

Google Employees Spearhead Change: Eliminating Forced Arbitration in Sexual Harassment Claims

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On February 21, 2019, Google announced that it would end its practice of forced arbitration and class action waivers for all claims brought by current or future employees, expanding the commitment Google made in November 2018 to end the practice for claims of workplace sexual harassment and [assault](#). The policy took effect globally on March 21.

This decision is an outgrowth of a massive collective action spearheaded by Google employees in late 2018. In November, over 20,000 Google employees staged a walkout to protest the company's favorable treatment of executives accused of [sexually harassing employees](#). The walkout was prompted by a New York Times report revealing that Google had asked executive Andy Rubin, the creator of the Android mobile software, to step down because of his sexual misconduct toward a subordinate, but then offered him a \$90 million severance package in exchange. Other instances of Google offering large severance packages to male executives accused of sexual harassment reveal a pattern of paying off offenders.

Google's policy change is a credit to employees within Google who organized the walkout and continued to advocate for structural change within the company. While the walkout stemmed from employee outrage that Google had prioritized paying off executives accused of sexual misconduct over transparency and the rights of the employees who were victimized by the misconduct, the employee organizers capitalized on this rare moment of collective action to push for a broader agenda of reforms. In tandem with the walkout, the employee organizers also publicly called on Google to take specific action to protect employee rights, including ending its practice of private arbitration, publishing a report on sexual harassment complaints within the company, disclosing salaries and other compensation, providing a safe and anonymous global process for reporting sexual misconduct, and promoting the chief diversity officer at Google to answer directly to the CEO and make recommendations to the board. While the company attempted to placate employees and critics by ending [mandatory arbitration for sexual harassment and assault claims](#), organizers continued to push for Google to stop forcing employees into arbitration for other disputes in addition to their other demands.

In December, several organizers and participants from the walkout formed a group called [Googlers for Ending Forced Arbitration](#), which pushed for not only Google but the tech industry at large to end the practice of forced arbitration. Starting in January, the group launched a know-your-rights campaign on [Instagram](#) and [Twitter](#), which consisted of posts and videos telling stories of employees restricted by arbitration agreements, informing readers about the perils of forced arbitration generally, and empowering employees to take action against unfair employment practices, including by contacting the U.S. Equal Employment Opportunity Commission and their local representatives. Google's decision to release its nearly 100,000 employees from their arbitration agreements constituted a huge victory for the group. Due to the pressure growing in Silicon Valley, several other companies are also eliminating forced arbitration, either in total or in part, such as Uber, Lyft, Facebook, and Airbnb.

However, Googlers for Ending Forced Arbitration and other organizers within the tech industry recognize that there is still more progress to be made. For instance, while Google is abolishing forced arbitration for many of its temporary staff and vendors, it will not require third-party staffing companies that provide the majority of Google's contractor staff – which comprise approximately half of Google's [workforce](#) – to adhere to the new policy. Instead, Google has promised to merely “inform” the third-party contracting companies of the policy change, leaving the option to adopt the new policy to the discretion of those companies. While Google's contractor workforce includes contract software designers and specialists earning hundreds of dollars per hour, it is also made up of food service workers, janitors, and content moderators, most of which are low-income positions. These workers, who are disproportionately African American and Hispanic, already lack many workplace protections and benefits offered to employees. Google's failure to leverage its power in its relationships with contractors to remove forced arbitration for this group is emblematic of their lack of protection. Furthermore, Google's parent company, Alphabet, Inc., has not adopted the policy change for its other organizations, such as Verily and Waymo. Finally, while there has been progress across the tech industry in the past few months, forced arbitration remains a widespread policy. Companies such as Facebook, Uber, and Airbnb that implemented partial lifts to their forced arbitration agreements following Google's announcement in November still use forced arbitration for some employment claims, and many more have not changed their policies at all.

While there is still room for progress within the tech sector, Google's policy change is a tremendous success and honors the collective efforts of Google employees worldwide to spearhead change within their company. Google also announced that it would adopt several other reforms demanded by its employees, including that it will “provide more [granularity](#)” in the company's Investigations Report with respect to its sexual harassment investigations; it will more strongly incentivize employees to complete sexual harassment training; it will restructure its reporting channels for reporting harassment and other workplace issues; and it will broadly recommit to fostering an inclusive work environment. All steps in the right direction.