

Employee Advocates Place Pressure on Google to End Forced Arbitration

By Lauren Strauss, J.D. Candidate 2021 | March 8, 2019

While the existence of mandatory arbitration clauses in consumer and employment agreements is pervasive, certain [big-name tech companies](#) are taking a stand against this [forced method](#) of alternative dispute resolution. Since 1992, the amount of non-unionized employers with mandatory arbitration clauses buried within their employment agreements has [skyrocketed](#). It is estimated that more than [60 million](#) American employees have worked under these agreements. The consequences have been great. Many sexual harassment claims have been forced out of a public judicial forum and placed behind closed doors. Uber, for example, was publicly criticized for its use of forced arbitration to [silence victims](#) of sexual assault. In response, Uber has since rescinded all arbitration agreements with any employee claiming sexual assault or harassment. Facebook and Google followed suit late last year by announcing that they will longer force those with sexual assault or harassment claims to settle through forced arbitration. Although this is a substantial step toward empowering employees with less bargaining power, neither Uber nor Facebook have completely eradicated forced arbitration clauses within their employment contracts.

Google, on the other hand, [announced](#) on February 21, 2019 that it will no longer require mandatory arbitration clauses in any of its employment agreements. This marks a significant stride towards holding employers accountable by providing a meaningful avenue for employees to publicly redress their grievances. However, this was not a result of a single unitary actor. A group of Google employees led the charge, and amidst this tremendous victory, the activist are [not stopping](#) to celebrate.

The “Googlers for Ending Forced Arbitration” are a group of [Google employees](#) who joined forces to end the use of mandatory arbitration clauses in the employment and consumer context. After a prominent social media campaign in early January, Google finally succumbed to the Googlers’ demands. Nevertheless, one week after Google’s big announcement, six Google employees followed lawmakers to Congress in support of a proposed law that would [limit the reach](#) of the Federal Arbitration Act. The proposed bill, FAIR Act, would reduce instances of mandatory arbitration in the employment and consumer context.

This presents an illustrative example of how employees can enact widespread changes within their own company and beyond by standing up and speaking out. Perhaps Google’s latest move



will assist with expanding the prohibition of mandatory arbitration. One thing is certain: individual activism and grassroots organization is a powerful advocacy tool.