



***An Enormous Precedent Setting Victory for the Histadrut:
An Important Day for the Freedom of Association in Israel -2.1.13***

The National Labor Court decided today that the employer has no right to intervene in or express their opinion on initial organizing of employees. The Court thus accepted the position of the Histadrut, which the Attorney General also supported.

In its ruling, the National Labour Court noted the implementation of the right of association in different countries around the world.

The Histadrut filed the lawsuit to the Court in the wake of the conduct of Pelephone's management that tried to thwart the organizing of workers. The court also determined that Pelephone's management would refrain from presenting its position regarding organizing in any way to its employees.

The Court ruled that:

- a. The company will not track employees that organized, or employees who have chosen not to organize, through managing lists, or otherwise;
- b. The company will refrain from presenting its position regarding the organizing, at explanatory conferences for employees arranged by the Histadrut on company grounds, in private or group meetings with employees, by electronic correspondence, or otherwise.
- c. The company will refrain from presenting to employees the disadvantages that it believes exist in joining an employees' organization and implications of the organizing on the economic or other activity of the company, including directing position papers to employees and promoting its opinions about the organizing.
- d. The company will not track employees exercising their right to organize, including managing lists regarding the names of employees who signed the membership forms to the employees' organization.
- e. The company's remarks about the extent of the damage that is liable to be caused as a result of the organizing and harm to its ability to compete with competitors, including the contents of the CEO's letter, even if true, constitute expressing an invalid and forbidden position.

The National Labour Court instructed that "Pelephone will refrain from initiating personal meetings with employees, with groups of employees, regarding exercising the right of association; and that the company will not use the means of communication at its disposal and its access to employees, in spreading messages against the organizing, through text messages to cellular phones or distributing letters to employees through e-mail".



Histadrut Chairman Ofer Eini said in response to the court ruling: "This is a historic day for the freedom of association of the workers in Israel. I am certain that this ruling will lead to the organizing of many workers in all sectors as they decide about their future without any pressure of intervention of the employer. I call on all workers in Israel: take your destiny in your own hands, get up and organize without fear because this is the only way to improve your situation."

Chairman of the Histadrut Trade Union Division, Avi Nissenkorn: "This is a historic decision for the Israeli democracy and freedom of association in Israel. From today, the decision whether to join an employees' organization and form an employees' committee will be solely in the hands of employees, and only in the hands of employees, without any need on their part to consider the wishes or opinion of who employs them and is responsible for their livelihood and income."

The legal management of this important case was led by the Legal Advisor of the Legal Department of the Histadrut Trade Union Division, Attorney Maya Perry Alterman, her deputy, Attorney Iris Vardi and Attorney Orna Lin.