

**ARBITRATION 1988**  
**EMERGING ISSUES FOR THE 1990s**

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PROCEEDINGS OF THE FORTY-FIRST  
ANNUAL MEETING  
NATIONAL ACADEMY OF ARBITRATORS

Vancouver, B.C.

May 30-June 3, 1988

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## PREFACE

The Academy's 41st Annual Meeting was held in Vancouver, British Columbia, Canada, an appropriate site for the discussion of joint North American concerns in the next decade. President Arvid Anderson calmed whatever fears still lingered that labor arbitration was becoming passé (Chapter 1), and Chief Justice Alan B. Gold of the Superior Court of Quebec suggested that mediation was a way for arbitrators to improve their caseload (Chapter 2).

Emerging issues for the 1990s include application of just-cause norms to troubled employees (Chapter 3), coping with privatization and subcontracting (Chapter 5), and adjusting priorities between the employee's rights to privacy and the employer's right to monitor performance with new computer technology (Chapter 6). Enforceability of arbitration awards was seen as a continuing problem due to the courts' desire to control the arbitration process and to the arbitrators' failure to abide by the guidelines set forth by the Supreme Court in the *Trilogy* and more recently in *Misco* (Chapter 4). Additional insight was provided by management and labor advocates from both Canada and the United States. Some Academy members saw a need for increased competence of arbitrators in conducting hearings and in writing opinions (Chapter 11).

The public sector on both sides of the border was explored in terms of interest arbitration and government's ability to pay (Chapter 7), and international comparison of the role of neutrals in the resolution of shop floor disputes was discussed (Chapter 9). Other arbitration forums receiving attention included academia and some more mature collective bargaining relationships, which have developed new ways of reducing adversarial tensions (Chapter 12).

The Code of Professional Responsibility continued to hold the spotlight (Chapter 8), with the American Arbitration Association and the Federal Mediation and Conciliation Service offering support for the Academy's enforcement policies as set forth in the opinions of the Committee on Professional Responsibility and Grievances, two of which appear in Appendix C.

The arbitration profession received its share of attention in two reports, one resulting from a survey of advocates and the other from a census of North American arbitrators developed by the Research Committee and jointly financed by the Academy and the Research and Education Foundation (Chapter 10).

The editor wishes to express appreciation to the Program Committee, chaired by James L. Stern, and to the Arrangements Committee, chaired by Mark Thompson, for the time and effort they devoted to making the 41st Academy meeting a rewarding experience. We are also appreciative of the authors' cooperation in submitting their manuscripts in a timely manner and of the assistance of Camille Christie, BNA's editor.

August 1, 1987

Gladys W. Gruenberg  
Editor

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Since 1976, the Yearbook Commercial Arbitration has been a major source of information concerning international arbitration jurisprudence. Published under the guidance of the General Editor, Professor Dr. van den Berg, and with the assistance of the Permanent Court of Arbitration, the Yearbook provides an annual update on key developments including: institutional and ad hoc arbitral awards, court decisions on arbitration from around the world, court decisions on major multilateral arbitration conventions, commentary on the court decisions on the New York Convention 1958, updates on development Employment Arbitration Policy and Guidelines. Guidelines for Standards. Immunity of the Arbitrator. Proceedings Database. Reference Materials. Past Meeting Archives. Locate a Member. January 1, 1988. Share this post. Related Posts. The Civil Liberties Act of 1988 (Pub.L. 100â€“383, title I, August 10, 1988, 102 Stat. 904, 50a U.S.C. Â§ 1989b et seq.) is a United States federal law that granted reparations to Japanese Americans who had been interned by the United States government during World War II. The act was sponsored by California's Democratic Congressman Norman Mineta, an internee as a child, and Wyoming's Republican Senator Alan K. Simpson, who had met Mineta while visiting an internment camp. The third co-sponsor was