

## **SHARON RABIN-MARGALIOTH**

Radzyner School of Law  
The Interdisciplinary Center Herzliya  
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### **WORK EXPERIENCE**

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#### **THE INTERDISCIPLINARY CENTER HERZLIYA, RADZYNER SCHOOL OF LAW**

Dean, Radzyner School of Law, *May 2012 - Present*

#### **THE INTERDISCIPLINARY CENTER HERZLIYA, RADZYNER SCHOOL OF LAW**

Areas of Research and Teaching: Labor Law, Employment Law, Employment Discrimination Law,  
Professor of Law, *Oct. 2011*  
Senior Lecturer, *Oct. 2004 – Oct. 2011*  
Lecturer , *Oct. 1997 – Oct. 2004*

#### **NEW YORK UNIVERSITY SCHOOL OF LAW**

Global Visiting Professor of Law, *Aug. 2008 - July 2009*

#### **HARVARD UNIVERSITY LAW SCHOOL**

Visiting Scholar, Labor and Work-life Program, *Sep. 2002- Feb. 2003*

#### **NEW YORK UNIVERSITY SCHOOL OF LAW**

Visiting Researcher, *Sept. 2001 - June 2002*

#### **MINISTRY OF LABOR AND SOCIAL SERVICES**

Legal Advisor, *May 1993- July 1994*

#### **MINISTRY OF JUSTICE**

Law Clerk for Adv. Rebecca Feldman, Deputy to State General Attorney, *March 1992- Aug. 1992*

#### **SUPREME COURT OF ISRAEL**

Law Clerk for the honorable Justice Gabriel Bach, *Feb.1991-Feb. 1992*

### **EDUCATION**

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#### **NEW YORK UNIVERSITY SCHOOL OF LAW**

J.S.D. Degree awarded *Sept. 1997*

#### **NEW YORK UNIVERSITY SCHOOL OF LAW**

LL.M. Degree awarded *May 1996*

Honors: Recipient of the Seymour Goldstein Prize for Academic Excellence in the Area of Labor Relations

#### **HEBREW UNIVERSITY SCHOOL OF LAW**

LL.B. January 1991; LL.M. July, 1994 *Cum Laude*

## **PUBLICATIONS IN ENGLISH**

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*Regulating Individual Employment Contracts through Good Faith Duties*, 32 *COMPARATIVE LABOR LAW & POLICY JOURNAL*, 663-683 (2011).

*The Market Defense* 12 *UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW*, 807-848 (2010).

*Love at Work*, 13 *DUKE JOURNAL OF GENDER LAW & POLICY*, 237-253 (2006).

*Women, Careers, Babies: An Issue of Time or Timing?*, 13 *UCLA WOMEN'S LAW JOURNAL* 293-334 (2005).

*Labor Market Discrimination Against Arab Israeli Citizens: Can Something Be Done?*, 36 *NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW & POLITICS* 845-884 (2004).

*Anti-Discrimination, Accommodation and Universal Mandates--Aren't They All the Same?*, 24 *BERKELEY J. EMPLOYMENT & LABOR LAW* 111-152 (2003).

*Cross Employee Redistribution Effects of Mandated Benefits*, 20 *HOFSTRA LABOR AND EMPLOYMENT L.J* 311 – 344 (2003).

*The Significance of Worker Attitudes: Individualism as a Cause for Labor's Decline*, 16 *HOFSTRA LABOR AND EMPLOYMENT L.J* 133-165 (1998). Also reprinted in the *Proceedings of New York University's 50<sup>th</sup> Annual Conference on Labor – Employee Representation in the Emerging Workplace: Alternatives/Supplements to Collective Bargaining* (S. Estreicher ed., Kluwer Legal International 1998) 41-74.

## **PUBLICATIONS IN HEBREW**

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*Good Faith Duties: From Substantive regulation to Procedural Protection* (forthcoming *LABOR, SOCIETY AND LAW*, 2012).

*Turning points in Israeli Employment Law*, 6 *HAIFA UNIV. L. REV.*, 1-25 (2011).

*The Practical Implication of Amendment 24 to The Wage Protection Law*, 7 *THE LAWYER* 111-114 (2010).

*The Market Explanation to the Gender Wage Gap: Analyzing Home-Center v. Orit Goren*, 50 *HAPRAKLIT L. REV.*, 447-494 (2010).

*Service Companies, Their Clients and the Workers Performing the Service: How to Effectuate Enforcement of Employment Rights*, 25 (2) *BAR-ILAN L.REV.* 525-562 ( 2009).

*Class Actions in the Employment Terrain: Are the Rules of the Game Changing?*, 32 *TEL AVIV UNIV. L. REV* 369-427 (2009) (with Alon Klement).

*Tips*, 38 *HEBREW UNIV. L. REV* 107-144 (2008) (with Yoram Margalioth)

*Regulating Voluntary Wage Discussions and Comparisons Among Non-Unionized Employees*, 30 *TEL AVIV UNIV. L. REV.* 189-228 (2006).

*Employment Businesses – Tax and Social Security Issues*, 20 *TAXES* 32-48 (2006).

*Behavioral Law and Economics and Employment Law*, 3 *IDC L. REV.* 123-159 (2005).

*Forward: On Equality*, 11 *LABOR, SOCIETY AND LAW* 189-193 (2005).

*Workplace Accommodation: Another Route to Advance Minority Groups* in *AFFIRMATIVE ACTION IN ISRAEL* 439-456 (Anat Maor Ed., 2004).

*A Labor Law Perspective of the New Economic Plan*, 10 LABOR, SOCIETY AND LAW, 285-306 (2004).

*On Work and Welfare*, 25 TEL AVIV UNIV. L. REV. 601-655 (with Yoram Margalioth, 2002).

*Age Discrimination in Israel: A Power Game in the Labor Market*, 32 HEBREW UNIV. L. REV. 131- 176 (2002).

*What's Left of our Protective Labor and Employment Law System?*, GOLDBERG VOLUME 462-484 (Aharon Barak ed., 2001).

*The Prohibition on Contract Labor: Is it a Workable Solution?* THE ISRAELI INDUSTRIAL RELATIONS ASSOCIATIONS 73-76 (2000).

*The Elusive Case of Employment Discrimination: How Do We Prove Its Existence?*, 44 HAPRAKLIT L. REV. 529-573 (1999).

*Who is Concerned About Sexual Harassment at Work?*, 7 THE ISRAELI YEARBOOK ON LABOR AND EMPLOYMENT LAW 153-183 (1999); also reprinted in the Berenson Volume 697-733 (Aharon Barak ed., 1999).

*Changes in Values: The Demand Curve for Collective Representation* in PROCEEDINGS OF THE FORTH ANNUAL CONFERENCE ON LABOR ISSUES 1-10 (Labor Law, Labor Relations, Labor Economics, 1999).

## **BOOK AND JOURNAL EDITOR**

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JOURNAL OF LABOR, SOCIETY AND LAW (co-editor with Guy Mundlak), 2004-2005.

HUMAN RIGHTS AND CIVIL RIGHTS IN ISRAEL, VOL. III (The Israeli Human Rights Association, 1993).

## **CONFERENCES ORGANIZED**

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Conference in honor of Justice Elisheva Barak-Ososhkin, 18.06.2007, The Interdisciplinary Center Herzliya.

IP@WORK - International Conference on Intellectual Property Issues at the Workplace, 28-29.12.2006, The Interdisciplinary Center Herzliya.

The Annual Conference of the Israeli Labor Law and Social Security Association, 30.03.2006-01.04.2006, Eilat

The Annual Conference of the Israeli Labor Law and Social Security Association, 22-24.04.2004, Dead Sea

Innovative Employment Law in Israel, 11.07.2001, The Interdisciplinary Center Herzliya

How Do We Advance Gender Equality?“, 15.03.2001, The Interdisciplinary Center Herzliya

The Decline of Labor Organizations: Analysis of Causes and Effects, 17.12.1998, The Interdisciplinary Center Herzliya

## **PRESENTATIONS**

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### **2012**

“Equal Opportunity in the Workplace”, Institute of Legal Training for Attorneys and Legal Advisors, Tel-Aviv, 11.6.2012.

“Sexual Harassment in the Workplace: From a Criminal Offense to an Internal Problem Resolution”, Conference on Victims’ Rights in the Public Sphere, Bar Ilan University, 14.3.2012

### **2011**

"Resigning Together and Alone: On the Boundaries of Collective Action and Individual Action", Conference On Collective Resignation in the Midst of a Labor Dispute, Tel Aviv University, 19.12.2011.

"What General Lessons Can We Learn from the Law of Labor Boycotts?", Conference on "Legal Analysis of Boycotts" , The Interdisciplinary Center Herzliya, Radzyner School of Law, 15.12.2011.

"The Prohibition of Terminating Pregnant Workers: A Case of Overprotection?" Roundtable on Family, Employment Gender Law, The Interdisciplinary Center Herzliya, 28.11.2011.

“Chief Justice Steve Adler’s Legal Legacy”, The Annual Conference of the Israeli Labor Law and Social Security Association, 1.4.2011, Eilat.

"Regulating Individual Employment Contracts through Good Faith Duties", Employment and Welfare Reading Workshop, Tel Aviv University Faculty of Law, 13.3.2011, Tel Aviv.

"Workplace Equality: From Individual to Group Rights", The Role Of Labor Courts: Ne Challenges, New Ideas, A conference in Honor Of Judge Steve Adler, The Hebrew University, Faculty of Law, 6.1.2011, Jerusalem.

### **2010**

"Three Generations of Employment Discrimination", Institute of Advanced Judicial Studies, 12.12.2010, Jerusalem.

"Employment Discrimination: Law and Practice", Institute of Legal Training for Attorneys and Legal Advisors, 1.12.2010, Tel-Aviv.

"Migrant Workers in Israel: A Case of a Market Protection Paradigm", Conference on Immigration, Liberalism, and the Nation-State: Israel in A Global Perspective, The Interdisciplinary Center Herzliya, 1.11.2010, Herzliya.

"Turning points in Israeli Employment Law", The Haifa University Annual Conference on New Developments in the Law, 7.10.2010, Haifa.

"Is Ricci V. Destefano Good For Plaintiffs?" Fifth Annual Colloquium on Current Scholarship in Labor and Employment Law, Washington University, 25.9.2010, Saint - Louis.

"Regulating Individual Employment Contracts through Good Faith Duties", Good Faith and Fair Dealing Workshop, Max Plank Institute, 20.7.2010, Hamburg.

"Antidiscrimination Mandates in Hiring Decisions", Institute of Legal Training for Attorneys and Legal Advisors, 27.4.2010, Tel-Aviv.

"Legal Aspects of the Use of Polygraph, Graphology Reports and Employment Testing in the Workplace", The Annual Conference of the Israeli Labor Law and Social Security Association, 11.3.2010, Eilat.

## **2009**

"The Market Explanation to the Gender Wage Gap: Analyzing Home-Center v. Orit Gore", The Employment Law and Welfare Forum, Hebrew University Faculty of Law, 14.12.2009, Jerusalem.

Panelist, "Workplace Equality: In Re Ricci V. Destefano", The Employment Law and Welfare Forum, Hebrew University Faculty of Law, 9.11.2009, Jerusalem.

"Paycheck Fairness Legislation", New York University 62nd Annual Conference on Labor and Employment Law, NYU School of Law, 05.06.2009, New-York.

"The market Justification for the Gender Wage Gap", University of Florida Faculty Seminar, 10.04.2009, Gainesville.

Panelist, "The Market, the Family, and Economic Power", Radcliffe Institute Conference on Gender and the Law, 13.03.2009, Cambridge.

## **2008**

"The Market Explanation (Excuse) For the Gender Pay Gap", Third Annual Colloquium on Current Scholarship in Labor and Employment Law, 25.10.2008, San-Diego.

"Equal Pay", Institute of Advanced Judicial Studies, 06.07.2008, Jerusalem.

"Why are Wage Disparities Resulting of Individual Negotiations are Unlawful?", The Seventh Annual Conference of the Israeli Law And Economic Association, 19.06.08, Tel Aviv.

"Anti Discrimination Mandates in Hiring Decisions", Institute of Legal Training for Attorneys and Legal Advisors, 19.06.08, Tel-Aviv.

"New Thoughts on Employment Rights Enforcements: Between Public and Private Enforcement", The Israeli Annual Conference on Labor and Employment Law, 27.03.08, Eilat.

"Individual negotiations and the Gender Wage Gap", Employment Equal Opportunity: Past, Present, Future, a Conference Celebrating the Establishment of the Israeli EEOC, 19.03.2008, Jerusalem.

"The legal Status of Service Employees", The Twelve Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 07.02.2008, Eilat.

"Wage Disparities Resulting from Individual Negotiations", The Annual Conference Of the Israeli Law And Society Association, 22.02.2008, Haifa.

## **2007**

"Shifts in the Perception of Equality: The Remedial Aspects", Institute of Legal Training for Attorneys and Legal Advisors, 21.11.2007, Tel-Aviv.

"Class Actions in Employment Lawsuits", Institute of Legal Training for Attorneys and Legal Advisors, 12.06.2007, Tel-Aviv.

"Class Actions as an Enforcement Tool of Employees Rights", The Eleventh Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 08.02.2007, Eilat.

"The Implications of the Class Action on Employment and Labor Law, Institute of Advanced Judicial Studies (Labor Courts), 14.01.2007, Jerusalem.

## **2006**

“Discrimination at Work”, Institute of Legal Training for Attorneys and Legal Advisors, 20.12.2006, Tel-Aviv.

“Women's Statutory Rights at the Workplace”, Institute of Certified Public Accountants in Israel, 20.12.2006, Tel-Aviv.

“Protecting Women's Interests in Collective Bargaining Agreements, the International Leadership Institute, Seminar on Women in Israel: the Struggle for Equity and Justice at Work, 26.11.2006, Beit-Berel.

“Preliminary Thoughts About the Implications of the Class Action Act on Labor Law and Employment Law, Conference in Memory of Justice Bar-Niv, 21.06.2006, Jerusalem.

“Tips and Grants Received by Employees”, The Tenth Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 10.02.2006, Eilat.

## **2005**

“On the Legality of Pay Secrecy Rules in the Workplace” - Conference in honor of Prof. Ruth Ben-Israel, 21.06.2005, Tel-Aviv.

“Employment Discrimination Law and Discrimination at Work in Israel” – Labor and Social Security Law Workshop, 14.06.05, Haifa.

“Sexual Harassment Law in Israel” –Conference on Mediation in Sexual Harassment Cases, The Israeli Bar Association, 22.05.2005, Haifa.

“Labor Law and Labor Rights Under National and International Constitutions and Treaties” - Conference of the International Association of Labor Law Journals, 06.05.2005, Toronto.

“Employment Discrimination Law in Israel” - Institute of Advanced Judicial Studies, 27.02.2005, Jerusalem.

## **2004**

“Academic Tenure Procedures and Judicial Review” - Institute of Legal Training for Attorneys and Legal Advisors, 23.11.2004, Tel-Aviv.

“Age Discrimination Law in Israel” – Labor and Employment Law Workshop, 09.11.2004, Tel-Aviv.

“The Equal Pay Act” - Labor and Employment Law Workshop, 02.11.2004, Tel-Aviv.

“Employment Discrimination Law and Discrimination at Work in Israel” - Institute of Legal Training for Attorneys and Legal Advisors, 26.10.2004, Tel-Aviv.

“Contractual vs. Property Theories in the Israeli Supreme Court and National Labor Court Decisions – The Case of Employees Rights During Structural Changes in the Workplace” – The Israeli Association of Labor Law and Social Security, 13.07.2004, Interdisciplinary Center Herzliya.

Moderator, “Freedom of Association and the Right to Strike” - Conference on Regulation in the Israeli Economy, 19.05.2004, Interdisciplinary Center Herzliya.

Moderator, “The New Economic Plan In Israel” - The Forth Annual Conference of the Israeli Bar Association, 11.05.2004, Eilat.

“Behavioral Law and Economics and Employment Law” - The Israeli Annual Conference on Labor and Employment Law, 22.04.2004, the Dead Sea.

“The Government’s Power to Implement Economic Policy which Impacts Workers Rights” - The Eight Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 18.02.2004, Eilat.

“The New Economic Plan – From A Labor Law Perspective” - Institute of Advanced Judicial Studies, 20.01.2004, Jerusalem.

### **2003**

“Legislative Interference in Collective Bargaining” - The Jerusalem Conference on Industrial Relations, 01.10.2003, Jerusalem.

“The Government’s Power to Unilaterally Change Collective Bargaining Agreements via Legislation” - Conference on the New Economic Plan, 30.04.2003, Haifa University.

“Labor Market Discrimination of Arab Israeli Citizens–Can Something Be Done?” - Conference on the Legal & Socioeconomic Status of Arab Citizens in Israel, 03.04.2003, New York University Law School.

### **2002**

“Cross-Employee Redistribution Effects of Mandated Employee Benefits” - Canadian Law and Economics Association Fourteenth Conference, 26.09.2002, Toronto University.

“Cross-Employee Redistribution Effects of Mandated Employee Benefits” - Labor and Employment Law Workshop, 26.03.2002, New York University Law School.

### **2001**

“Human Capital Theory as A Mediator Between Social and Civil Rights In the Workplace” - Social Rights Conference, 20.05.2001, Tel Aviv University.

“Unionizing the Labor Market” - The Israeli Annual Conference on Labor and Employment Law, 10.05.2001, the Dead Sea.

“The Legal Aspects of Mandatory Retirement Age” - The Israeli Bar Association, Tel Aviv Region, Labor and Employment Law Workshop, 01.05.2001, Tel Aviv University.

“Contingent Workers and Legal Norms” - The Israeli Bar Association, Tel Aviv Region, Labor and Employment Law Workshop, 20.03.2001, Tel Aviv University.

“Interpreting Employment Law According to the Human Capital Theory” - The Sixth Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 24.02.2001, Eilat.

### **2000**

“What is Left of Our Protective Labor and Employment Law System?” - Institute of Advanced Judicial Studies, 29.10.2000, Zichron Ya’acov.

“Triangular Work Relationships” - The XVI World Congress of Labor Law and Social Security, 06.09.2000, Jerusalem.

“Employment Contracts” - Workshop on the Employment Relationship, Ve’adim, 21.06.2000, Tel Aviv.

“Age Discrimination Law in Israel” - The Israeli Industrial Relations Associations Annual Conference, 18.05.2000, Zichron Ya’acov.

“Termination of the Employment Contract” - The Israeli Bar Association, Northern Region, Labor and Employment Law Workshop, 19.05.2000, Haifa.

“Economic Efficiency vs. Social Rights” - The Fifth Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 08.02.2000, Eilat.

“Employer’s Liability to Workplace Sexual Harassment” - The Israeli Ministry of Justice Institute of Legal Training for Attorneys and Legal Advisors, Workshop on Sexual Harassment Law , 27.01.2000, Jerusalem.

## **1999**

“The End of Collective Bargaining” - Workshop on Voluntary Retirement, Ve’adim, 04.10.1999, Tel Aviv.

“The Abolishment of Employee Status: Are We All About to Become Contingent?” - The Canada –Israel Comparative Labor Law Seminar, 10.06.1999, University of Toronto.

“Labor Unions: Past, Present, Future” - The Forth Annual Conference on Labor Issues (Labor Law, Labor Relations, Labor Economics), 09.02.1999, Eilat.

“Employment Discrimination Law in Israel” - The Israeli Bar Association, the Jerusalem Region, Labor and Employment Law Workshop, 12.01.1999, Jerusalem.

## **1998**

“Discrimination at Work: Evidence and Remedies” - The Israeli Bar Association, Tel Aviv Region, Labor and Employment Law Workshop, 29.12.1998, Tel Aviv.

“Changes in Values: The Demand Curve for Collective Representation” - Conference on the Decline of Labor Organizations: Analysis of Causes and Effects, 27.12.1998, the Interdisciplinary Center Herzliya.

“The Prevention of Sexual Harassment: The Legal Perspective” - Na’amat Conference on Sexual Harassment, 15.09.1998, Tel Aviv.

“Sexual Harassment at Work: The United States and Israel” - The Israeli Annual Conference on Labor and Employment Law, 22.04.1998, the Dead Sea.

## **MEMBERSHIPS AND ASSOCIATIONS**

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The Israeli Bar, member since *1992*

Israeli Women’s Network Legal Committee, member *1999-2003*

The Advisory Committee to the Israeli Minister of Justice on Performers Rights, member, *2004*

The Israeli Labor Law and Social Security Association, board member since *2004*

Labor and Employment Law Forum of the Israeli Bar Association, member *2004 -2005*

International Association of Labor Law Journals, member *2005-2007*