



פורום המרצות | מנכדי מחאצרות
המרצים למשפטים | ומחאצרי القانون
למען הדמוקרטיה | من أجل الديمقراطية
The Israeli Law Professors' Forum
for Democracy

The Israeli Law Professors' Forum for Democracy

Summary of Position Paper No. 36: on the Right to Strike in the Context of the Crisis

Published March 23rd, 2023 ^{1*}

Abstract: The Israeli Law Professors' Forum for Democracy, an ad hoc and voluntary group of experts on Israeli law and specifically Israeli public law, expresses its grave concern over the apparent intention to abolish the independence of the judiciary, to subordinate it to the government and to the partisan political considerations of the executive branch, to undermine the independent status of the attorney general and civil service legal counsels, and to violate human rights. **This paper examines several practical issues in response to questions received by the forum concerning the right to strike in the context of the current protests.**

- **If the strike is aimed at objecting to actions taken by the government in its capacity as governing body, as opposed to opposition to the government as an employer or to working conditions, it is considered a political strike, and is not recognized as a**

^{1*}We, members of the Israeli Law Professors' Forum for Democracy, hold different academic views regarding the details of the various reforms proposed by Israel's 37th Government to change Israel's democratic regime. However, we are united in the opinion that the host of the government's proposals - which are an unprecedentedly severe attack on the independence of the judiciary, the Attorney General and government legal advisors, the police, the military, and public broadcasting - will seriously damage the rule of law and Israel's democratic character. Therefore, we joined this forum to make our professional opinion available to the public at this fateful time. The position papers or other professional materials produced by us reflect the prevailing position among the members, even if they are not unanimous. The list of Forum's members and all position papers on our behalf are available at <https://lawprofsforum.org>. Follow us on Twitter: <https://twitter.com/lawprofsforum>. Contact us: lawprofessorsforum@gmail.com.

“strike” under Israeli law, and the strikers are not entitled to protection under Israeli labor law.

- **However, in certain circumstances, a strike that protests actions taken by the government will be recognized as a “strike” and confer legal protection on participants. This applies to an economic strike that is carried out in an organized and coordinated manner with respect to working conditions or labor relations. “Quasi-political” strikes, which are strikes directed against governmental actions (in this case, legislation) that have direct consequences on labor relations and working conditions, are also protected. However, the duration of quasi-political strikes is restricted, and employees’ measures to exert pressure are also limited.**
- **Creative ways of protesting can be considered, such as “virtual strikes” that exert pressure but do not affect customers or the public at large.**