



LABOUR AND SOCIAL JUSTICE

UNLIKELY UNIONISTS

Organised labour in the Israeli ICT sector

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The expansion and liberalization of global labour markets have become the catalyst for a labour crisis in Israel's flagship industry, including mass layoffs and subsequent unionising attempts by ICT workers.



Successful organizing in the ICT sector built on the trade union's ability to mobilise institutional power and promote changes in Israeli labour laws. On this basis, the creation of associational power among ICT workers was supported and work councils in previously unorganized workplaces formed.



The organising of ICT workers harbours potential for trade union revitalization even beyond the sector.



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»**Trade Unions in Transformation 4.0**« examines unions' strategic actions to mobilize power resources in a »new world of work« in which capital uses digital technology to re-organize the labour process. The Global Trade Union Programme of the FES aims to understand how the power balance between capital and labour is impacted and how workers are responding to the threats of the digital rollback towards greater exploitation and precariousness of workers. Pursuing a dialogue and action-oriented approach, the project ultimately intends to contribute to trade unions' strategic reflections, experimentation and purposeful transformation.

Content

1	INTRODUCTION	2
2	DIGITAL ECONOMY AND THE ISRAELI ICT SECTOR	2
3	REVITALISATION PROCESSES – BUILDING INSTITUTIONAL AND ASSOCIATIONAL POWER	3
4	ACHIEVEMENTS FOR WORKERS IN NEGOTIATIONS AND CBAS	8
5	CONCLUSION	9
	Bibliography	11

1 INTRODUCTION

An unprecedented unionising trend has been witnessed among Israeli ICT workers since 2014, leading to the formation of the first works councils in this sector and the first CBAs being concluded by workers and employers. This unionising momentum has come amid years of declining membership rates at Israeli trade unions. This paper examines the actions and measures taken by an Israeli trade union in the last decade in order to increase union density in the ICT sector – measures which were developed and implemented directly as a reaction to a growing interest among ICT professionals wishing to unionise their workplaces. The analysis includes a description of the labour market context in which unionisation has emerged, points to key structural and legal developments in the Israeli labour market as well as unions' restructuring and revitalisation processes and effective use of different power resources. The paper furthermore highlights the main features of successful union work, concluding with an examination of short and long-term implications of this trend for workers and unions.

The paper is based on qualitative research, primarily in-depth interviews with trade union officials and ICT professionals who have become works council leaders at their companies. Nine semi-structured, open-ended interviews were conducted between November 2017 and November 2019, covering six companies operating in the ICT sector. All interviewees were men, aged 35 to 47. To complement the interviews, media coverage on the issue was canvassed and analysed. All trade union officials but one were men, as well as all employers and legal counsel involved. This is one of the limitations of this research, and is addressed in the conclusion.

The »Power Resources Approach« (Schmalz & Dörre, 2014) is applied as a theoretical framework, showing how union and workers managed to tap into each other's power sources and amplify them. Two main pillars of union work were central and effective in the course of the events described here: *first*, the union was successful in promoting key changes in Israeli labour laws, providing some advantages for workers wishing to unionise. Improving the legal standing of workers is a firm example of building and utilising *institutional power*. *Second*, the union implemented a revitalised organising approach that supported the formation of new works councils in previously unorganised workplaces, namely in the private sector. This has substantially increased unions' *associational power*. The increase of institutional and associational power came vis-à-vis long years of erosion in its structural and societal power sources.

The observed trend challenges many pre-existing assumptions regarding ICT workers and organised labour in the digital economy, and suggests that ICT professional can and will turn to unionisation when faced with sufficient pressure, and that unions can creatively restore their relevance while utilising different power resources in the new labour markets by combining traditional union work with adaptive approaches to unionising in high-tech labour markets.

To date, membership rates in the Israeli ICT sector are still marginal, with there being several thousand unionised workers in an industry of more than 300,000 employees. Nevertheless, the phenomenon of successful unionising in an industry traditionally showing no interest in organised labour functions is an interesting conjunction in terms of both union revitalisation, power sources utilisation and labour market trends. The significant role that the ICT industry plays in the Israeli economy, and the decisive efforts taken by the union to achieve an organising breakthrough within it, makes Israel's newly founded ICT works councils and union a contemporary and crucial case study.

2 DIGITAL ECONOMY AND THE ISRAELI ICT SECTOR

At the centre of this paper are workers in the Israeli information and telecommunication sector – highly trained, highly skilled professionals, who code software, analyse data, program new digital instruments and manage different aspects of advanced Information Technologies. It is believed that ICT workers, positioned at the heart of the digital economy, and the neo-liberal capitalism that serves as its ruling political system (as pointed out by Harvey, 2005), tend to internalise and accept the logic and values of the neo-liberal labour market. Since its inception, the ICT sector has relied on non-traditional employment relations, such as short-term, project-based contracts and high worker mobility between multiple knowledge and production centres (United States General Accounting Office, 2000). Initially, these new arrangements meant that employees in the sector enjoyed desirable working conditions as well as a substantial level of individual economic power, making unionising seem less relevant to them (Hossfeld, 1995; Robinson & McIlwee, 1989). Indeed, the existing literature on informational workers suggests that they are unlikely to have an interest in collective action, are generally hostile to traditional, Fordist-era labour market settings, and tend to oppose institutions for employment protection, such as trade unions (Milton, 2003; Rothstein, 2018) – a fact well reflected in low union density in this sector worldwide¹.

In Israel, the ICT sector accounts for a major share of the country's economy and is one of its leading export sectors, and its workers share similar conditions to their counterparts in other Western economies, namely high salaries and favourable benefits, coupled with low job security and marginal union membership rates (Fisher & Fisher, 2019a, 2019c). Many leading ICT firms have R&D sites in Israel, among them Apple, IBM, Microsoft, PayPal, Amazon,

¹ Recent figures from the American Bureau of Labor Statistics show that of roughly 4.3 million Americans employed in ICT, only 166,000 – or 3.9% – were union members, compared with a national average for all occupations of 10.7% (BLS, 2017). In Europe, UNI's European ICTS union report (UNI Global Union, 2017) indicated union membership among ICT workers at 4–5% in Germany (compared to 18% in all sectors), less than 15% in the UK (compared to 25% nationwide), and less than 5% in Belgium (compared to 55% for the country as a whole).

Facebook, Google, Cisco and Intel – the last being the biggest private employer in Israel, with more than 10,000 employees (Rabat, 2017). Israel has the world's highest concentration of engineers per capita and the highest concentration of high-tech companies in the world: 5,900 companies in 2014 – one company for every 1,448 citizens (IMFA, 2009, Hoffmann, 2014,). Government investment in the sector (as a % of GDP) places Israel highest among all OECD countries (Senor & Singer, 2009). In 2019, 307,000 workers were employed in the sector, accounting for 9.2% of total employees (CBS, 2017; Rabat, 2019). In late 2017, the average salary for a software developer was NIS 26,644 (equivalent to EUR 6,150), more than 2.5 times the average salary in Israel.

The Israeli ICT industry is composed predominantly of men, with women accounting for roughly 28% of all employees, thus replicating the well-known gender bias in the mathematics and technology fields. Gender pay gaps in the industry are 16% to 26% in favour of men; sectors with very few female workers (like microchip architecture or cyber security) are where the pay gaps are the greatest (Yablonko, 2019). In the Israeli context, the origins of this bias can be traced with surprising precision to the IDF's² technological units, which function as a major training apparatus that later benefit the civilian ICT industry. In these military units, women comprise 27% of service members (but only 17% in more elite »cyber« units), a figure that has doubled in the last 5 years, leading in turn to a steady increase in the share of women in the civilian sector (Yablonko & Aloni, 2020). Nevertheless, this increase is most marked in smaller start-up companies and with entrepreneurial ventures that sometimes offer less male-dominated environments, flatter hierarchies and greater work flexibility, which appeals more to family-oriented individuals.

The aforementioned fortitude of the ICT sector was challenged in the last decade, as a change took place in the composition and required qualifications of workers, at the head of the list being a surge in demand for mobile developers, big-data scientists and online marketing, coupled with a decrease in formerly prominent ICT branches, mainly telecommunications (Calcalist, 2013). This led to a global restructuring of the industry, as on the one hand, the rapid development of information and communication technologies and their integration into more and more industries and products fuelled exponential growth of the sector, leading to an ever-growing demand for highly skilled labour; at the same time, the pace of ongoing global labour market liberalisation allowed for an easier allocation of jobs and projects to offshore contractors, usually in emerging economies. High-speed information infrastructure, a growing core of highly skilled ICT professionals in these economies and the technological trend of decoupling software and hardware provided the latter more opportunities to replace workers from the Global North (Noronha & D'Cruz, 2020).

The aforementioned changes led many companies to change their strategic focus, making many workers redundant and leading to an unprecedented phenomenon in the Israeli ICT sector – waves upon waves of mass dismissals. Most of the unionising efforts examined in this research took place exactly at these companies – formerly leading »Flagship« actors in the local and global ICT industry, which turned to substantial downsizing and mass layoffs, prompting their workers to unionise in the hope of saving their jobs or to fight for better compensation.

These changes can also be observed in the context of workers' power resources: massive offshoring severely hindered workers' structural power, as firms became less susceptible to local disruptions; lacking significant cooperation between workers along global supply chains, and experiencing new competition on the global markets, the threat of losing local projects and positions for other countries became more daunting and real. Being an industry with no union membership, these workers also lacked access to their associational power, and were left to their own fate as mass dismissals began to take place.

3 REVITALISATION PROCESSES – BUILDING INSTITUTIONAL AND ASSOCIATIONAL POWER

Trade Unions in Israel

Organised labor in Israel dates back to 1920, with the founding of »Histadrut«, the General Federation of Workers in Israel. Supported by socialist governments in the first three decades of Israel's history (1948–1977), union density in Israel hovered at around 80%, with similar coverage levels (Bsoul, 2017). Histadrut managed to keep its high membership levels even during the big political sea change, which saw the Labour party's continuous rule over the period 1948–1977 come to an end and the rise of a liberal political and economic regime. In 1994, a complete revision of the Histadrut structure took place, disconnecting its trade union functions from other services it provided, notably its health care system. Detached from this major funding source and from many of its members who used its health care system, Histadrut followed a pattern among other trade unions across western economies, dramatically decreasing in size, with union density in Israel declining to 43% in 2000, a level which plummeted to 23% in 2012. In absolute numbers, this meant a decline from around 2,000,000 members in Israel in 1994 to roughly 400,000 in 2012 (Shtaubert, 2017)³.

In the Israeli industrial relations system, trade unions act as 'umbrella organisations', having sectoral divisions (or 'professional unions') that are represented at workplaces through works councils. In order to be collectively represented, workers must join one of the formal umbrella unions and found a works council, meaning that mobilizing at

² Israel Defense Forces

³ There are three other smaller trade unions in Israel, representing 140,000 workers, or 4% of the workforce).

the workplace and gaining access to legal counseling and advocacy can only be done via one of the legally recognized unions. While sectoral divisions/unions are allowed to negotiate with employers collectively, it is the works councils who are in charge of the daily matters concerning workers at their workplace.

Union revitalisation in recent decades

Union revitalisation refers to processes and strategies adopted by unions in order to rebuild union density and/or union coverage using innovative strategies, as well as constructing new coalitions along sectoral, local, national or international dimensions (Laroche & Dufour-Poirier, 2017). When desiring to revitalise, regain or enhance their legitimacy, unions can increase and diversify their membership composition by reaching out to new, formerly non-unionised sectors, offering potential union activists and members a place in the union (Heery, 2003).

When analysing the use of power resources by the union and by ICT workers themselves, as well as how they have tapped into each other's power resources, it is hard to address the two actors separately, as only an official union can negotiate on behalf of workers after they become members. This is a legal constraint that excludes »local« or autonomous workers' initiatives, forcing grass-root initiatives to tap into formal institutions. When the objective was to resist dismissals, workers were unable to reach results without the institutional and associational backbone of Histadrut and the mentoring they received from union officials. By adopting a strategic, proactive approach and methodology to rebuild its power and to increase its member base, the trade union (»Histadrut«) managed to increase and utilise its institutional and later its associational power resources. Institutional power was increased through new labour regulations that the union fostered and promoted, and following successful legal campaigns, creating favourable conditions for ICT workers wishing to organise their sector. Associational power was increased by developing and applying renewed organising techniques suited to the needs and interests of ICT workers.

An examination of union actions and achievements (legal and organisational) shows how these created an environment that was welcoming for ICT workers, and how ICT workers eventually injected new needs and perceptions back into the union.

Building of institutional power will be described through two significant events: the 2009 grand coalition agreements, brokered by the union leadership, and a 2013 Labour Court ruling in the case of the »Pelephone« works council. Building of associational power is addressed by the formation of a new »wing for unionising« at unions' HQ and by reviewing the union's revitalised organising approach and its efforts to unionise ICT workers.

The 2009 grand coalition agreements – the union's role in forging a political alliance

In February 2009, general elections were held in Israel. The liberal-national party, the »Likud« won with 22% of the parliamentary seats, while the labour party, »Avoda«, turned in an all-time low performance, receiving 11% of the votes and becoming the fourth biggest party in parliament. Ofer Eini, the Chairperson of »Histadrut« at the time, was appointed to the labour party's negotiating team, where he advocated a grand coalition, in return for concessions for organised labor (Globes, 2009; Mualem, 2009; Peled & Amsterdamski, 2009; Denesh, 2009; Ynet, 2009). These grand coalition agreements included a new regulation, forcing firms to negotiate with their workers over collective bargaining agreements (CBAs), whenever works councils were founded⁴. This regulation increased workers' institutional power and deepened the pre-existing right to organise, which was pivotal for future works councils in their interactions with employers, obligating the latter to acknowledge their workers' mobilisation and negotiate with their representatives. This manoeuvre should be assessed in the context of the politically challenging situation facing the Israeli labour movement – an all-time low performance in the general election, coupled with a sharp consecutive decline in union membership since 1994. In the receding condition of organised labour in Israel a decade ago, the goal of generating union membership in previously unorganised sectors was seen by the union leadership as crucial in order to rebuild its slowly eroding power. These ambitions might seem trivial at first glance to labour scholars and activists, as they expect unions to challenge decreasing membership rates anywhere and anytime; however, union involvement in fostering the grand coalition marked a shift from a defensive to a pro-active unionising approach, setting the legal ground for possible success in a sector with no union density. This manoeuvre was not consensual and was highly criticised in the broader labour-related political alliances for two different reasons. First, Histadrut was criticised for helping to bridge the gaps between the labour party and its political foe, the liberal-national Likud party, thus supporting the formation of the centre-right government in Israel (a trend that is still ongoing, as Benjamin Netanyahu is now in his 11th consecutive year as prime minister). This alienated many potential allies and supporters from Histadrut. The second reason related to an unusual concession made by the union leadership during these negotiations: the union agreed to a 50% cut in the yearly convalescence pay of all public-sector workers for the year 2009. In other words, the union decided that in order to foster future organising efforts in unorganised sectors, its members (mainly public civil service workers) would give up half of their yearly monetary compensation. This decision generated opposition from within and outside the union, with union leadership being

⁴ According to Israeli labour law, forming a work council requires the support of at least 1/3 of the workers, thus giving the newly founded council the legal »representative status« which in turn allows it to negotiate on behalf of the workers (Collective Bargaining Act, 1957: 33.8.1).

accused of prioritising internal organisational considerations over worker-focused issues.

Taking an active role, lobbying and influencing the grand coalition agreements, the union increased workers' *institutional power* by fortifying the available legal framework with the introduction of new labour regulations that could support unionising in the private sector. While pushing for these achievements, the union endangered its already low *societal power*. It is plausible that by promoting the grand coalition, the Histadrut leadership in a nimble move decided to move further away from the already diminishing societal forces of the broader social democrat alliance and to focus on growing its institutional power.

The union concessions point to another interesting application of its power resource – the unions' *associational power*. The unions' federative structure, governed by one central body, allowed its leadership to »sacrifice« short-term interests of one group of workers (public sector, which are the biggest group of workers in Histadrut) in return for concessions in the private sector. This allows workers themselves (through their union) to create favourable conditions for future organising; organised public sector workers are paving the way for non-organised private sector workers.

To conclude, the union played a decisive role in pursuing legislative change, as part of its strategy to increase membership in the private sector. To this end, it used its associational power in the form of a national federation (with a central governing body) to augment its institutional power. This decision was heavily criticised, and caused the union to suffer a decline in its societal power. This decline is hard to assess empirically, but it is clear that the unions' decision positioned it in opposition to other social democratic organisations that objected to the formation of the grand coalition in 2009.

Establishing the »wing for unionising« – associational power in practice

In 2010, shortly after the coalition agreements were signed, including the aforementioned legislative initiative, Histadrut founded a new wing dedicated to organising new workplaces and introducing new members to the union – the »wing for unionising« (Shtauber, 2017).

Previously, workers wishing to unionise were directed to the respective regional branches of the union to get consulting and legal advocacy. With the establishment of the new »wing for unionising«, this function became centrally administered by the national HQ of the union. Offices were designated, and a new team of young organisers (aged 24 to 30 then) were entrusted with the task of developing new unionising methods and techniques. The union also launched a nation-wide media campaign, targeting private-sector workers, making them aware of their labour rights, focusing on their right to organise and form work councils. A »hotline« and a website were opened, where union officials of the »wing for unionising« processed requests and inquiries from workers and invited them to coun-

selling appointments in which their cases were assessed and future measures could be planned. Positioned at national HQ, the new team was directly supervised by and responsive to union leadership, allowing close and unfiltered communications between them. Workers of the new wing had to develop and refresh the unions' organising strategies, methods and techniques that were rarely in use in previous decades. Following several months of self-training, and relying mainly on experiences gathered from the different regional branches, the team slowly started developing their »code of conduct«. This »code« reached its most developed form (to date) in engagements with ICT workers in 2014. Setting the unionising of new workers as a priority, while allocating resources and creating new positions to support these efforts demanded a significant change in unions' organisation and approach. However, this decision proved useful, as from that point on, for the first time since its major crisis in 1994 (when union membership began dropping sharply) new works councils were founded in the private sector. Between 2010 and 2017, some 100,000 new members joined Histadrut, after a works council was established at their workplaces (Cohen, 2017). By 2016, union density had grown to 27.1% – meaning a 17% surge in membership since 2012. This trend of successful unionising occurred in segments of industry formerly displaying no union density (Bank of Israel, 2013) – namely in private service sectors.

In 2012, following two years of intense preparations, a long-awaited breakthrough in unionisation took place. Workers in one of Israel's largest suppliers of cellular communication services, »Pelephone«, contacted Histadrut and expressed a desire to organise their workplace. Unionisation was successful, making Pelephone the first unionised private-sector telecommunication firm. Soon after negotiations started, management pressured individual workers to revoke their union membership, leading the union to take action with the Labour Court. In a landmark decision, the court ruled that once unionisation efforts took place at a company, managements had to allow organisers complete freedom to engage with workers and attain their objectives (Peled, 2012; Beor, 2013). In 2014 this decision was challenged by the National Employers Association before the Israeli Supreme Court, but was rejected by the High Court in limine, (Peled, 2014; Bramley 2014).

The »Pelephone« legal dispute and its outcomes played a key role in the ensuing unionisation trend in the Israeli ICT sector, as it squelched a very common fear among workers in the non-organised, private sector – the fear of persecution and acts of vengeance by management. This successful legal proceeding increased workers' *institutional power*, which was then to be used in the following period to support new organising efforts and increase membership.

Table 1.

Summary of unionising efforts

Firm	A	B	C	D	E	F
Main workers' concerns	Loss of trust in management	Decreasing job stability; offshoring	Decreasing job stability	Decreasing job stability; offshoring; loss of trust in management	Decreasing job stability; offshoring; loss of trust in management	Decreasing job stability; offshoring
Trigger to unionise	Deteriorating working conditions and benefits	Massive workforce downsizing; mass offshoring to India	10% cut in the workforce	80% cut in the workforce at the Israeli site	Massive workforce downsizing	Massive workforce downsizing
Time of unionising efforts	March 2014	May 2014	September 2014	March 2015	September 2015	June 2016
Duration of unionising efforts¹	6 weeks	failed	4 days	1 day	1 day	2 days
Status	Negotiations continue	no works council	CBA signed	Negotiations continue	Negotiations continue	CBA signed
Achievements for workers	N/A	N/A	voluntary redundancy plans; longer notice before dismissal; future layoffs to be negotiated	time-defined job stability; planned layoffs cancelled; re-hiring of dismissed workers	N/A	voluntary redundancy plans; retroactive pay raise; future layoffs to be negotiated

Source: author's calculation and interview

The »Cellular, Internet and high-tech« union (CIHT) – boosting associational power in the ICT

Soon after this, in early 2014, a harbinger appeared – a group of workers from a nation-wide provider of IT solutions (company A)⁵ contacted the union with the desire to organise their workplace. At that time, union officials had very little experience with IT professionals. Moreover, it was the first time that ICT professionals were the initiators and leaders in an organising attempt, and their colleagues were predominantly ICT workers as well. Firm A workers resented deteriorating work conditions and benefits, and decided to organise as they lost trust in their management's performance (see table 1 for an overview of the unionising efforts). Several weeks later, another group of workers approached the union. These workers (company B) employed by one of Israel's most successful software companies, were furious over mass offshoring coupled with mass layoffs. Two months later, it was the turn of another group – workers at an Israeli R&D centre of a major international software giant (company C), protesting management's decision to cut 10% of its global workforce and close a local lab.

Amidst this growing interest on the part of high-tech professionals, in July 2014 Histadrut founded the »Cellular, Internet and High-Tech« union (CIHT), entrusting it with the unprecedented task of promoting unionising in the ICT sector, forming works councils and negotiating CBAs. The decision to dedicate a new union to ICT and cellular workers (within the Histadrut, which acts as a federation of unions)

increased workers' associational power, as it allowed their special needs and problems to be moved into the focus, while at the same time sending a message to other, non-organised workers in the sector that Histadrut was willing to adapt to this end.

In the following three years (2014–16), three other workers' groups at ICT companies led unionisation efforts at their companies (companies D, E and F). In all three cases, severe downsizing of the workforce coupled with offshoring of positions and projects to shift to cheaper sites pushed workers to mobilise and form works councils.

What can be learned about organising in the ICT sector?

When comparing the different organising efforts in the Israeli ICT sector, some overarching similarities stand out that may be useful when addressing workers associational power. First, as previously mentioned, all companies whose workers decided to unionise were former »flagship« companies, and working at these companies used to be an ICT worker's dream, as it meant secure employment, high compensation and high social status. This gives way to the assumption that workers' high expectations from their companies may be correlated with growing discontent when these expectations are not met.

Secondly, it was senior workers, normally over 40 years old, who initiated and led the unionising effort. Some of them were junior managers (companies (B), (C), (D), and (E)) and some, regular workers (companies (A) and (F)). In both cases, these older workers felt more threatened by downsizing, and were more willing to lead or join a works council. At some companies, there was a marked rift between older and younger workers, with the latter being less worried

⁵ Until achieving the mandatory minimum number of signatures: 1/3 of the workers

⁶ Company names have been anonymised to ensure discretion and protect workers and/or ongoing organising efforts

about possible layoffs and redundancies, as they judged they could easily find a new job and even, potentially, one at a higher salary.

Another strong similarity is to be found in the motivations for turning to collective action. In four of six cases, workers mentioned successive instances of outsourcing and offshoring as a main catalyst for them to unionise. At company (B), unionisation efforts were sparked by a plan to lay off 25% of the company's local employees and replace them with cheaper Indian workers; at company (D), it was a plan to reduce the size of the Israeli R&D site by 80%, while keeping other global centres intact; at company (C), 10% of the workers were simply dismissed, with no voluntary or early retirement option. Company (E)'s Israeli site decreased its workforce from 1300 workers to 650 within two years; at company (F), 60% of the workers were laid off between 2007 and 2013.

The correlation between workers' perceptions of diminishing job stability and willingness to turn to collective action is significant, and one of the strongest commonalities found in the research. It should be noted that ICT workers' desire for greater job stability contradicts some of the existing literature, which argues that these professionals are less likely to state job stability and security as an expectation for their workplace, as they benefit from a flexible, liberal labour market and believe in its inner reasoning. In this context, the rift mentioned earlier between younger and older workers with regard to unionising might suggest that high-tech workers differentiate among themselves around age-related issues.

The gender perspective stands out due to its absence. Almost all interviewees in the research were men (as only male workers led unionising initiatives), which also applies to all the employers and legal counsel involved in the organising initiatives, and this is one of the limitations of this research. There is a need to investigate and articulate the different experiences of female workers in the industry. This is important for both empirical reliability and data credibility, and to allow unions to address ICT workers properly, as more and more women are being employed in the industry. As in every gender-stratified labour market, women and men can have very different experiences at their workplace – differences that should be thoroughly examined.

Organising the ICT sector – traditional and revitalised union work

To this date, the penetration rate of organised labor in the Israeli ICT sector is still quite marginal. The CIHT represents 20,000 workers, and 60% of them are union members. However, this figure includes all ICT, IT and cellular occupations without any occupational specifications, which means that the CIHT only represents several thousand workers in an industry of more than 300,000 ICT employees; nevertheless, the acute relevance of this case study derives not from the penetration rate, but rather from achieving success in a previously unorganised, »anti-union« sector. This relative success has paved the way for other private-sector worker

groups, and has helped reposition unions as a relevant actor in the private sector.

Analysing the unions' methods of engaging with non-organised ICT workers shows how they incorporated traditional organising work with an adaptive, renewed approach. Patterns and similarities have emerged, pointing to some specifications for union work in the sector; other, contrary patterns underscore similarities between ICT workers and worker in other sectors.

Worker-based initiative and leadership

An essential element in all organising efforts was the creation of an authentic workers' leadership group. Organising efforts were not solicited by union officials, but were the result of workers turning to the union for advice and assistance. Union officials saw this as a core principle of their activity and as a source of works council fortitude. A second aspect of »authenticity« was that workers alone (and not union officials) articulated their needs and demands from the employers, and these discussions set the framework for future negotiations. Authentic leadership was promoted for practical reasons – it was believed that only high-tech professionals would know what their concrete needs and difficulties are, and that these differ from those of workers in other sectors. Organisers knew that the »cut-and-paste« solution would not be geared to the needs of ICT workers. Another reason to promote worker leadership was that union officials were aware of the negative image ICT workers had of unions. In the current neo-liberal economic discourse, unions are portrayed as archaic and corrupt working-class institutions seeking only to protect jobs – completely in contradiction to the »new-world-of-labour« ethos that encompasses ICT. Therefore, unionising relied solely on workers' motivations and mediation skills with their colleagues. Union officials describe themselves as mere »counsellors« to the worker-led leadership, providing them with the legal knowledge and »tools« for organising. CIHT officials had continuous contact, ongoing communication and were available to works council members at all times. This meant that officials were always present when workers had to negotiate their moves, independently of whether the officials knew what should be done. Union officials believed it was important to show workers that they are not external advisors, but rather intimate partners and collaborators.

Discretion and confidentiality

Discretion and confidentiality were key in the execution of unionising attempts. These were applied to hinder managements' ability to disrupt the efforts; preparations for unionising were secret; organising became public only on »command day«, when the first workers signed up for the union. Whenever possible, a list of »supporters« (workers who supported unionising but did not want to get directly involved) was made for possible activation upon unionising, to allow core leadership groups to reach more signatories. Confidentiality did, however, hinder leadership groups' ability to create a wider circle of »supporters« at their company, posing another challenge for organisers.

Swift and »stealth« organising efforts

Despite being legally prevented from interfering, managements found indirect ways to disrupt unionising efforts and exert pressure on their workers (in one of the cases reviewed, this eventually prevented unionising). It was essential for organisers to reach the legally binding »1/3 threshold« quickly, after which unionising had to be accepted by the employers. Therefore, a key feature in all the efforts was the swift manner in which organising took place. Detailed planning, acquiring employees' phone numbers and emails, building a diverse leadership group with a presence at many branches of the company and having a coherent, easy-to-mediate list of demands based on workers' concerns, was essential for swift organising. At four companies, unionising was completed within days; at another company, 6 weeks were needed. As workers in ICT tend to change their workplace more often than in other sectors, and because negotiations in some cases drag on for 2 to 4 years, a constant worry for works councils was to avoid dropping below the »1/3 threshold«, as this endangered their representative status. The union tried to counter this issue by attaining and maintaining wider support among employees, by collecting more signatures than the necessary minimum, on average 60%. Increasing union membership above the threshold was seen as important to maintaining the associational power of workers, but was secondary to the aforementioned legal constraint, which was a source of great concern, as it was often challenged by employers during negotiations, who claimed that works councils no longer possessed representative status and were ineligible to negotiate on behalf of the workers.

This is an interesting example of the interplay between institutional and association power, showing how the former always depended on the latter, namely workers' ability to maintain and renew their support base. Whenever associational power was weakened, works councils were exposed to attacks by the employer.

Providing guidelines and restrictions

Union officials understood their responsibility for framing guidelines and restrictions in the struggle: *The first* was that workers must respect the law and should not carry out any illegal measures, either labour-related or otherwise. This was done for both external reasons (illegal union activity could lead to it being dissolved or the union fined) as well as internal ones (avoiding damage to union legitimacy among other workers). Disruptive labour actions, whenever applied, always followed mandatory legal proceedings. Union officials occasionally had to convince works council activists to abandon action plans that might result in violence or loss of control over a disruptive labour action, and make sure that all labor disputes and demos meet legal standards. The *second guideline* was that union activity must not endanger the profitability and sustainability of the company. To this extent, union officials distinguished between exerting relevant pressure on employers and actions that might cause long-term damage to the company. A common concern expressed by ICT workers with regard to unions was that they hinder productivity and profitability, and cause more

damage than they contribute something positive; By avoiding highly disruptive measures, the union attempted to gain legitimacy among these workers.

To conclude, the union developed a unionising technique that was relevant and useful for workers in the Israeli ICT sector. Its main features were the centrality of an authentic, worker-led core group that led unionising efforts at their companies; discretion and confidentiality were practiced to give organisers the element of surprise and to prevent managements from pressuring workers out of union membership; when planning was completed and unionising day arrived, execution was swift and usually successful, as organisers reached the minimal needed support within hours or days; union officials were in direct and constant contact with workers' leadership, providing legal, technical and even emotional support; it was the officials' duty to make sure that all actions were carried out with respect to the law, and that the worker leadership did not risk their legal status or their legitimacy among other workers.

4 ACHIEVEMENTS FOR WORKERS IN NEGOTIATIONS AND CBAS

In five of six cases, unionising was swift and works councils were formed; soon after, they were recognised by employers and negotiations started.

The sixth organising effort failed, as management was successful in stalling organisers while indirectly disrupting the formation of a works council. After failing to form a works council, the organisers (workers themselves) resigned, and the unionising effort ended. This shows again how associational power is pivotal in organising; once endangered, other power sources (institutional or structural) could not compensate for it.

In all the cases reviewed, workers' main concern in negotiations was to rebuild their job stability, either by preventing future layoffs, offering voluntary retirement schemes in case of inevitable layoffs and by extending due notice periods to allow workers more time to find a new job. As wages in the Israeli ICT sector are high, workers did not push for significant achievements here. When financial clauses were included in CBAs, they were secondary to other issues, and stipulated a symbolic pay raise as well as an annual bonus. Agreements included prolonging parental leave and a temporary reduction in hours of work for young parents.

At three workplaces (companies C, D and F), CBAs were signed. At two other companies, benefits for workers were achieved already during periods of negotiations, usually after the union carried out some sort of work-disruption activities. These measures varied from short warning strikes to full-day company shutdowns. Other disruptions included preventing technical support from a company's clients and refusal to train new workers. When unionising took place at companies undergoing reorganisation, workers managed to

receive guarantees from management that workers would be protected from dismissal until an agreement is reached.

A major concern for workers in the downsizing Israeli ICT sector was the possibility of immediate termination of their employment. However, out of loyalty to the sectors' meritocratic ethos, workers did not wish to oppose dismissals altogether; they wished to afford dismissed workers a prolonged period of due notice before termination of employment in order to allow them to find another job. In cases where dismissals were seen as inevitable by the works council, workers pushed for voluntary retirement plans. In other cases, workers argued for a defined period, in which management was not allowed to perform more layoffs. In cases where management replaced permanent workers with sub-contracted ones, workers succeeded in reducing or eliminating the sub-contracted labour, with the »subs« either being replaced by permanent workers or becoming permanent themselves.

5 CONCLUSION

Union membership in the Israeli ICT sector did not exist before 2014, as this private/privatised sector experienced a surge at a time when union membership was declining throughout the economy, and unions were far from being able to recruit new members. A decade ago, Israel's largest union, Histadrut, decided to counter this decline by approaching unorganised workers in the private sector and offering them new, adaptive methods for organising their companies, while pushing for legislative changes that could give workers some needed leverage over their employers. Amidst a decline in societal and structural power, successful legal proceedings and political conjunctures allowed the union to increase its institutional power source, setting the ground for future unionising endeavours.

Union officials of the CIHT and the »wing for unionising« developed and implemented unionising techniques resulting from their interaction and engagement with ICT professionals, contacting the union in 2014–2018 with the intention of forming works councils at their companies. While implementing their organising methods to unionise in an ideologically hostile environment lacking any union membership, union officials faced a double challenge, as hostility was experienced from both employers and workers, who traditionally showed no interest in unions and even saw them as counterproductive, corrupt and obsolete »blue collar« institutions.

The union developed a unionising technique suited for the needs of Israeli ICT workers, with its main features being formation and guidance by an authentic and diverse group of workers' leaders; workers themselves articulated their demands towards employers, while union officials acted as »counsellors«; discretion and confidentiality were respected, with the aim being swift action; union officials committed themselves to total availability for workers.

These actions resulted in the formation of the first works councils and the first CBAs in the Israeli ICT sector, significantly increasing workers' associational power.

When a works council was founded, employer's discretion was somehow restrained; dismissals were postponed or cancelled, workers gained longer due notice periods and better compensation plans upon dismissal, and were sometimes offered voluntary retirement schemes. These achievements are remarkable when observed in the context of an industry completely lacking unionised workers until recently. Despite repeated statements from employers and industry leaders predicting that unionisation in the sector would push multinational corporations out of the country, the Israeli ICT sector did not experience any decline on this account.

This paper suggests that, contrary to the common assumption, eschewing unionisation is not a constant in the ICT sector, and is instead historically dynamic: when faced with sufficient pressure, and addressed adequately by unions, ICT workers can and do turn to collective action and can utilise their power resources effectively.

The story of the CHIT union points to some interesting insights regarding power resources and interrelationships; after suffering long years of erosion in its associational, structural and societal power, the trade union risked its existing societal power in favour of institutional power, supporting grand coalition agreements; these agreements eased the preconditions for establishing new works councils, injecting long-needed vitality to union ranks. Nevertheless, the backbone of this slow transformation remained associational power – workers' ability to effectively organise their workplaces and confront employers' discretionary power over questions such as wages, layoffs and organisational changes. Whenever associational power was at risk, employers tried to undermine union legitimacy and in one case actually achieved the dissolution of a works council.

Today, the CIHT continues to act as an occupational division inside Histadrut, and its officials still negotiate CBAs with employers; the works councils continue to deal with daily topics, and with keeping the membership rates well above the mandatory 1/3 threshold. After 2018, no new ICT unionising took place, although some workers' groups did contact Histadrut with preliminary enquiries that did not mature into actual organising efforts. Currently, the CIHT is trying to build stronger coalitions between the different workers' groups it engages with – engineers, service providers, hardware and software developers, cellular communications, and so on.

In conclusion, I would like to point to another, less direct achievement in successful unionisation of the ICT sector: By attaining union density in the new »digital economy«, unions have been bridging the gaps between workers' groups that were until recently rather disconnected from one another – »traditional« blue collar workers, service workers, knowledge workers, subcontracted workers, state

employees, civil servants, etc. In their attempt to regain relevance and increase membership, trade unions can promote a cross-industry, nation-wide alliance of workers – an objective that can be attained only when all sectors of the economy are unionised. This would be a major achievement for organised labor, and one that should not be underestimated.

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Organised labour in the Israeli ICT sector



Recent years have brought great instability to the Israeli information and communication technology (ICT) sector, one of Israel's leading export sectors. This industry employs tens of thousands of knowledge workers, with high salaries and favorable benefits, but accompanied by extremely low job stability and a lack of union membership. Digital transformation has been restructuring the sector: The integration of ICT into ever more industries has caused an almost exponential growth of the sector. However, the expansion and liberalization of global labour markets have gradually allowed for the allocation of jobs and projects to offshore contractors, usually in emerging economies.



As a result, many Israeli ICT companies resorted to severe workforce downsizing. Mass layoffs, however, became the main catalyst for workers in the industry to organize and turn to traditional trade unions which had thus far been virtually absent from the sector. This has become an opportunity for trade unions to reestablish their relevance in the new labor markets by combining traditional union work with adaptive approaches to unionizing.



In Israel, two main union strategies worked: First, the union was successful in promoting key changes in the Israeli labor laws, providing some advantages for workers wishing to unionize. Second, the union implemented a revitalized organizing approach that supported the formation of new work councils in previously unorganized workplaces. The case study suggests that unions can creatively rebuild their relevance and utilize different power resources in the new labor markets. The integration of previously unorganized ICT workers into the trade union, in turn, has the potential to vitalise organized labour and thus to promote broader political transformation.

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