Kerri Wright Discusses Forced Arbitration of Race Claims in Bloomberg Law Article

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By: Kerri Wright

Last month, Rep. Hank Johnson and Sen. Cory Booker introduced the Ending Forced Arbitration of Race Discrimination Act (H.R. 3038, S.1408), a bill which would give workers the option to bring racial bias claims against their employer to court rather than be forced by their employers to arbitrate these cases behind closed doors. This law would follow the precedent being set in sexual harassment claims, for which many US corporations have ended mandatory arbitration.

Kerri Wright argues the bill "presumes that arbitration is bad for employees, but in my experience, I don't see it that way." Alternative processes, such as bringing the case to court, "can take years to make their way through the court system," according to Wright. As employers typically have more financial resources than their employees, a process that drags on for years may have a larger negative impact on employees. Nevertheless, both employees and employers benefit from an efficient system that moves disputes quickly to a resolution, which arbitration can provide. Wright asserts that arbitration can be a more efficient and effective way for employees to hold their employers accountable in race claims.

Read more: Ending Forced Arbitration of Race Claims is New Diversity Focus