

Attorney General Raoul Leads Brief Filed Before The U.S. Supreme Court In Support Of Transportation Workers' Rights

November 22 2023 2:47 PM



CHICAGO - Attorney General Kwame Raoul led a coalition of 16 attorneys general in filing an [amicus brief](#) before the U.S. Supreme Court urging it to reverse a lower court

decision holding that only workers who are employed by a company in the transportation industry can be exempt under the transportation-worker exemption to the Federal Arbitration Act (FAA).

Raoul and the coalition filed their brief in support of workers in *Bissonnette v. LePage Bakeries*. At issue in the case is whether truck drivers for a food company and similar “private fleet” drivers fall within the exemption for transportation workers in the FAA. The FAA requires workers to raise claims against their employer in private arbitration proceedings when they have signed an arbitration agreement. However, there is an exemption within the FAA for transportation workers.

“We have seen the critical role all truck drivers play in keeping our states running efficiently, and there is no reason to treat some truck drivers differently than others based solely on their employer’s line of work,” Raoul said. “I urge the Supreme Court to reverse the lower court’s decision and allow states to better protect these essential workers from unsafe and unlawful working conditions.”

The lower court ruled that the drivers do not qualify for the exemption because their employer is not a member of the so-called transportation industry. In their brief, Raoul and the attorneys general ask the U.S. Supreme Court to reverse that ruling because it is inconsistent with the plain text of the statute and because it would be unworkable as a practical matter. The lower court’s test, the brief contends, draws an unworkable and artificial distinction between truck drivers who work for a transportation company and truck drivers in a private fleet.

The brief also explains that it is in the best interest of workers and state regulators that disputes involving labor key to states’ economies and infrastructure be addressed through an open and public process. When disputes are resolved in public and transparent proceedings, as opposed to private and confidential arbitration proceedings, they are better able to monitor such disputes and respond as necessary. This interest is just as important whether the truck drivers belong to the “transportation industry” or instead serve in a private fleet.

The amicus brief is the latest action Raoul has led other state attorneys general in taking to protect the rights of workers. In 2022, Raoul led a multistate coalition in filing [a similar amicus brief](#) before the U.S. Supreme Court supporting transportation workers’ rights in *Southwest Airlines Co. v. Saxon*. At issue in that case was whether transportation workers who load and unload interstate cargo are exempt from the Federal Arbitration Act. The court ruled in favor of the workers in that case and found that the exemption did apply.

Also in 2022, Raoul led a coalition of attorneys general in filing amicus briefs supporting the federal government's actions to increase the minimum wage for certain federal contractors. In 2020, Raoul filed two lawsuits challenging Department of Labor rules that impermissibly altered protections for tipped workers and eliminated key protections for workers under the Fair Labor Standards Act. Attorney General Raoul also previously filed two amicus briefs in support of Illinois workers' rights under the Illinois Wage Payment and Collection Act and the Illinois Minimum Wage Law.

Attorney General Raoul encourages workers who have concerns about wage and hour violations or potentially unsafe working conditions to call his Workplace Rights Hotline at 1-844-740-5076 or visit the [Attorney General's website](#) to file an online complaint.

Joining Raoul in filing today's brief were the attorneys general of California, Colorado, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.