

# Escalation in struggle to reinstate head of a Palestinian workers' committee in settlement garage: WAC-MAAN appeals to National Labor Court

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On January 12, the independent Trade Union Center WAC-MAAN appealed the Jerusalem Labor Court decision from 28 December 2014. The appeal, filed in the National Labor Court, demands the reinstatement of Mr. Hatem Abu Ziadeh, the head of a Palestinian Workers' Committee at the Zarfati garage in Mishor Adumim. The appeal came after the lower Jerusalem court refused to reinstate the workers' leader and surprisingly asserted that the employer's refusal to negotiate with the committee was done in good faith.

The appeal, submitted by Attys. Amir Basha and Moran Savorai from the Benny Cohen Law Offices, as well as Atty. Aya Bartenstein, WAC-MAAN's legal advisor, notes a string of serious flaws in the lower Court ruling regarding the dismissal of the workers' committee chair, and regarding the employer's behavior towards WAC-MAAN, which is the representative workers' organization at Zarfati. Among a range of issues, the appeal notes that:

1. The court ignored the fact that during attempts to dismiss the workers' committee chairperson Hatem Abu Ziadeh, in July 2014, the employer changed the reason for dismissal at least three times within a few days. In the end he accused Abu Ziadeh of sabotaging a military vehicle; he even filed a complaint with the Maaleh Adumim police against him, which meant the automatic revoking of his permit to enter the Mishor Adumim industrial zone (this has kept him from work for 5 months so far). The charge was later canceled: the police closed the file against Hatem and the [Attorney General wrote](#) that the authorities do not object to his return to work. Despite this, and despite the fact that the complaint file has been closed, the court accepted the employer's account.
2. The court ignored the clear link between efforts to dismiss Abu Ziadeh and steps taken against the workers' representative organization, as well as the attempts to "persuade" the workers to rescind their membership in WAC-MAAN, attempts to break the strike by hiring other workers, and the attempt to set up an alternative workers' committee under the employer's auspices. Despite these acts, the court ruled that the motive for dismissal of Mr. Abu Ziadeh was not connected to his role as union activist. The judge did not force the employer to pay the compensation determined by law in such a case (up to NIS 200,000).
3. Contrary to laws that regulate the organizing of workers, the court determined that although the employer broke the law, he did so in good faith (!) because he identified WAC-MAAN's work as political activity stemming from the opposition of this union to the Occupation, and not as legitimate trade union activity. This is a baseless and absurd claim, which undermines the legal foundations of a representative workers' organization, and enables every employer to act against worker-organizing on the pretext that the organization is acting in accordance with an ulterior agenda.
4. These court decisions are puzzling in light of the fact that the court has recognized WAC-MAAN as the representative organization at the Zarfati garage. The decision also contradicts the court's assertion that if the workers had not organized with WAC-MAAN, their employment terms would have remained below the minimum prescribed by law, and that the improvement in employment terms did not stem from the employer taking the initiative but from WAC-MAAN's intervention.



Hatem Abu Ziadeh. Photo: Shay Wagner

This is an important appeal because it pertains to a legitimate workers' struggle in which the employer ignored the law, and the court must support the organizing effort in order to prevent this. Moreover, this struggle is particularly notable as it is the first attempt by Palestinian workers to demand their rights to organize according to Israel's Collective Agreements Law, and to negotiate towards a collective agreement with the assistance of an Israeli workers' organization.

*Translated by Yonatan Preminger*