

US Supreme Court Holds That Employers Can "Waive" Goodbye to Class Actions

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On May 21, 2018, the Supreme Court of the United States held that employers and employees can agree that *any and all* disputes between them will be resolved through single claimant arbitration. The Court's ruling stated that under the Federal Arbitration Act, arbitration agreements are to be enforced according to their terms, *including terms that provide for individualized proceedings only*. The decision validated a waiver of the right to bring a class action and the right to arbitrate as a group/class. In doing so, the Court rejected the National Labor Relations Board's argument that class action waivers were not permissible.

TAKEAWAY: Employers should consider instituting mandatory arbitration provisions--that include a class action waiver.

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