DREW CAPUDER'S EMPLOYMENT LAW BLOG

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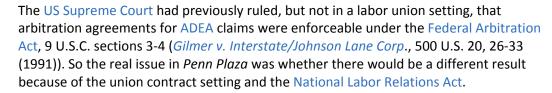
Arbitration Agreements in Union Contacts are Enforceable; US Supreme Court in Penn Plaza v. Pyett

4/1/09: The US Supreme Court ruled that "predispute arbitration agreements" in collective bargaining agreements (union contracts) are enforceable, in *Penn Plaza PLLC v. Pyett*, 129 S. Ct. 1456 (2009) (5-4 decision).

Penn Plaza v. Pvett

This was an age discrimination case under the Age Discrimination in Employment Act of 1967 (ADEA). The plaintiff was a member of a union, and the collective bargaining agreement (union

contract) required submitting age discrimination claims to binding arbitration.



The Supreme Court in *Penn Plaza*, in a divided decision (5-4), held that the arbitration agreement contained in the union contract was enforceable.

Proposed Legislation to Overturn the Decision

The enforceability of arbitration agreements for employment disputes has been a political hot potato, and The Arbitration Fairness Act of 2009 (H.R. 1020) was introduced in the US House on February 12, 2009. The bill has 36 co-sponsors, and has been referred to the House Committee on the Judiciary. If it passes, it would essentially overrule *Penn Plaza* and other cases which have held that employment dispute arbitration agreements are enforceable.



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