

May 28, 1993

STRIKES THAT ARE TOO BITTER TO SWALLOW

ONLY a few days ago, many of our fellow citizens were lying in hospitals, seriously ill, racked with pain, begging in vain for painkillers.

Too weak to leave their beds, they continued for days (as reported in The Jerusalem Post and elsewhere) to lie on urine-soaked sheets. They had been abandoned by their nurses - a living demonstration of the supremacy of the right of Israeli workers to go on strike. This right supersedes every other law of morality and humanity in our society.

Any person ordinarily even partly responsible for causing such exquisite suffering would face a jail sentence or be sent away for psychiatric observation. These victims of the strike were denied the protection of any laws of the land. If a policeman were called in to react to the scene of cruelty, all he might do is shed a tut-tutting tear.

There is nobody against whom he could lay a charge. The people directly responsible are manifestly protected by that overriding right to go on strike. In the event, some of the patients had their conditions eased by family or friends.

But their clinical condition, the condition for which they were hospitalized, was certainly not improved. Their illness was certainly exacerbated, their resistance weakened. No physician will deny that their life was very probably shortened.

Children were somewhat better off than adult patients. In most cases mothers and fathers came in to attend to them. But what of long-range damage to their health? The director of the Children's Medical Center at the Beilinson Hospital, Professor Yehuda Danon, said he had "no doubt" that the condition of some children would suffer long-term damage as a result of the postponement of treatment during the strike.

It seems unbelievable that this point has to be labored. After all, every few years the scenario is repeated. The next time around it could happen to you - or to your child.

Has the time really not come to say "Enough. This barbarism must be tolerated no longer"? That the nurses' cause was beyond any doubt whatever. Underpaid as they are, it was a shameful decision on the part of their employers, Kupat Holim Clalit, to reduce still further their meager earnings.

The nurses are the last people in the world who should be expected to resolve the financial mess in which Kupat Holim finds itself. By what civilized criterion, however, can any nurse claim that because she is being wronged she has a right to punish and inflict suffering on innocent "bystanders" - and they, fortuitously, the most helpless section of the community? Why should it not be possible for the nurse to fight for her rights in a decent, honorable fashion? Why should the dispute not be brought, like every other dispute, before a court, presided over by a judge? Israel has a most highly respected judicial system. Its judges have naturally, in the course of their experience, dealt with the most complicated issues imaginable.

There is no conceivable rational reason why they should not be able to adjudicate conclusively in labor disputes. There is no rational reason why the Knesset should not pass a law to outlaw strikes in all public services where the community at large, or any specific body of people, can be made to suffer or have their rights abrogated because of a dispute between the institution and its workers. Under an Obligatory Arbitration Law,

courts would be established to adjudicate in the dispute from the moment of its outbreak.

Failure to implement its decisions would be punishable. IN the past (and the community has a long, painful and sometimes violent history of strikes going back to the 1920s and 1930s) the idea of obligatory arbitration was rejected out of hand by the Histadrut. An arbitration system, where the dispute would be viewed objectively, without the intrusion of sectional influence or power, would inevitably reduce the power of the Histadrut - without whose authority no strike is launched or recognized.

It is the neutral arbitrators who would in effect become the protectors of the workers' interests. However, the Histadrut, by definition designed to care for the interests of the workers, has also become one of the major employers of labor in a gigantic economic "empire." The nurses have now become at once the instruments and the victims of the ultimate absurdity of that dual role. The pressure on them by Kupat Holim may be likened to the behavior of the 19th-century capitalists toward their workers.

Those workers, who had no other means of redress, were the first strikers. But they never used sick people or schoolchildren as hostages. It is not the labor movement alone, trying to hold on to its power, which can be held responsible for the perpetration of these disgraceful strikes.

Much blame must be laid at the door of the Likud. For years, while in opposition, it promised to introduce legislation for obligatory arbitration when it came to power. When it did come to power, it dropped the issue like a hot brick.

It took fright. It claimed that the labor leaders threatened a general strike. It did not even try to educate and mobilize public opinion.

It tamely gave in. But what about the "official" unsleeping champions of civil rights? Is it not a child's civil right not to have its education disrupted because the teachers are having a dispute with their employers? Is it not the right of its parents not to have their lives disrupted? Is it not a civil right of every citizen who has, moreover, paid for medical attention, to receive that attention? And his children? Is it not clear that every strike in a hospital or a school, or indeed in any public service, is an attack on those civil rights? Why do we hear not a peep from the Civil Rights Movement, or from the exclusive Rabbis for Human Rights organization? Where are their protests, their demonstrations? Yet it is to the nurses themselves that we must turn. Surely it is they who, under the present system, feel driven to inflict anguish and pain and suffering - and possible lasting damage - on people entrusted to their care, who should take the lead in demanding a system of obligatory arbitration by nationally appointed judges.

More: they should mobilize the support of the doctors, and the teachers, and indeed all other workers in the public services. They would find tremendous public support; and they could become the healers of a nasty suppurating wound in our society.