Labor and the 2026 Midterms: Impacts to the National Labor Relations Board and What Employers Should Expect Next

By Derek Lipscombe, Alex Pratt | November 13, 2026

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Executive Summary

Democrats rode a blue wave to a decisive victory at the 2026 midterm elections. They won key races across the United States, including in states that had been viewed as safely Republican for decades. They gained control of both the House and the Senate and, when all the votes are counted, are expected to have a 55- to 56-seat majority in the Senate and at least a 255-seat majority in the House.

Labor unions were active participants in many of these Democratic campaigns and will read the results as an opportunity to expand their influence in traditionally non-union states where they saw electoral success (including Texas, South Carolina, Kansas, Mississippi, Georgia and North Carolina). Additionally, the newly elected legislators may attempt to overhaul federal labor policy by adopting portions of the PRO Act and/or the Faster Labor Contracts Act. Further, the midterms could provide an impetus for a bipartisan overhaul of the National Labor Relations Act whose constitutionality has come into question following several high-profile challenges.

The pendulum will not immediately swing towards union-friendly policy, though. The National Labor Relations Board still has a Republican majority and a Trump-appointed General Counsel, and President Trump has already reminded Congress of his veto power.

Key Takeaways

- **The Labor Board's window is closing:** The Republican-majority Labor Board is expected to overturn as many Biden-era precedents as it can before Chairman Murphy's term expires in December 2027. Any precedent not overruled by then will likely remain in place until at least 2029.
- **The full PRO Act is unlikely, but narrower bills have momentum:** The filibuster and the veto make the PRO Act a long shot as written. The bipartisan Faster Labor Contracts Act, which would impose bargaining deadlines and binding first-contract arbitration, is the proposal employers should watch most closely.
- **A bipartisan NLRA overhaul is possible:** Constitutional challenges to the NLRB's structure and a growing populist wing of the Republican Party could open the door to structural reform, such as specialized labor courts, that would reshape labor law for decades.
- **Expect more organizing, especially in the South:** Unions are poised to turn their election momentum and campaign infrastructure into organizing drives in traditionally non-union states. Employers should prepare now by auditing their facilities, training supervisors and engaging in the legislative process.

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Conclusion

The 2026 midterms have given organized labor a stronger political position. Over the next year, the Republican-majority Labor Board is expected to overturn as many Biden-era precedents as it can before Chairman Murphy's term expires in December 2027. The PRO Act is unlikely to become law as written, but narrower measures like the Faster Labor Contracts Act, and, potentially, a bipartisan overhaul of the NLRA, could reshape federal labor law. Meanwhile, unions are poised to turn their election momentum and campaign infrastructure into organizing drives. Employers that prepare now, by auditing their policies, preparing for increased organizing activity and engaging in the legislative process, will be best positioned to adapt to a shifting landscape.

If you have any questions about the developments covered in this article, please let us know.

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