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Union Strikes in Palestine and Their Impact on the Provision of Public Services

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Executive Summary:

“Union Strikes in Palestine and Their Impact on the Provision of Public Services”

Introduction:

Due to the financial and economic deterioration the Palestinian Authority is experiencing, the Palestinian government has faced a wave of repeated strikes over the past three years. These strikes, which involved various sectors, both public and private, have significantly impacted political and social stability in Palestine. The disruptions have affected vital sectors in Palestine and hindered the Palestinian citizen’s right to access public services.

The government has been unable to fulfill its commitments to the unions due to a financial deficit. This deficit is caused by the Israeli occupation’s financial restrictions and the government’s unilateral decision-making in financial and human rights matters, intensified by the absence of the Palestinian Legislative Council and the weakness of oversight institutions. This occurred within the context of international human rights conventions, Palestinian law, and laws from other countries that emphasize the right to strike, while also restricting its exercise in accordance with national laws and established provisions and controls.

Therefore, the right to strike is not absolute and unregulated; it must be codified and restricted to ensure it does not exceed its intended goals, aiming to avoid harm to the public interest when exercised by strikers.¹ The Palestinian legislator constitutionally guaranteed the right to strike. The amended Palestinian Basic Law of 2003, in Article 25, paragraph four, states that “the right to conduct a strike shall be exercised within the limits of the law.” Similarly, the Palestinian Labor Law of 2000 enshrines the right to strike in Article 66, which declares: “According to the provisions of the Law, the workers’ right to strike is a guaranteed right in order for them to defend their interests.” Article 67 of the same law outlines the procedures that must be followed to exercise this right.

This research will monitor union and student strikes, including those by employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the mechanisms used by the government and employers to address these strikes. It will analyze the impact of these strikes on citizens’ right to access public services and examine the state of political and social stability in the Palestinian territories as a result of these strikes.

¹ The Independent Palestinian Commission for Citizen’s Rights: The impact of the public employees’ strike on vital sectors in Palestine (courts and public prosecution, education, health, transportation, economic sectors, and civil status) from late August to mid-November 2006.

The Research's Problem:

The financial deterioration that the Palestinian government is experiencing—due to the occupation's piracy of Palestinian funds, the ineffectiveness of austerity policies intended to address the financial deficit in the Palestinian treasury, and the absence of the Palestinian Legislative Council—has raised many issues.

The most significant problem is the government's inability to fulfill the rights of workers in various sectors of Palestinian society. Additionally, the government has been making financial and human rights decisions unilaterally, without oversight, due to the absence of the Palestinian Legislative Council and the weakness of official oversight institutions.

This situation necessitates addressing the research's main question: Does the deterioration of the Palestinian financial treasury and the recurrence of union strikes infringe on citizens' rights to access services, thereby causing economic and social consequences for them?

The Rationale for the Research:

This research highlights the extent of the pressures and damages Palestinian society faces due to repeated strikes, and the continued suffering of citizens from their lack of access to services guaranteed by Palestinian laws and legislation.

It is essential to shed light on the obstacles that prevent the fulfillment of strikers' demands and to examine the alternatives offered by the government or employers to ensure citizens' rights to access services disrupted by strikes.

Importance of the Research:

The importance of this research stems from its approach to providing solutions that address the obstacles to two rights guaranteed by the Palestinian Basic Law: the right to union activities and the fulfillment of their demands, and the right of citizens to access services.

Purpose of the Research:

The research aims to analyze the trends and patterns of various union strikes in Palestine and to identify the factors that led to these strikes. Additionally, it seeks to achieve the following sub-objectives:

- Examine the impact of union strikes on citizens' ability to access public services, such as education and health, and explain the social, economic, and political ramifications.
- Investigate the impact of the absence of the Palestinian Legislative Council on union strikes.
- Provide practical recommendations and mechanisms to ensure a balance between the interests of trade union movements and the right of citizens to access public services.

Research Hypothesis:

Union actions demanding the rights of their members—especially the adoption of strikes as a permanent means to achieve these demands considering the government’s inability to address its financial crisis and set priorities—have negatively affected the basic services provided to citizens.

Research Questions:

To prove the hypothesis of the research, it poses a set of questions:

1. Did the financial situation of the Palestinian Authority contribute to the recurrence of union strikes?
2. Did government or employer policies in handling union strikes contribute to the increase of the strike phenomenon?
3. Did political parties play a role in achieving a balance between union demands and the citizens’ right to access services?
4. Did the strikes affect citizens’ right to access services?
5. Did the strikes impact the stability of the social and economic situation in society?

Recommendations:

The research resulted in several recommendations, including holding general elections to restore the separation of powers and prevent government monopoly and passing a law to regulate the work of trade unions and federations. It also suggests amending Law No. (11) of 2017 to ensure comprehensive regulation of the right to strike in public employment, establishing a gradual progression in protest tools and setting clear penalties for violations.

The research urges the government to enhance financial transparency, rationalize expenditures unrelated to employee salaries, and amend the Civil Service Law to ensure fairness across all job categories, including examining the nature of professions and risk allowances and committing to the regular disbursement of the cost-of-living allowance.

The research also emphasizes the necessity of union independence, the non-interference of the executive authority, and the adoption of an open-door policy for dealing with unions, using effective negotiation and dialogue. Additionally, it urges early intervention in union crises and equitable distribution of financial burdens resulting from external pressures. It also calls on unions to adhere to periodic elections, gradually use demanding tools, and develop codes of conduct to prevent conflicts of interest. The research encourages unions, federations, and student councils to avoid excessive use of

strikes, prioritize the public interest, and not use strikes to influence citizens' access to basic public services.

It also requests the Department of Refugee Affairs to organize pressure campaigns to increase funding for UNRWA and calls on civil society organizations to support student councils in separating political and student activities. Lastly, the research stresses the necessity of adopting a national charter prohibiting general strikes, adhering to judicial rulings, and respecting their implementation.