

U.S. Supreme Court Agrees to Review Mandatory Arbitration Agreements with Class Action Waivers

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Hinshaw attorney Aimee Delaney spoke to Tom Starner of *Human Resource Executive* about the recent decision by the U.S. Supreme Court to review the legality of class action waivers in labor-based arbitration agreements. Currently, some class and collective action waivers are no longer enforceable in states governed by the Seventh and Ninth Circuits.

Delaney explained that the issue to be decided by the Supreme Court centers on whether mandatory arbitration agreements can also mandate a waiver of class action, concerted action which is otherwise protected by Section 7 of the National Labor Relations Act. She added that the upshot for employers looking to rely on such agreements could be significant: “These agreements can be an important tool in an area [wage and hour litigation] that year after year sees an increasing amount of litigation. Whichever way the Court decides, this will be one of the more significant decisions in the employment arena issued by the Court in recent times.”

“‘Significant’ Showdown Looming” was published by Human Resource Executive, January 31, 2017.

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