

**LABOR AND EMPLOYMENT ARBITRATION (LAW 227.1)
SPRING 2021**

First Class Assignment

January 25

Introduction to Labor and Employment Arbitration

APG 1, 23

This class session will introduce students to basic concepts in arbitration, including several myths about arbitration and a special type of contract between labor unions and employers known as a collective bargaining agreement.

For this class, students will read three cases to understand basic legal rules governing judicial enforcement and review of labor and employment cases.

Labor arbitration involving unions and employers is the “grandparent” of arbitration as practiced in the U.S. It exists under a statute unique to the field of labor-management relations; a statute that does not mention arbitration. We will study how this happened by examining key Supreme Court decisions. These decisions paved the way to compel arbitration of collective bargaining disputes, and to enforce the results. By analyzing the cases, you will be able to trace this development to the present era. The labor cases to be read are: *Warrior & Gulf*, 363 U.S. 574 (1960) and *Enterprise Wheel*, 363 U.S. 593 (1960)

Labor arbitration was solidly in place in U.S. jurisprudence by 1960. Three decades passed before courts began enforcing arbitration in a non-union setting when arbitration was required as a condition of employment. A legal tug-of-war has marked the development of the governing doctrine under the Federal Arbitration Act. An important non-union employment arbitration case will be reviewed in class: *Gilmer*, 500 U.S. 20 (1991)