

ENDORISING THE FAIR ACT

WHEREAS, the Supreme Court of the United States, in Epic System Corp. v. Lewis, ruled that arbitration agreements requiring individual arbitration are enforceable under the federal arbitration act regardless of employee rights to engage in collective action set under the National Labor Relations Act; and

WHEREAS, according to the Economic Policy Institute, 60.1 million Americans are employed under forced arbitration contracts that require individual arbitration over collective actions and no longer have access to the courts to protect their employment rights; and

WHEREAS, forced arbitration has subverted employees' rights to due process under the United States constitution in that 1) the arbitrator is paid for by the employer, 2) an employee's right to discovery is curtailed, and 3) often, employees are forced to sign non-disclosure agreements and are unable to go public with their claims against employers; and

WHEREAS, workers at Google, Riot Games, Gimlet Media, and other tech worker collectives are engaged in collective action demanding that forced arbitration be halted; and

WHEREAS, the Trump administration is advising federal agencies to defer legitimate grievances to individual forced arbitration agreements, including wage theft and sexual harassment, which limits due process rights; and

WHEREAS, for too long big business, technology companies, hedge funds, and others have supported and benefited from forced arbitration agreements by essentially dodging consequences from collective activity and class action lawsuits; and

WHEREAS, forced arbitration has become the 2019 version of a yellow dog contract; and

WHEREAS, in February 2019, Representative Hank Johnson and Senator Richard Blumenthal introduced the Forced Arbitration Injustice Repeal Act (the FAIR Act) with more than 100 co-sponsors, which would end forced arbitration for employment, consumer, anti-trust, and civil rights disputes and would restore employees' rights to engage in class actions under the National Labor Relations Act.

THEREFORE, BE IT RESOLVED that OPEIU endorses passage of this critical legislation and will commit its resources, membership, and staff to fight for the passage of the FAIR Act.

RESOLUTION ADOPTED JUNE 2019