

# The Facts On Forced Arbitration

## How Forced Arbitration Harms America's Workers

### Forced Arbitration Silences Sexually Harassed Workers And Leaves Them Exposed

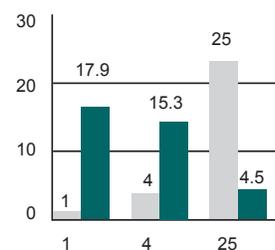
Forced arbitration allows employers to require its workers, in order to get or keep their job, to surrender their right to take their employer to court when their rights are violated. For example, forced arbitration clauses stop workers from suing when they are sexually harassed in the workplace. This means workers who suffer unlawful violations in the workplace must either resolve their disputes through a costly, secret proceeding or not at all.

In a court of law, people who have been sexually harassed in the workplace have their cases heard by a neutral judge or a jury of their peers. With forced arbitration, workers who are sexually harassed have no choice but to resolve their disputes through a private proceeding, where the deck is stacked against them. An arbitrator, who is often picked and paid by the defending employer, is the person who decides the outcome of the case. Not only are arbitrators not required to have any legal expertise, they aren't required to know or apply the correct law. Since court rules that allow workers to collect and present evidence may not apply, workers don't always get a fair chance to prove their case in arbitration. And once the arbitrator—who relies on the employer that hired them for repeat business—has rendered a decision, it is nearly impossible for even clearly wrong decisions to be reversed by a court.

Forced arbitration clauses almost always require workers to keep silent about their experience. The lack of transparency that comes from arbitration also leaves other unsuspecting workers vulnerable to being harmed in the same way. Open court proceedings allow for public scrutiny, which can keep workers safe and insulated from retaliation. By requiring workers to arbitrate behind closed doors, cases of sexual harassment remain secret, and even serial harassers can escape accountability.

Moreover, when a group of workers are subjected to sexual harassment, requiring their claims to be decided in individual arbitration strips them of the protection that comes with banding together in a collective action and exposes them to retaliation. To avoid this kind of vulnerability, countless workers abandon valid claims, leaving their story untold. By isolating workers who have been sexually harassed in the workplace, forced arbitration creates a safe-haven for offenders, enabling them to strike again.

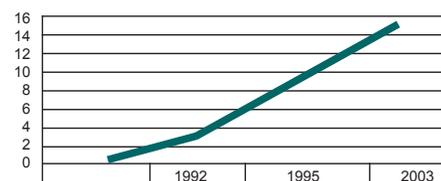
**Repeat Player Bias**



As the number of times an employer hires an arbitrator goes up, the employee's chance of winning her case in arbitration goes down until it reaches a miniscule 4.5% chance of success.

■ Number Of Times An Employer Hires A Particular Arbitrator  
 ■ Employee's Chances Of Winning, In Percent

**Estimated Percentage Of Employers That Force Their Employees Into Arbitration**



Forced Arbitration clauses are becoming increasingly common, with an estimated 1 out of 5 workers currently bound. Since the proceedings are secret, nobody really knows just how many workers are being silenced.

***Make the elimination of workplace forced arbitration a priority today! Ask your Members of Congress to ban forced arbitration in the workplace.***