You've Lost that Lovin' Feelin': Keeping Employment Disputes Out of Litigation with Arbitration & Mediation Provisions

Seminar or Event

3.23.22

Event Sponsor: *Greenbaum, Rowe, Smith & Davis LLP*

Live Webcast

12:00pm - 1:00pm (ET)

Greenbaum, Rowe, Smith & Davis LLP will present the webinar, "You've Lost that Lovin' Feelin': Keeping Employment Disputes Out of Litigation with Arbitration & Mediation Provisions," on Thursday, March 24, 2022 from 12:00pm - 1:00pm.

The speaker for the program is:

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In a 2014 ruling, the New Jersey Supreme Court in Atalese created a standard for the enforcement of arbitration clauses in employment agreements and manuals. Enforcement requires the arbitration clause to clearly and unambiguously state that the employee is relinquishing their right to trial and must also clearly state in a straightforward manner that every employee understands and acknowledges that the arbitration clause will be binding concerning the resolution of all disputes.

In subsequent court decisions, this standard has been further refined and amplified leading to the invalidation of arbitration clauses due to the lack of a clear-cut description and/or "mutual assent" to arbitrate between the parties. This has inevitably created costly, disruptive, and unnecessary litigation, a prospect that most employers should seek to avoid in favor of settling employee disputes through the dispute resolution processes of mediation and arbitration.

It is critical, then, that the mediation and arbitration provisions included in employment agreements, employee handbooks and company intranet sites are drafted definitively and plainly so that an employee understands unequivocally that they are waiving their right to a court litigation and agreeing to carry out the dispute resolution process in mediation or arbitration.

This program will explore a variety of best practices for dealing in advance with issues related to potential employment disputes, and for communicating that process with both clarity and transparency to employees.

Issues to be addressed include:

If you were unable to attend, please view the Program Recording.

Related Attorneys

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