotiation; it shall include provisions related to the improvement of work terms and conditions and increase of production efficiency.” Article 55 stipulates that the agreement is binding from the specified date and that each party is issued a copy and another is deposited at the ministry. Finally, the duration of collective agreements is set at three years by article 56, which also indicates that new collective negotiations shall be conducted upon request of the parties to labor relations three months prior its termination, and that the agreement shall remain in force until a new agreement is reached.

Article 57 defines basic elements of a collective agreement, which “shall contain, as a minimum, the following items:

1. Free exercise of trade union work
2. Minimum level of wages for all work types.
3. A bilateral committee to settle any disputes resulting from this agreement’s implementation.”

By article 58, it also extends the benefits of a collective agreement to all workers employed by the employer(s), who are a party to the agreement, or his replacement, and states that other parties, which have not participated in the collective agreement, may join it.

However, what the law fails to do is provide adequate protection to trade unionists, who are exposed to anti-union practices and discriminations, including arbitrary dismissals. This is a crucial aspect of international legislation and standards on the right to collective bargaining, and constitutes a significant weakness in the Palestinian context, where the law itself is not upheld in a vast majority of workplaces. The legal dispositions that concern the settlement of collective labor disputes may follow international guidelines, yet they have not been used in practice.

The law defines a collective labor dispute as a conflict of interest between workers and employers or their organizations (article 60, PLL). If the dispute is not solved by negotiations, the two parties “shall have the right to ask for the assistance of a mediator from the Ministry” (article 61). If the mediator fails to solve the dispute within 10 days, the Minister of Labor can refer it to a conciliatory committee chaired by a representative of the Ministry and formed by an

equal number of representatives of workers and employer (article 62, PLL). If such a conciliatory committee fails to solve the dispute within two weeks, each of the two parties can address the competent court (article 63 PLL). If the parties do not refer to court and the case has a public interest, the Ministry can establish an arbitration committee chaired by a judge and formed by a representative from the Ministry, one from the workers and one from the employers (article 63 PLL). In acting to solve the dispute, the conciliator, conciliation committee as well as the arbitration committee has the power of competent court regarding summoning and hearing witnesses, inspection and counseling expertise (article 64, PLL).

Finally, while a collective dispute is under review, the employer may not change work conditions in force (article 65).

Under chapter four of section four, the PLL guarantees the **right to strike** to all workers to defend their interests (article 66). However, the employer and the Ministry of Labor must be notified in writing two weeks in advance and the reasons for the strike must be explained; the notification period is extended to four weeks in public enterprises. The written strike notice must also be signed by 51% of the workers. Likewise, employers have a right to lock-out, for which notice must be given under the similar terms. It should be noted that in the opinion of the Committee on Freedom of Association of the ILO, "The requirement of a decision by over half of all the workers involved in order to declare a strike is excessive and could excessively hinder the possibility of carrying out a strike, particularly in large enterprises."⁹

According to the PLL, a strike cannot be called while procedures have been engaged for examining a collective labor dispute. The referral of the dispute to the competent authority automatically determines the end of strike actions or lock-outs (articles 67.4 and 67.5).

⁹ ILO Principles concerning the Right to Strike, Bernard Gernigon, Alberto Otero, and Horacio Guido, International Labour Office Geneva, 1998

3. Governmental policies related to collective bargaining

Under the impulse of the ILO, which has maintained a technical cooperation with the Palestinian Authority for many years, and for which tripartism is essential, social dialogue has been given increasing visibility in public policies. Yet encouraging social dialogue does not necessarily mean support for collective bargaining, but rather that consultations between social partners on social and economic matters should be developed.

In this respect, the “National Employment Strategy” formulated with the assistance of foreign consultants and support, and adopted by the Palestinian Authority in November 2010, is emblematic. One of the pillars of the strategy is establishing social partnership. According to the strategy, *“Social partnership – the cooperation between government, employers organisations and trade unions – is vital for the socio-economic development of Palestine. The purpose of social partnership is to jointly, respecting each other’s interest positions, develop the Palestinian economy, together with the social systems Palestine needs and can afford. Social partnership contributes also to stability in labour relations, as it is meant to create commitment and to prevent labour disputes.”* Although the strategy does not enter in full details, it places “profitability of business life” at the head of priorities for which a mid-term commitment of government and social partners is needed (ahead of employment promotion, income generation and poverty reduction). It also plans the establishment of a socio-economic council at national level. The strategy also proposes that social partners could address the issue of developing social security, but advises that “a model of activating social security – directed towards swift re-integration of people – and “flexicurity” – enabling people to be flexible on the labour market – would be preferable.” It further proposes that they could agree on “a stability pact – preventing industrial action through binding mediation”. Finally, it announces that “the cooperation with social partners will also be used to develop a jointly shared Palestinian approach for decent work; evidently international experiences will be used to set these Palestinian decent work principles.” With ILO support, work on the Palestinian Decent Work Strategy has been engaged, and its issuance announced for early 2012.

Some of the above-cited aspects of the strategy demonstrate little knowledge of the Palestinian context, since industrial action is rather limited in the private sector and cannot be construed in its current state as a threat or a hindrance to economic development. Thus there is little need for new instruments such as binding mediation that would restrict the action of trade unions and workers’ committees. It appears very much that the social partnership that is envisaged does not take into account that workers’ representative might have other priorities altogether, such as a more equitable distribution of earnings rather than “profitability of business life”.

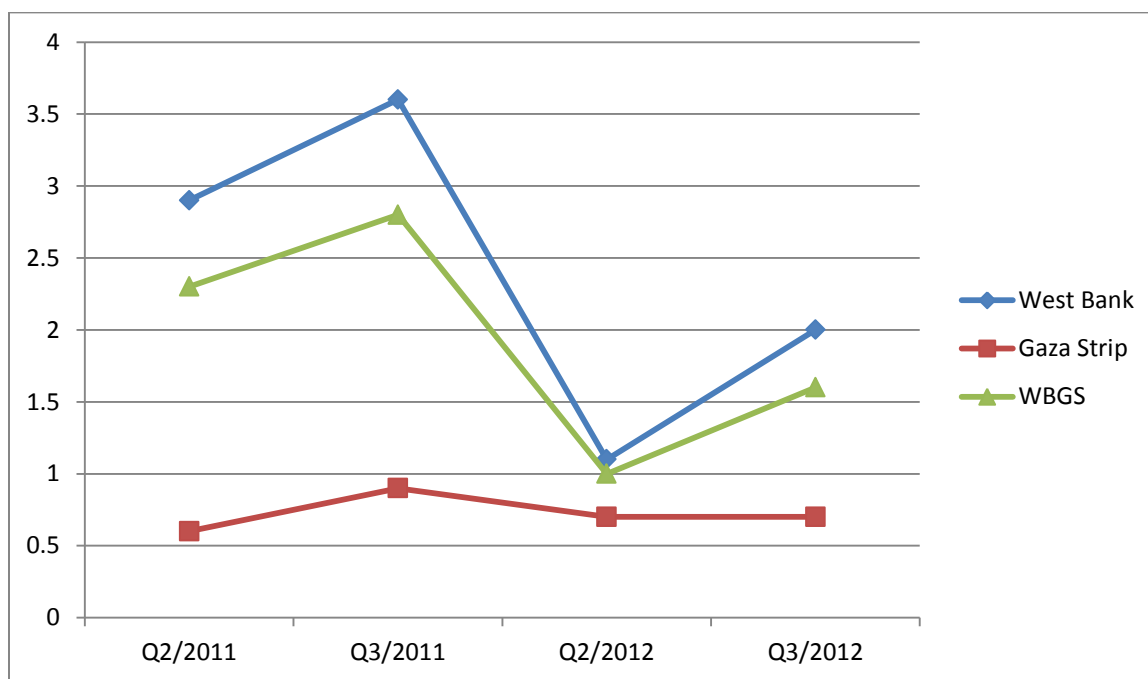
It is not in official strategy documents, but in ad-hoc policies that one may find most effective support for collective bargaining. Considering that the exercise of the right to collective bargaining is very much dependent on the level of adherence to freedom of association and the right to organize, and that restrictions to this right considerably affect the possibility for collective bargaining to develop, it should be noted that the West Bank government made some progress in abiding by international labor standards on freedom of association by finally adhering to the principle of pluralism in trade union work, and acting upon it. From mid-2011, the Ministry of Labor requested all unions to put their affairs in order, and adopted a non-partisan stance in terms of recognition of trade unions. At the end of 2011, it recognized the General Federation of Independent Trade Unions, four years after its establishment, and ended the monopoly of the General Federation of Trade Unions (PGFTU) on the representation of workers in national tripartite committees and negotiations. This constitutes a significant development and provides for improved representation of workers in these committees, although it could be argued that the situation is still far from ideal, considering that the level of union organizing is still very low and that entire sectors of activity have no genuinely elected union representatives in any of the trade union federations that participate in these committees. On the other hand, the adoption of the principle of pluralism has also been accompanied by the recognition of several unions at sector level, which has widened their options.

This progressive policy towards trade unions has not been emulated by the de-facto government in the Gaza Strip, which has staunchly stood by its restrictive trade union law and a unique federation of trade unions system (akin to the one-party system that has been toppled in neighboring countries) that it hopes to control. Furthermore, restrictions on public assembly and freedom of opinion and expression, on the background of the political strife between Hamas and Fatah, have affected the margin of maneuver of trade unions in the Gaza Strip.

4. Collective labor disputes and collective agreements

In 2011, the Ministry of Labor in the West Bank registered over 46 collective labor disputes concerning several categories of workers: education sector (public sector teachers, higher education, non-governmental universities), municipal workers, health sector (non-governmental/private), finance sector, telecom sector as well as workers in several small companies (see annex 2). Many of these disputes involved several days of strike. The Ministry also indicates that 20 agreements were reached and registered with the Ministry that improved the situation of thousands of workers and employees.

Yet, it is noticeable that almost none of these disputes concerned the industrial sector or the construction sector. In fact, a very small, almost irrelevant, percentage of private sector workers are covered by collective agreements. Since PCBS started publishing a separate indicator for coverage of private sector workers by collective work agreements in its quarterly labor surveys, the percentage has been hovering between 2.8% and 1% for the Palestinian territories.



Source: PCBS, quarterly labor force surveys, Q2/2011, Q3/2011, Q2/2012, Q3/2012

4.1. Collective bargaining in the private and non-governmental sector

One of the main characteristics of collective bargaining in the private and non-governmental sectors is its absence at sector level. In fact, in recent years, only the Federation of University Professors and Employees Trade Unions (GFITUP affiliate), which gathers trade unions in all the Palestinian universities that are not governmental, and thus represents around 10,000 workers, has managed to bargain at sector level and obtain achievements. Through constant mobilization, strikes, protests and negotiations from 2008, university employees reached an agreement with the Higher Education Council on the adoption of a new unified classification system on 23/11/2008 that improved their salaries as of 1/9/2008, and included a clause regarding salary adjustment to rise of living cost¹⁰. They were also the first sector to obtain a governmental decision for their integration on principle in the pension system, with the modalities to be negotiated at workplace level. In April-May 2011, in view of salary losses due to unfavorable currency fluctuations, they implemented a general strike in all universities and obtained a fixed exchange rate of an average of 5.5NIS for 1 JD through separate agreements negotiated in each university between the trade union and the board¹¹. Their most recent protest movement, accompanied by strikes, ended on 24/12/2012, when they reached an agreement with the Higher Education Council according to which their severance pay will be fully exempted from taxation and employees will benefit from a 2% cost-of-living adjustment to their salaries.



University professors demonstration in Ramallah on 18/11/2008

The banner of one of the protestors reads "555-888, hello presidents of universities! We cannot live on this amount!"

¹⁰ Link to the agreement for the new unified employees classification system in force as of 1/9/2008 <http://www.najah.edu/ar/node/30645>

¹¹ Link for the Facebook page of the Palestinian University Professors and Employees Trade Union <http://www.facebook.com/PalUnivUnion>

Referring to the lists compiled by the Ministry of Labor (see annexes), all the other bargaining attempts have taken place at company/workplace level, and collective agreements have been reached only in a limited number of sectors:

- In the education sector, they concern mostly universities (Birzeit University, American University, Al-Quds University, Bethlehem University); only one private school was cited on the Ministry's list, the Friends School
- In the health sector, agreements have been reached in hospitals and health organizations with a status of charitable or non-governmental organization (PRCS, Al-Maqased hospital, Patients' Friends Society, Al-Ahli hospital, Al-Ihsan Charitable Society)
- In the telecom sector, only PalTel Company employees benefit from an agreement that has been periodically renewed
- In the finance sector, the Arab Bank was the first workplace where a collective agreement was negotiated; it was followed by the Palestinian Investment Bank in 2011
- Other agreements concern the Jerusalem Water Undertaking (that also has a non-profit status), Tri Fitness and Berber stone quarry

The content of agreements themselves often concerns limited improvements of workers' rights and benefits. Furthermore, in several instances employers have not dealt in good faith with these agreements, and have impeded their implementation or desisted from it, or as in the case of the Investment Bank, resorted to anti-union practices.

Examples of some of the collective agreements reached in the past three years

Workplace/sector	Union	Date	Content	Comments
Jerusalem Water Undertaking	Jerusalem Water Undertaking Employees' Union	28/12/2009	Salary increase, increase of allowances and contribution in provident fund	The union had to go on strike to obtain its full implementation ¹²
Palestinian Red Crescent Society	Emergency Medical Service Union (paramedics)	30/3/2011	Salary increase and payment of various allowances (risk, transportation, living cost), increase of pay for extra work shifts	The initial agreement signed had to be renegotiated and amended, and the conflict was particularly harsh
Arab Bank	Arab Bank Workers' Committee	19/6/2011	Extension of former work agreement on fixed exchange rate for salaries paid in JD currency	This agreement, like the previous one, had to be negotiated with the regional as well as local management

¹² See <http://www.alhayat-j.com/newsite/details.php?opt=3&id=126348&cid=2089>



30/11/2010, strike at the Water Undertaking for the implementation of the collective agreement

Case 1: The collective agreement signed between the Emergency Medical Service Union and the Palestinian Red Crescent Society.

The labor dispute that lasted for about seventy days between the Emergency Medical Service Union (a GFITUP affiliate) representing paramedics, and the administration of the Palestinian Red Crescent Society, was resolved on 30/3/2011 after mediation by the Labor Ministry and the President's Office, when both parties signed an addendum to the collective agreement concluded on 2/3/2011 under the supervision of the Labor Ministry. The dispute over the initially signed agreement arose following the announcement of a number of measures by PRCS management, which for the union amounted to negating the content of the collective agreement that had been signed on 2/3/2011. In the course of the dispute, PRCS brought charges of libel against both the head of the union and a member of the GFITUP executive committee, and these charges were later dropped.

The addendum to the collective agreement stipulates the following:

- Increase of the basic salary by 14%
- Payment of a risk allowance of 6% until the Council of Ministers issues a decision about this allowance
- Payment of an allowance to compensate increase of living costs based on PCBS statistics
- Payment of transportation allowances based on government pricing
- Increase of the allowance for a level II certificate by 71.5%
- Increase of pay for working extra shifts by 21.5%
- The labor law is the legislation of reference for solving any dispute that may arise between both parties to the agreement



Year 2011 protest movement and strike at the Investment Bank

Case 2: The labor dispute at the Palestinian Investment Bank

In 2011, a labor dispute opposed the employees of the Palestinian Investment Bank and the Finance Sector Employees' Union (a GFITUP affiliate) on one side, and the administration of the Palestinian Investment Bank. The demands of the employees represented by their workers' committee concerned modifications to the salary scale, adoption of a fixed exchange rate for salaries, improving the transportation allowance, providing work uniforms, paying overtime hours a rescinding all arbitrary decisions taken against the employees¹³. After 15 days of strike and protests, on 3/5/2011, the Finance Sector Employees' Union announced that the strike was suspended based on an agreement on the following points:

1. Cancellation of all the arbitrary decisions taken on the background of the labor dispute
2. Adoption of a fixed exchange rate for salaries paid in USD
3. The administration will comply with the implementation of the Labor Law dispositions
4. Salaries will be restructured
5. Nomination of negotiators from the administration and the workers' committee to pursue negotiations and dialogue regarding any disputes that might arise

The agreement was celebrated by bank employees, who for the first time had had the courage to organize in a workers' committee and stand-up for their rights. However, it left many issues pending and dependent on future negotiations. Instead of acting in "good faith" as prescribed by international standards on collective bargaining, and pursuing a negotiation process with the bank's workers' representatives as required by the signed agreement, the bank administration chose a different strategy. As per various accounts, at the beginning of 2012, employees were solicited to join a different union from the workers' committee that had fought for and reached the agreement. In addition, on 5/3/2012, the bank administration dismissed the administrative committee member of the Finance Sector Employees' Union, Husein Abu Arqoub, who had in 2011 played a major role in mobilizing the employees to defend their rights, alleging that he had divulged "work secrets". The Finance Sector Employees' Union then launched a campaign for the reinstatement of the arbitrarily dismissed unionist that lasted several months, and organized

¹³ <http://www.wafa.ps/arabic/index.php?action=detail&id=105744>

several sit-ins in front of the bank's headquarters in Al-Bireh. It was finally able to obtain the reinstatement of Husein Abu Arqoub and the dropping of any charges against him, and the payment of subsequent indemnities upon his resignation, but no sanctions were taken against the bank for anti-union practices.

4.2. Collective bargaining in local authorities:

Local authorities is one of the sectors where collective bargaining takes place on a regular basis, and where several agreements have been signed in past years at workplace level. In many municipalities and local councils, employees have formed unions and workers' committees, which generally undertake regular elections although the process might be politicized, in particular in bigger municipalities. In principle, employees of municipalities and local authorities do neither fall under the scope of the Palestinian labor law, nor under the scope of the civil service law. In the past, various categories of employees in the same municipality used to be subjected to different employment regimes and statutes, leading to blatant discriminations. On 30/3/2009, the Council of Ministers adopted a regulation for local authorities' employees, which specifies their individual rights and duties. It was scheduled to be gradually applied to all municipalities and local councils through successive stages over a two year period, and to replace all former legislation thus unifying the legal framework. This adjustment period led to labor conflicts in several municipalities over the implementation of the new legislation, and employees' unions have also engaged in bargaining for additional rights. In 2011, 7 labor disputes were registered by the Ministry of Labor in this sector. Several municipalities have collective work agreements, including Qalqilia, Anabta, Al-Bireh and Betunia.



Strikes in Al-Bireh and Ramallah municipalities in 2011

Case 3: The collective agreement reached by the workers' union in Betunia municipality

Through negotiations, on 17/8/2011, the Betunia municipality employees' union reached a collective agreement with the municipality, nicknamed the "Ramadan agreement" that

included all the demands of the employees to the municipal council. According to this agreement: all employees will be integrated in the classification system according to the law, while already classified employees will retain all their benefits, the annual vacation will be increased to 30 days for all employees, the increase of living cost will be accounted for in the salary from 1/1/2011 at 4%, the municipality will increase its contribution in covering the private health insurance policies of its employees by 10% so as to reach a 60% coverage, and employees currently benefiting from the public health insurance will be able to subscribe to private health insurance policy

Case 4: the collective agreement reached by Al-Bireh municipality workers' committee

After a strike movement and difficult negotiations, the Al-Bireh municipality employees' committee signed a collective work agreement on 16/2/2012 with the municipal council that stipulates that workers are entitled to the payment of an allowance for the adjustment of salary to living cost based on PCBS statistics, and this retroactively from 1/1/2011. They are also entitled to an annual raise of 20 JD retroactively from 1/1/2012, and a 70% coverage of private health insurance cost. In addition, the integration of employees in the classification system must be completed within the month, while the workers' committee will be an observer. Employees' files will be re-examined in the presence of the workers' committee, and illegal sanctions that may have been taken must be lifted. Finally, the employees' affairs committee must be formed as stipulated by article 10 of local authorities system and the workers' committee will participate in it as an observer.

4.3. Collective bargaining in the governmental sector:

Labor disputes have been frequent between public sector unions and the government in the past 7 years. In 2011 alone, 12 collective labor disputes out of over 46 recorded by the Ministry of Labor in the West Bank concerned governmental workers. On one hand, employees and their representative bodies have been able to take advantage of a less repressive climate after the election of President Abbas in order to organize themselves on a larger scale and intensify their struggles for their rights, taking also advantage of political changes and their consequences, such as the alternance in power and the ensuing severe salary crisis in 2006 that marked the real birth of the Union of Public Employees.

Public sector workers are represented by several unions, including professional unions such as the unions that represent medical professions in the health sector. The Union of Public Employees represents ministry employees, with the exception of health and education sectors. The Palestinian Teachers Union, which had been established as a professional union for all teachers in Palestine (public, private and UNRWA) and has to this day not made its transition to

becoming an independent and democratic union, negotiates on behalf of governmental school teachers. The Federation of Governmental Colleges and Employees represents the employees of governmental higher education institutions (it is independent and a member of the GFITUP). In the health sector, workers are represented by Professional Unions for Physicians and other medical professionals, Allied Health Professionals Federation (gathering 8 professional unions for assistant medical professionals), the Palestinian Nursing Council, and the Governmental Health Service Employees Union (also independent and democratic, and a member of GFITUP). There is still interference of political factions (and in some instances interest groups inside a political faction) with the unions and pressure on their leaderships. At the same time, in a majority of cases, the labor disputes actually concern employees' rights and interests, which is a positive indicator. Each of these unions bargain separately with their ministry or the government, except in the health sector where struggles and demands are often coordinated between the different unions, except when they concern a specific category of workers.

On the other hand, the unions representing governmental employees are unable to make progress in securing more rights and benefits, and have often to fight for basic rights like payment of salary and allowances as stipulated by the civil service law. Faced with the constant budget deficit of the Palestinian National Authority, the so-called "reform" agenda of the public sector (which in other words means an attempt to reduce the number of employees and liabilities on PNA deriving from their salaries, leading to the increase of precarious jobs) non-payment of wages in a timely manner and non-respect of employees' rights and previously agreed-upon benefits, public sector employees in various sector have mobilized again and again to force the government to dialogue with them and pay their salaries and benefits. While some of the strikes and disputes had political backgrounds, in most cases they concerned obligations that the government is not respecting towards its employees, and its lack of effective recognition of trade union rights. Employees are paying the price of the failure of the Oslo process and the lack of financial viability of a divided Palestinian National Authority that cannot secure sufficient revenues or raise the funds necessary for its functioning, and that has been gradually abandoned by international donors although it is expected to continue administering to the daily needs of Palestinians and ensure Israel's security. Public sector employees have become the hostages and victims of this situation, and the same scenario repeats itself almost on a monthly basis: there is no money to cover salaries and employees are expected to cope until Israel transfers some of the tax returns, or some international donors come to the rescue.

In the fall of 2012, the Union of Public Employees went on strike for several days over late and incomplete payment of wages and lack of response by the government to their demands. Likewise, the Governmental Universities and Colleges Employees' Federation (a member of the GFITUP) and the Palestinian Teachers' Union went on strike over wages; the Palestinian Teachers' Union also announced a new protest movement over a series of demands (amendments to the civil service law to improve the situation of teachers, amendments to the pension law to ensure decent life for those retired, adoption of cost-of-living adjustment to salary that reflects obscene increase of prices and review of calculation method, payment of

transportation allowance that corresponds to real transportation costs incurred by teachers, payment of the allowance to the employee categories that were not included in the 2011 agreement with the government). Above all, they condemned the government's lack of dialogue with them, which is a factor for all public sector unions.

The government has tried to restrict the right to strike of public sector employees through the issuance of a law by presidential decision no 5 of the year 2008 that entered in force on April 5th, 2008. A massive protest organized at the time in front of the Council of Ministers by public sector unions, and supported by the Federation of Independent Unions and the UNRWA Area Staff Union, did not manage to stop the law from being issued and implemented.



Public sector employees sit-in in April 2008 to protest the law on public sector strikes

Although its article one stipulates that governmental workers have the right to strike, article 2 subjects strikes to the conditions set in article 67 of the Palestinian labor law and article 3 gives the right to the government or any other party to appeal to the High Court of Justice to order the end of a strike that violates this law or causes “severe damage to public interest”. This law has been used on several instances in attempts to stop strikes in the public sector, including against physicians on strike in 2011.



Physician's sit-in in 2011

Yet, despite adverse circumstances, governmental employees in several sectors have managed to oblige government officials to sit at a negotiation table with them and to hear their demands. They also achieved a number of demands. According to the Ministry of Labor, in 2011 five agreements were signed with unions representing public sector workers:

- An agreement with the Teachers' Union
- An agreement with Governmental Universities and Colleges Employees Federation
- An agreement with the Physicians' Union
- An agreement with the Allied Health Professionals Union and the Health Service Employees' Union
- Negotiations and partial agreements with the Union of Public Employees



Governmental Colleges and Universities Employees Federation protests in 2010 & 2009

Case 5: the 2010 labor dispute in the health sector

On 4/5/2010, public health sector employees from various workplaces under the authority of the Ministry of Health (governmental hospitals, health clinics, physiotherapy, medical storage and Ibn Sina nursing college) declared a strike to achieve the following demands: payment of supervision allowances to all those who hold supervisory positions, such as heads of departments, sections and managers; payment of salary entitlements related to employees' position in the employees' classification system from the day they reached this position; inclusion of work period as contracted employees in official period of service for workers employed on a contract-basis prior to their integration into the classification system; revalorization of transportation allowance based on the pricing list of the Ministry of Transportation; necessity to pay overtime hours, whatever their number, to all categories of health employees and not limiting them to a fourth of the employees' basic salary; payment of risk allowance to employees based on respective %; settling the employee files that are blocked in the Ministry of Health and the General Employee Council since 2006, payment of the financial year deducted from some employees in 2006, and taking it into account financially and administratively. The protest was suspended based on results of a meeting, and the Health

Ministry and the General Employees Council were given a period of time to finalize the lists of employees entitled to allowances for the next month.

The demand concerning payment of overtime hours whatever their number was achieved, and the PNA started paying the pending entitlements since 2006 and taking into account the year 2006 financially.

Some independent unions have been specifically established to enable employees to struggle for their rights, such as the Governmental Health Service Employees' Union created in 2005 or the Palestinian Postal Service Workers' Union, both of them GFITUP affiliates. These two cases are exemplary and demonstrate the importance of independent and democratic organizing to allow employees to make their voices heard.

Case 6: The Palestinian Postal Service Workers' Union

The Palestinian Postal Service Workers' Union was established in 2009 by postal workers employed through precarious contracts in the governmental Palestinian Post. One of the union's main objectives from its creation has been to struggle for achieving equal rights of these workers with other public sector employees through their integration in the public sector employee's classification system. Most of these workers have been employed for many years, some of them over 11 years, through precarious contracts ("permanent contract", "parallel employment" program or as "day-wage workers"). They are paid a fixed salary with no increments, bonuses or allowances for transportation, according to a decision taken in 1999 and that has not changed since. There is wage discrimination between employees of the same service: all postal workers should enjoy the privileges of public sector workers. Yet, 150 postal workers continue to be employed through precarious contracts. Thus, these workers face great discrimination and injustice. In 2005, the government issued a decision to permanently employ and classify all precarious workers and integrate them in the public sector, yet this decision was never implemented as recruitment in the public sector has been frozen. The union has ceaselessly petitioned the competent authorities to remedy to the situation, and 23 workers were able to benefit from their reclassification as public sector employees in 2010, 2011 and 2012. The union continues its struggle despite very adverse circumstances and organized a sit-in in 2012.



Postal workers sit-in in front of the Council of Ministers in 2012 organized by the Postal Service Workers' Union, an affiliate of the General Union of Independent Trade Unions in Palestine; one of the signs reads: "My salary is 1200 NIS, would you switch with me Fayyad?"

5. Conclusions and recommendations

For a vast majority of Palestinian female and male workers, employed in small enterprises, it appears that the only solution to improve their work conditions and circumstances in the near future is to reform the Labor Law in a manner that will improve protection of basic rights at work, as well as develop mechanisms to monitor its implementation and take systematic sanctions in case of non-abidance with the law. In sectors, where an important number of enterprises are of medium or big size, trade unions should intensify their efforts to organize workers at workplace level and in general unions, in order to enable them to bargain collectively for their rights.

For public sector (governmental employees), an improvement of the situation requires that the Palestinian Authority secures its annual budget and undertakes a reform of budget allocations in coming years, increasing spending in essential areas (education, health, agriculture, labor, etc) and reducing the budget share for security. Achieving a national reconciliation would also go a long way towards reducing duplication of spending that has resulted from the political split. The government should also desist from its policy of increasing precarious employment (i.e. employment on short-term contracts, as “day-wage” workers or through other types of contracts that do not even meet the basic rights required by the Labor Law) in order to reduce the number of governmental employees.

Recommendations:

- Provide real protection for union members and representatives from anti-union practices and arbitrary dismissal; the Palestinian labor law has obviously failed so far in providing the necessary legal protection as evidenced by repeated cases of dismissal of unionists. The last draft of the trade union law that was put forward in the West Bank would not be sufficient, since its express purpose is to provide a guiding framework for the right to organize and the establishment of unions; it needs to be complemented by a set of regulations that enable competent authorities to apply sanctions against employers that would deter them from violating trade union rights and liberties. In this respect, the GFITUP has elaborated and submitted a draft legislation on trade union rights and liberties that takes into consideration this crucial aspect.
- Promote union organizing in all sectors: in the private and non-governmental sector, collective bargaining has been able to develop mostly in the sectors and workplaces, where workers are organized in democratic and independent unions. Organizing must thus be further encouraged and supported to enable more workers to defend their rights and interests.
- Develop mechanisms for collective bargaining in the public/governmental sector

- Create the conditions for collective bargaining at sector level in the private and non-governmental sector, through strengthening both workers and employers' organizations: workers' organizations (general unions) need to develop bargaining objectives and strategies at sector level, and they need to have clear counterparts at this level in the form of employers' organizations that have the competency to enter into negotiations with them
- Build the capacity of male and female workers' representatives in the field of labor legislation and collective bargaining, in particular those newly elected to union leadership. This is extremely important in democratic unions, where the regular organization of elections means that there is a renewal of leaderships. Collective bargaining requires good preparation, skills and knowledge, and its success depends not only on the ability to mobilize union members, but also on the capacity of workers' representatives to adopt the proper strategies to achieve their goals.

Annex 1:

Collective bargaining department at Ministry of Labor / summary of collective agreements until 31/12/2010

No.	Collective agreement between		Date of signature	Comments
1	Arab Hotels Association / Mohammed Musa, president of the administrative board	General Union of Hotel & Restaurant Workers / Khaled Abu Hilal	1/12/2010	Memorandum of Understanding
2	Birzeit University administration / Sami Al-Sirfi	Birzeit University Workers' Union / Sami Sha'ath	2/2/2010	Birzeit, actual
3	Jerusalem Water Undertaking board of directors/ Janette Michael	Water Undertaking Workers and Employees Union	28/12/2009	Ramallah, actual
4	Friends Schools administration	Friends Schools Union	2009	Ramallah, actual
5	Arab Bank administration / Mazen Abu Hamdan	Arab Bank Workers' Committee	26/7/2009	Deposit (without intervention from the Ministry), Ramallah, actual
6	Al-Jalil Pharmaceutical Company administration / Haifa As'ad	Workers' committee / Al-Jalil Pharmaceutical Company	3/9/2009	Work arrangements, Birzeit, actual
7	Ministry of Local Government, Dr. Khaled Al-Qawasmeh	National Union for Local Authorities Employees	25/10/2009	Nablus, labor dispute due to lack of implementation
8	UNRWA administration	Local Area Staff Union / UNRWA	20/11/2004	There is currently a crisis and negotiations for a new agreement
9	Patients' Friends Society administrative board, Abdel Karim Zgheyir	Patients' Friends Society Employees' Union / Ziad Shanan	9/5/2009	Al-Bireh, actual
10	American University Jenin, Dr. Adli Saleh	American University Employees' Union	21/1/2009	Jenin, actual
11	Qalqilia municipality administration	Municipality Employees and Workers' Union	16/2/2010	Qalqilia, in force
12	Al-Ihsan Charitable Society	Employees' Union	25/2/2010	Actual
13	Al-Maqassed Charitable Hospital administration	Employees' Union	24/12/2008	Jerusalem, actual
14	Anabta Municipal Council	Employees and Workers' Committee	6/6/2007	Anabta, in force with amendments

15	PRCS administration	Emergency Medical Service Union	2006	Al-Bireh, in force
16	Ramzi Jaber, Fuel Distribution Agency	Agency' s workers	1999	Ramallah, not in force
17	Al-Naser Company for Food Products administration	Workers' committee	98/99	Ramallah, not in force
18	Al-Ameen Carpentry	Representative in the PGFTU	1997	Anabta, in force
19	Sha'ban Sawalhi Factory, Tulkarem	General Federation	1997	Qalqilia, ?
20	Adnan Al-Jada' and Partners Company	The workers	1998	Qalqilia, not in force
21	Al-Sirisi Company for Manufacturing and Trade	The workers	1998	Qalqilia, not present
22	Al-Quds University administration	Employees' Union administrative committee	2004	Jerusalem, in force
23	Al-Zahra School and Kindergarten administration	Teachers	1987	Nablus, ?
24	Ronza Shoe Factory	Factory workers	1998	Nablus, not present
25	Arab Evangelical Hospital	Workers' committee	2005	Nablus, ended and was not renewed
26	Nablus municipality	Workers' committee	2005/2006	Nablus, new employees' classification scale
27	Al-Quds Cigarettes Company	Workers' representatives	1981	Jerusalem, not active
28	Hadad Factory, Jenin	Workers' committee	1991	Jenin, ?
29	Tiles Company Ltd	Company workers	1990	Ramallah, not existent
30	Try Fitness administration	Company workers	2007	Ramallah, in force

Annex 2: Collective labor disputes from 1/1/2011 to 31/12/2011 / Annual report 2011 of the
General Directorate of Labor Relations at the Ministry of Labor

No	Organization name	No of employees	No of strike days	Organizing party	Supervising party	Year	Result
1	Palestinian Telecommunications Company	1300	0	Employees' Union	Trade Union Federation	2011	Agreement
2	Dura Islamic Society	72	3	Workers' committee	Union itself	2011	Under follow-up
3	Al-Quds Cigarettes Company	150	0	Workers' committee	Union itself	2011	Internal dialogue
4	Ramallah municipality	300	1	Workers' committee	Union itself	2011	Internal dialogue
5	Zaka committee/Tulkarem	121	0	Employees	Union itself	2011	solved
6	Nablus municipality / North electricity	43	0	Workers' committee	Union itself	2011	Under follow-up
7	Yatta municipality	75	5	Employees' union	General Union of Palestinian Workers	2011	Partial solution
8	Royal Company / Hebron	425	0	Employees	Union itself	2011	Solved
9	Patients Friends Society / Hebron	820	partial	Workers' committee	Union itself	2011	Agreement
10	Al-Bireh municipality	170	3	Workers' committee	Trade Union Federation	2011	Agreement
11	Al-Najah University	1142	0	Employees' Union	Union itself	2011	Follow-up according to the law
12	Post and telecom	100	0	Postmen Union	Union itself	2011	Partial solution
13	Investment Bank	210	14	Employees' Union in the bank	Finance Sector Employees' Union / Independent Unions	2011	Agreement
14	Governmental Universities and Colleges			Governmental University Professors and Employees Union	Union itself	2011	Partially solved
15	Betunia municipality	150	0	Employees'	Union itself	2011	Agreement

				Union			
16	Al-Quds University	1100	Partial	Employees' Union	University Employees Federation	2011	Agreement
17	Hay Tube Factory / Birzeit	21	1	Workers' committee	Union itself	2011	Partial solution
18	Palestinian Coalition for Steel Manufacturing	70	-	Workers' committee	Union itself	2011	Agreement
19	Ministry of Health			Pharmacists Union	Union itself	2011	Under follow-up
20	Ministry of Health			Dentists' Union	Union itself	2011	Under follow-up
21	Ministry of Health / Gaza			Health Service Employees' Union	Union itself	2011	Under follow-up
22	Palestinian government			Union of Public Employees	Union itself		Under follow-up
23	Government			Engineers' Union	Union itself		Under follow-up
24	Ministry of Agriculture			Agricultural Engineers Union	Union itself		Under follow-up
25	Government			Committees of Pensioners Associations	Union itself		Under follow-up
26	Government			Veterinarians Union	Union itself		Under follow-up
27	Nimr Al-Tamimi Company	57		Workers' committee	Union itself		Partial solution
28	Super Star Company / Nablus	25		Workers' committee	Union itself		Partial solution
29	Ghazal Fashion Factory	7		Workers' committee	Union itself		Partial solution
30	South Electricity Company	50		Employees' Union	General Union of Electricity Sector Workers	2011	Investigation committee
31	Jordan Bank	370		Employees	Independent Unions	2011	Agreement
32	Red Crescent	800	Partial	Emergency Medical Service Union	Independent Unions	2011/2012	Agreement
33	Yatta municipality	77	5	Employees' Union	General Union of	2011	Partial solution

					Palestinian Workers		
34	Qalqilia municipality	250	0	Employees' Union	Union itself	2011	Agreement
35	Pal Safe Company	600	0	Workers' committee	Committee itself	2011	Partial solution
36	Cairo Amman Bank	550	0	Workers' committee	Committee itself	2011	Under follow-up
37	Jericho Ladies Association	43	Partial	Committee itself	Committee itself	2011	Partial solution
38	Palestine Media Company	47	0	Workers' committee	Committee itself	2011	Agreement
39	Ministry of Telecommunications	132		Postmen Union	Union itself	2011	Partial solution
40	Ministry of Health	600	Open	Physicians Union	Union itself	2011	Signature of agreement
41	Ministry of Health	4000	Partial	Allied Health Professionals	Union itself	2011	Signature of agreement
42	Berbar Stone cutting Company	35	Open 5 days	Workers' committee	Federation of Trade Unions	2011	Signature of agreement
43	Arab Insurance Company	101	Closure of the company	Company employees	Union itself	2011	Case ended
44	Arab Bank	2100	Partial	Workers' committee	Supervising body	2011	Signature of agreement
45	Bethlehem University		0	Workers' committee	Supervising committee	2011	Signature of agreement
46	Ahli hospital	450	Partial	Employees' Union	Supervising committee	2011	Signature of agreement

Resources:

- Annual report 2011 of the General Directorate of Labor Relations at the Ministry of Labor
- Palestinian Labor Law no 7 of the year 2000
- The role of collective bargaining in the global economy: Negotiating for Social Justice, executive summary, Susan Hayter, ILO
- Collective bargaining: A fundamental principle, a right, a Convention, ILO / Labour Education 1999/1-2 Nos 114-115
- Collective bargaining: ILO standards and the principles of the supervisory bodies, Bernard Gernigon, Alberto Odero and Horacio Guido, International Labor Office, Geneva, first published in 2000.
- ILO Principles concerning the Right to Strike, Bernard Gernigon, Alberto Odero, and Horacio Guido, International Labour Office Geneva, 1998
- Presidential decision of law no 5 of the year 2008, [http://president.ps/list.aspx?id=93&Groupby=2008](http://president.ps/list.aspx?id=93&Groupby=2008&page=2) قرارات &page=2
- Study on “Workers’ rights between the law and judicial proceedings: effects of the decision to appoint specific civil judges to look into labor cases”, Mohammed Abu Arra, DWRC, 2012
- International Labour Conference, 101st session, 2012, ILC.101/DG/APP, Report of the Director General, Appendix, The situation of workers of the occupied Arab territories, International Labor Office, Geneva