



The Industrial Relations Research Association of Israel

In collaboration with the

International Labour Organization (ILO) and Friedrich Ebert Stiftung

Working Out Challenging Situations - Labour Relations at Essential and Emergency Services

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Research and Edited

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Conference topic framework¹

The Covid pandemic and extreme crises that occurred and the ones that may await us in the future focus attention on how economies in Israel and worldwide must organize to continue functioning appropriately in these complex and challenging times. Natural disasters, epidemics and wars create situations that test the survivability of residents in terms of public safety and public order. What preparations are required to handle these challenges?

Public services can be divided according to professional service provider fields: emergency workers, front-line workers and essential workers. All are essential to an economy's ability to function.

There are different definitions; for example, front-line workers are included in a narrowly defined field, yet one that encompasses many professions. Conversely, essential workers (who not necessarily providing direct services to the public) are part of a broadly defined field classified as essential.

Most service providers are part of the broad range of public sector employees. However, in some cases services are provided by external factors that assist the public system (such as Covid testing laboratories), by contracted workers for specific positions, or by volunteers.

Beyond issues of functionality, logistics, and the need for improved organization, several key issues arise from the current state of affairs: What labour relations for emergency service workers should be applied in such extreme conditions? What are the expectations from the State, from employer organizations, from employers, and from professional associations and unions? What compensations should be provided in terms of material conditions (fair wages, social benefits, work hours, etc.) and in terms of mental support required to reduce occupational burnout resulting from overwork? What

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can the State provide in terms of social safety and welfare to employers and industries, small business employers, and self employed that take the brunt of this economic burden?

The annual international conference of the Industrial Relations Research Association of Israel in collaboration with Friedrich Ebert Stiftung in Israel and the International Labour Organization brought together representatives of employers, and unions along with researchers to consolidate responses and conclusions from lessons learned throughout the Covid crisis.

2022 Annual Conference Report

Introduction

This is the second consecutive year in which the Industrial Relations Research Association of Israel has participated in new flagship research conducted by the ILO research department. This is noteworthy as the close association among the institutions collaborating on these conferences facilitates the understanding and familiarity with the range of relevant sectors and thus expands and develops findings and the implementation of conclusions..

The previous conference dealt with the digital/gig industry and its impact on labour and labour relations.

The current conference focused on emergency activities and how various sectors manage labour relations, including on-site and remote workers and those that are employed across industries, such as in supply of foodstuffs, medications, and other essential products during crisis periods. This work is currently being consolidated and will be published in the following year. The timing of the current conference is important as certain insights and conclusions gained during the event can be articulated in the final conclusions of this central study.

The conference held and structured by in three parts: 1) providing work definitions and concepts formulated by the ILO and dividing workers according to activity sectors (on-site and remote), 2) understanding emergency services in terms of labour relations, and 3) examining the activity of several industries in the private and public sectors.

Clearly, this is the time to extensively investigate this subject as the Covid pandemic has impacted the health and economic state of most of the world's population. The crisis changed all aspects of life, including lifestyle, daily schedules, and routines. Priorities have shifted following the pandemic outbreak. The study is particularly timely in view of the emergencies expected in the world with pessimistic climate forecasts and waves of radicalization manifesting in wars and increased and escalating violence between countries and by violent groups within certain countries.

With this in mind, it is imperative to adopt an approach termed “routine emergency”, which is one that has taken root in Israel, a country that has experienced wars and violence in addition to health crises and now expected climate events.

Summary of conference speakers

In his opening remarks, **Dr. Roby Nathanson, d.g. Macro Political Economy, Head of Steering Committee** noted the important collaboration among the three organizations—the ILO, Friedrich Ebert Stiftung, and the IIRRA.

It is appropriate and necessary to explore and study what preparations are required for dealing with extreme or emergency times, particularly when they impact entire economies. This should be addressed in terms of human resources and labour relations as well as general emergency management—shutdown policy, medical management and response regarding vaccines, and supplies for the public in various areas (food, medical treatment, tests, etc.). The speaker concluded with a warm welcome to Dr. Berg after two years in which ILO experts could only attend remotely.

Dr. Gadi Nissim, IIRRA Chairperson, talked about the transparent sectors, meaning subcontracted workers, fields of tourism and hospitality, self employed, and others. The government and public authorities did not respond to the economic hardships experienced by these sectors. There was no strategy or appropriate organization for an event of this scale.

Mr. Maurizio Bussi praised the constructive collaboration among conference partners and emphasized that this is the second consecutive year in which subjects being studied by the ILO—the gig economy discussed last year and the current discussion of emergency service workers. This year’s conference deals with a study that has yet to be published. Mr. Bussi emphasized the positive interaction among the parties in an event that encourages creative and advanced thinking. Emergency service providers encompass diverse essential workers: transportation, self employed , the retail sector, technicians, foreign workers in nursing and care, and many others. Additionally, there

are core emergency professions that work year-round, such as medical, health, and emergency services. In terms of labour relations, various other professions must be addressed, such as migrant workers, temporary contract workers, volunteers, and others who have issues related to compensation, flexible work schedules, and other matters of organization and management. The contribution of these workers must also be acknowledged.

Notes to the study conducted within the framework of the ILO

There are several points to address from the WESO data presented by the ILO research department:

Key points include relatively low wages of emergency service providers, low union density rate, necessary safety improvements, and the need to increase professional training and maintaining improved OSH standards. In these issues, the lack of appreciation for workers by employers and the State is clearly evident. This approach radically undervalues the various professionals and sectors that provide emergency services.

One reason for this may be that emergency drills conducted during routine times necessarily deal with situations which are not imminent. In contrast, when extreme situations do occur, there is an unspoken assumption that emergency service providers naturally should maintain vital functions at whatever personal risk, including physical injury or potentially being infected during a pandemic, and at altered work conditions required to meet new challenges, including long work hours during days and nights, different work schedules, and even while fulfilling different jobs.

Non-monetary compensation that expresses appreciation (merits of appreciation, thank you letters, ceremonies, and meetings), as well as the provision of support with psychologists and welfare professionals for essential and emergency workers. The potential risk of this approach is that it may remain a symbolic measure of compensation and substitute material compensation that should rightly be awarded to workers in such sectors.

An entire chapter should be dedicated to early preparation for “emergency routine” status while conducting partial drills to provide and assimilate training.

It is important to expand on the development of remote services, whether in medicine or the assistive fields of the public sector. This trend leads to appropriate organization of remote work principles, working from home, key changes in work schedules, medical supplies to patient homes, etc. Such models emerged in Israel during the Covid crisis and brought about more flexibility of services even after the major crisis points have passed, such as the hybrid work model whereby people work several days from home and several days from their employment sites. This phenomenon is also evident in other professions, including the business sector and in the signing of collective agreements specific to the public sector.

Just as importantly there is the increased effectiveness and improved verbal communication of various service providers, particularly for populations that struggle with accessibility and older people who require greater mediation in more customized and accommodating service provision.

Session 1

Adv. Orly Bitty, session chairperson, expressed her appreciation for the wonderful and ongoing collaboration with the conference partners and for the personal attendance of the ILO and Dr. Janine Berg after years of meeting remotely due to circumstances.

Dr. Janine Berg, Research Department, ILO – The initial motivation for the review was the Covid pandemic but its primary goal is examining problems and gaining insights on a variety of emergency situations. What are the shortfalls that must be addressed in large-scale events? Throughout the pandemic, 85% of the world’s population underwent shutdowns. This study outlines what steps should have been taken and directs attention to the range of relevant professions that continued to function during the most acute phases of the pandemic.

Mapping all work conducted remotely or from home. In addition to professions previously mentioned, we should add workers in warehouses, sanitation, and cleaning, factory workers in fields considered essential.

The study includes ninety countries. We used the term “essential workers” to define and classify workers relevant to the study subject, one that includes State employed workers that provide services in extreme situations that may endanger public safety or in response to specific events. This definition also includes deployment of retirees and other volunteers. Another issue we dealt with pertains to safety and sanitation at work and the need for their improvement.

Two central points are evident in the review: the relatively low wages of these sector workers and low union density. The number of unionized workers is particularly low among food and retail industries. Health-related expenses are higher in developed countries when compared to developing countries. Also, there exists a gender wage gap by which women earn considerably less than men. Mortality rates in the researched sectors are higher, excluding hospital functionary staff where issues of health and personal safety are ingrained, and personal protective equipment was provided.

Furthermore, these sectors are characterized by relatively short-term employment contracts and the status of temporary workers in terms of social securities and sick leave.

In summary, this research should be extended further to produce recommendations for participating countries to then implement in times of crises.

Mr. Ofer Shushan from the National Emergency Management Authority described the priorities and scope of activities of the Authority as it coordinates many organizations during times of emergency. Specifically, he emphasized the importance of maintaining supply chains and having a clear emergency reserve and inventory policy. During a crisis, efforts must be focused on emergency services and the ability of essential workers to complete their tasks. There are 16,000 essential factories in Israel and many other fields and sectors who operate during emergencies. It is most important to understand the various specialties and the right allocation of resources, such as regular food supply, maintaining electricity, and even burial services when unfortunate events require. Certain scenarios have already been considered, such as an influx of 15,000 immigrants to Israel as a result of the war in Ukraine, or a potential earthquake that could cause the death of 7,000 people who would require temporary burial services before final internment. Other possible scenarios include sewage infrastructure breaks or problems with pipelines that cause sanitation disasters, or sea water pollution, and others.

Fundamentals:

- **Harm to resources required for essential services is detrimental to the national system's abilities to provide products and services to the public**
- **Provision of products and services relies on a supply chain that includes manufacture, storage, transport, and distribution**
- **Preparing for this managerial challenge to ensure continued provision of essential services and avoid resource waste during this phase requires direction and coordination of all involved factors**
- **Provision of products and services ensures operational continuity, governance, and resilience**

The solution

Determining policy that specifies what products and services the State provides its citizens during disasters and emergencies

The national goals stem from the fundamental, Jewish, and Israeli values ingrained in our

Emergency management areas

- .1 Prevention and mitigation – Actions taken to reduce risks in emergencies, prevent future emergencies, and minimize the threats/dangers of emergencies**
- .2 Preparations and preparedness – Establishing abilities to address all scenarios and prepare for coordinated and organized address**
- .3 Response – Coping with and managing emergencies, including saving lives, providing basic necessities, and protecting economic, physical, social, cultural, and environmental assets as based on strategic priorities .**
- .4 Recovery and rehabilitation – Returning individuals, communities, society, and the economy harmed by the emergency to routine.**

Session 2

Adv. Michal Vaksman Hili, session chair, Labour Division, Manufacturers' Association of Israel, underlined the recurring need to turn to labour courts for injunctions against strikes of essential service workers that gridlock the economy and cause significant product losses. On the one hand, the right of workers to strike must be upheld, yet on the other there must be mechanisms in place to mitigate this phenomenon. Relatively rapid arbitration and extending the cooling-off period during negotiations may provide partial solutions for the multiple number of essential worker strikes.

Prof. Moti Mironi, Law Faculty, Haifa University, claimed that labour relations and labour laws go hand in hand. As known, there are no strikes during emergencies. The focus should be on strikes in essential services and there exists a gap between the guidelines set forth in the legislature and real-life practices. For example, court personal ordered strike prohibitions have been used before and currently are not relevant. The Agreed Arbitration Institute no longer exists. While the legislature includes an insistence of supervisory boards for collective agreements and preparations were made for their establishment, no such boards were ever operated. It is important to direct this ongoing debate specifically to the right to strike of firefighting forces.

Trends - Globalization affects are far-reaching, and a strike of airport baggage loaders in one airport has repercussions on flight cancellations and restricted movement in other places around the world. This increases intolerance of strikes and the gap between essential workers and other citizens. Niche organizations are also being established that are separate from the large member organizations and these increase pressure on employers, including train drivers, pilots, and port dock unloaders. In contrast, there is also privatization and outsourcing, a form of "mini-privatization" that undercuts essential workers' power. Many bills were proposed to the Knesset through private and government initiatives regarding restriction of essential worker strikes but the majority of these were not passed and were not enacted into law.

Instead of court ordered strike prohibitions on public service workers, various administrative measures were employed, such as licensing for an additional municipal bus company when the bus service operator went on strike and brought local transportation to a halt. Another method of combating strikes was evident in the establishment of new frameworks, such as new ports to compete with decreased work conditions, a fact that neutralizes the strength of worker unions by privatizing units of governmental companies or privatizing by selling parts of companies to private factors.

There were frameworks that succeeded through mediation, such as the agreement reached with physicians. The actions taken by the Histadrut Exceptions Committee to restrict the scope of strikes in certain conditions have proven successful but requires public address.

In summary, it is important to clearly determine how strikes may be conducted in essential services as ad hoc measures are insufficient. Focusing only on the problem from the stance of workers is also insufficient and address should be given to the part employers must play in this matter.

Prof. Kobi Peleg from Academic College Ramat Gan focused on the issue of operational continuity. The task is that of saving lives or preventing a disaster in situations of lacking or insufficient resources. Focusing on appropriate allocation of resources is crucial in emergencies. Another problem is the uncertainty in a rapidly changing reality when required to resolve problems and reduce harm and injury to people. Many events have warning signs or alerts that allow for certain preparations, such as early evacuation of population. The final stage of recovery is the longest and the one that requires most resources. Recovery should begin immediately following events and focus on provision of housing, food, and other essential services. Most natural disasters cannot be avoided. Events related to human conduct, such as epidemics, may be partially or wholly prevented. Despite all preparations, international aid does not fundamentally change the situation. Larger organizations generally have greater resources, tend to employ more professionals of relevant fields, and can provide more assistance and services to families. In such times, they are often capable of providing daycare for employees'

children, transportation, securing daycare services closer to the employment site. The needs of smaller and more isolated organizations must be addressed on a governmental level.

Session 3 – Panel

Chaired by **Adv. Gil Bar-Tal**, the panel included speakers that described activities conducted during emergencies, particularly industry actions taken during the Covid crisis, including transportation and ports, medical services (labs and HMO clinics), the work of self employed, and emergency regulations instated by the Ministry of Economy.

Mr. Raviv Malachi, the Ministry of Economy and Industry spoke about emergency regulations and the fact that while there is a legal definition for essential factories, no such definition exists for workers and their essential contribution to the system. As long as the employer chooses to maintain production, the factory continues to operate. However, private employers are not subject to emergency measures and often continue production to avoid economic collapse during large-scale events. Emergencies generally require at least 500,000 workers to continue fulfilling their tasks. There are also specific emergencies, such as earthquakes, that are rarely designated as national emergencies. Factories classified as essential are not required to conduct emergency recruitment of workers and work conditions are generally resolved through talks with relevant position holders and problems resolved as they unfold. Mandatory recruitment is generally avoided. Emergencies basically suspend normal labour relations and workers work as needed, including overtime. The Ministry provides permits for working on Fridays and Saturdays and for extending shift hours. There are 1,100 factories that support military activities. The overall goal is to overcome the crisis and maintain operational continuity, with resources focused on support of this goal.

Dr. Hanoch Goldschmidt, head of the Sourasky Medical Center Laboratory Division, described the collective agreements signed during the pandemic to make work hours more flexible. Lab workers were recruited to fill shortages and work was conducted in small units while maintaining meticulous safety guidelines. The number of tests processed more than tripled during the crisis, a number that does not include routine hospital testing. Medical students were also recruited. The number of lab workers in Israel is relatively low compared to OECD member countries. When the crisis continued, the State published tenders for private testing institutions. This created a

problem in wage gaps between private and public lab workers with some choosing to leave their public positions for higher earnings in a private facility and created the need to incentivize workers to stay. This was dealt with through rapid recruitment of personnel and certain easements of wage thresholds during certain periods of the crisis.

Conclusion: A policy should be formulated to determine the scope of activities of private and public laboratories, and a reserve force of lab workers should be trained to maintain institutional knowledge.

Mr. Prosper Ben-Hamo, chair of the workers committees at HMO Clalit, described the initial phase of the pandemic and the hysterical atmosphere that prevailed. This was followed by shutdowns of various departments and their replacement with Covid treatment sites that required specific accessibility and separation measures. People were forced to function while wearing cumbersome protective equipment and breaks after every two hours of work. Community clinics opened Covid sites so that many people were directed there instead of overburdening the hospitals. A central laboratory was established to replace the scattered testing sites that existed previously. Negotiations with workers were conducted to determine compensation. Some activities were outsourced to private hospitals and labs. Despite all these changes, when the peak of the crisis passed most of the work was returned to public institutions. However, there is still a shortage of medical staff and wages are too low. During labour conflicts, hospitals often reduce workload and outpatient clinics stop providing services, although these measures are restricted to avoid any potential harm to hospitalized patients. Workers were not given unpaid leave and instead were assigned to other tasks. Some administrative workers worked from home. All parties understood that negotiations were necessary to come to some agreement.

Adv. Avi Edri, chair of the Transport Union and the Histadrut Workers' Un unionized Division, described the very different situation of the ports and airports when compared to other sectors, as most activities were shut down during the crisis. Drivers were made redundant as schools were shut down. The State ignored the needs of the self employed.. this was a watershed moment. solutions were found in real time. We cannot return to a

situation in which solutions are provided for public frameworks but not to private frameworks. We must begin rehabilitating entire industries related to airport services, tourism, catering, and taxi services. The State played no role in helping these sectors. In one airline company oral negotiations were held, and an agreement reached to reduce salaries by 50%; some planes were converted to carrying loads. Other companies suffered worse circumstances due to shutdowns and did not reach agreements. Vacation days were used but companies faced liquidity problems. The State determined conditions for assistance and continued operations yet provided no means to alleviate the situation. Instead, the State demanded proof that workers were in fact being employed and demanded that others not employed be laid off. Some airlines reduced pilot salaries while others refused to do so. The Histadrut allocated its own funds to assist with increased severance pay for those workers laid off. Other workers chose to leave and found positions in the aerospace industry.

Following the Covid crisis, the State quickly retreated from all assistance to most sectors.

Conclusion: Workers must be recruited and provided with suitable training. Preparations must be made to avoid situations like this in the future and prevent further shutdowns. Negotiations must be held to discuss alternatives for continued operations and employment. Adjustments must be made for emergencies so that industries and sectors can continue to function. The State and social partners must play a role in this important task.

Ouri Beery, representative of LAHAV, the Israel Chamber of Independent Organizations and Businesses, described the state of independent businesses during the crisis and the hit they suffered from unpaid leave of their workers. Currently there is still a shortage of workers of various levels and professions, and the situation has not stabilized since they returned to work. New workers demand higher pay and existing workers are leaving their positions. Employer-employee relations must not cut down, even in times of crisis. Many workers report a new sense of freedom and changed

perspective on the value of work. One must assume the sector of unformal workers will continue to grow and this will prove detrimental to State revenues and public order.

Concluding session

Panel speakers included Mr. Micky Drill from Friedrich Ebert Stiftung, Dr. Gadi Nissim, IIRRA Chairperson, and Mr. Maurizio Bussi from the ILO. All discussed the conference's importance in view of the great crisis that had already occurred and those we may unfortunately face in the future. The conference topics are relevant and open the door to collaborative thinking and action. It is important to recruit all central factors in the economy to consolidate an action plan based on possible scenarios with full collaboration of social partners and the government. Conference discussions make evident the ongoing connection between real-time events, academic research, and comparisons with events occurring around the world. This allows for in-depth analysis and application of lessons learned through research. Action will be taken based on understandings gained throughout these crises, and what we have learned to act more effectively in the future. It is important that employers and workers all be engaged in this thinking and planning process to better formulate clear stances. Issues of safety and sanitation provide common ground for all actors to reach joint agreements.

Recommendations

Strikes in essential services

- Not agreeing to proposals for mandatory arbitration
- Requiring mediation as an assistive tool in collective negotiations. Another option would be publishing formal proposals from the mediator for conflict resolution. This step will provide a starting point and focus for resolving conflicts
- Workers in essential services must activate minimal/alternative service during strikes in the mentioned essential services
- It is important to define what exceptions can be made in essential service strikes.

Recommendations following the discussion on emergency situations

- The starting point should be merging the two polarities of emergency and routine into an “emergency routine” mode. This approach is particularly relevant in a world expecting more frequent crises such as pandemics, climate catastrophes, earthquakes, and floods.
- Improving the working conditions of essential workers and not taking for granted their work during times of emergency.
- It appears essential workers include an array of professions that constitute a substantial number from the labour force but their activities and contribution to the economy, to the lives of citizens, and to the State are not acknowledged nor compensated for. This must be addressed.
- In view of data presented by the ILO, wages and work conditions of essential workers are relatively low.
- Wage gaps are particularly acute between men and women
- Solutions must be found to make work hours and schedules more flexible during times of crisis. This can be accomplished through negotiations and collective agreements that are put into effect during emergencies.

- Migrant workers must receive appropriate compensation and benefits in view of their contribution to the welfare and economy of the State, particularly during large-scale events.
- Social partners must consider their obligation to be active in formulating emergency plans and their central economic responsibilities during crises to workers and their families.
- The conference included a proposal for the establishment of work groups comprised of all conference participants with ILO researchers to focus on several specific issues and expand knowledge and recommendations to bring about practical solutions for select matters and operational plans for their resolution.