

AFL-CIO

LEGISLATIVE ALERT

March 15, 2022

Dear Representative:

On behalf of the AFL-CIO, I urge you to support the Forced Arbitration Injustice Repeal (FAIR) Act of 2022 (H.R. 963) and to oppose any amendment that would undercut workers' rights, especially the Fitzgerald amendment #4.

The FAIR Act would address the widespread use of abusive and often hidden contract provisions in consumer, employment, and other agreements that force workers and consumers to settle their disputes against companies in a private system of arbitration that stacks the deck against individuals.

The Fitzgerald amendment #4 seeks to undermine union workers by voiding their negotiated dispute resolution procedures. Collectively bargained arbitration clauses covering contract disputes pose none of the dangers threatened by "agreements" forced on unrepresented, individual employees by their employers as a condition of employment. Unions and employers are sophisticated parties, have more parity in bargaining power, and are both repeat players in arbitration.

The Fitzgerald amendment would override these negotiated clauses in the thousands of collective bargaining agreements now in effect across the country, in every industry and sector. Put simply, collectively bargained arbitration of contract disputes is fair, but forced arbitration of the statutory claims of unrepresented employees is unfair. The amendment also runs counter to the intent of Congress in both the Wagner and Taft-Hartley acts, which encourage the practice of collective bargaining and the resolution of contract disputes through arbitration. The increased litigation and possible increased strike activity would be a burden on both employers and unions.

For these reasons, we urge you to support the FAIR Act and oppose any efforts to undermine the bill's intent, like the Fitzgerald amendment #4.

Sincerely,



William Samuel
Director, Government Affairs