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Contact: Terry O'Neill, Executive
Director
(415) 296-7629
toneill@nelahq.org

NELA Applauds Rare Forced Arbitration Victory at U.S. Supreme Court & Urges Greater Employee Protections

Statement of Terry O'Neill, Executive Director of the National Employment Lawyers Association

OAKLAND, Calif., January 16, 2019 – For decades, NELA has advocated for ending forced arbitration in employment contracts. Today we celebrate as the U.S. Supreme Court rightly sided with workers in [New Prime, Inc. v. Oliveira](#).

While the Court correctly determined that the Federal Arbitration Act (FAA) does not apply to transportation workers classified as independent contractors, this decision does not go far enough to protect all employees. Nearly 20 years ago, the Court wrongly ruled that the Federal Arbitration Act applied to [all employees except transportation workers](#). Since then, the number of [employees silenced by forced arbitration provisions](#) has grown to 60 million.

More than half of all *Fortune* 100 companies now [require employees to forgo a public legal process](#) after suffering workplace harassment, discrimination, wage theft, & other employer wrongdoing. Instead, these corporate employers force claims to be resolved behind closed doors by a for-profit arbitrator using rules chosen by the company. This is not what the authors of the FAA had in mind when passing the law in 1925 and it should not be permitted in 2019.

In this case, [NELA joined the National Employment Law Project \(NELP\)](#), the Teamsters International union, and the Economic Policy Institute in an *amicus* brief submitted by NELP. The brief explains why this decision is important for all employees, law-abiding employers, and the public at-large. We urge the Court and the 116th Congress to take heed and finally end forced arbitration for all of America's workers.

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The National Employment Lawyers Association (NELA) advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. NELA provides assistance and support to lawyers in protecting the rights of employees against the greater resources of their employers and the defense bar. It is the country's largest professional organization exclusively comprised of lawyers who represent individual employees in cases involving employment discrimination and other employment-related matters. NELA and its 69 circuit, state, and local Affiliates have more than 4,000 members around the country.