

Fact Sheet: The National Labor Relations Board, Trump's Illegal Firing of Board Members and the Consequences for Workers' Rights

President Trump fired National Labor Relations Board (NLRB) member Gwynne Wilcox one week after he took office. The firing was illegal and will harm millions of private sector workers. The firing left the NLRB without enough members to issue decisions to enforce workers' rights to organize and collectively bargain. It also damaged the NLRB's independence, sending a signal to the remaining members and future members that, if you use your independent judgment in a way that the president does not like, you can be fired. The only way to restore the board's independence and for it to function for working people is for the president to reinstate Wilcox to her position immediately.

Background: What Is the NLRB

- The National Labor Relations Board is the labor law enforcement agency for millions of workers. It is the only place where most workers at companies can enforce our right to a union and our right to collectively bargain.
- The NLRB administers, enforces and settles disputes on federal labor law. First, a case is heard by administrative law judges (ALJs) around the country. An employer or workers can choose to appeal their decision, at which point that case goes to the NLRB. The five members of the board then issue a ruling to decide the case. In a case called *New Process Steel*, the Supreme Court also ruled that the NLRB needs at least three board members to issue any decisions.
- Historically, the president of the United States fills vacancies on the board by nominating up to three members from their own political party and up to two members from the other party for staggered five-year terms. Board members are voted on and confirmed by the Senate. The National Labor Relations Act established the NLRB and guarantees its independence. Once confirmed, a president cannot remove a board member unless they've demonstrated "neglect of duty" (failure to do their job) or "malfeasance in office" (wrongdoing by a public official).

Trump's Illegal Firing of Gwynne Wilcox

- Within a week of Donald Trump assuming the presidency, he fired NLRB member Gwynne Wilcox, more than three years before her term was slated to end. She had been confirmed twice by the U.S. Senate as a member of the NLRB, in 2021 and in 2023, and briefly served as chair of the NLRB when the former chair's term expired in December 2024.
- When he fired her, the president said that Wilcox had "not, in my judgement, been operating in a manner consistent with the objectives of my administration." He cited decisions of hers that he disagreed with and argued that she had been "unduly disfavoring the interests of employers."
- Wilcox had never demonstrated either fireable offense—Trump simply didn't like her decisions. This is the first time a president has ever broken the law to remove an NLRB

member.

What Wilcox's Firing Means for the NLRB and Workers

- By firing Wilcox, Trump took the NLRB from three members to two (two seats were already open). Falling short of the legally required three-member minimum, the board cannot operate.
- For now—and indefinitely—the NLRB is unable to issue decisions and workers' rights cannot be enforced. When a worker is fired for trying to organize a union or an employer refuses to bargain with a union, an employer would simply have to appeal an ALJ decision to the board, and the case would stall without any action or final decision.
- That stalling matters, because when these cases drag on, they can kill an organizing drive or force a worker to wait to be reinstated.
 - Every day counts when it comes to receiving back pay, getting reinstated at your job, or negotiating a contract for better wages, benefits and working conditions. These delays also play right into bosses' hands who want to stop unionization altogether and slow down the process of workers organizing and winning our contract as a form of union-busting.
- By firing Wilcox because he disagreed with the substance of her decisions, Trump destroyed the independence of the nearly 90-year-old NLRB.
- If the president can remove board members because he disagrees with their decisions, or as he put it, because they are operating in a manner not “consistent with the objectives of my administration,” then the members are no longer obligated to the law—they're obligated to the president.
 - Trump's complaint on Wilcox was that she was “unduly disfavoring the interests of employers.” This is a clear signal to the remaining board members—and any future board members—that to keep their jobs, they should favor the interests of employers over workers.
 - Even if Trump nominates a replacement for Wilcox to restore a quorum, the board's independence has been compromised. Workers no longer have an independent place where we can go and get a fair shake.

WHY TARGET THE NLRB

- It is no accident that Trump chose to fire the exact board member that would stop the NLRB from functioning and operating independently. He and his administration targeted Wilcox and the NLRB to halt the progress workers have made and further tilt the scales for the wealthy and corporations.
- [From Oct. 1, 2023, to Sept. 30, 2024](#), the NLRB saw a significant increase in activity:
 - The board received 3,286 union election petitions, up 27% from the previous year and more than double the petitions in the 2021 fiscal year (FY).
 - Unfair labor practices against employers are up to the highest total case intake in over a decade.
 - Together, the NLRB heard 22% more cases in FY 2024.

- But even with enough members to operate, the board wasn't keeping up with worker activity, with nearly 50% more pending cases at the end of FY 2024 than fiscal 2023. With Wilcox removed and the NLRB no longer able to issue decisions, that number is only going to grow and more worker protections will be stalled.
- Taking the cop off the worker protection beat has had an immediate effect.
 - [Last week](#), Amazon-owned Whole Foods openly admitted it no longer needs to worry about union election victories due to the NLRB's inability to function, following the first union victory at one of its stores. Citing Trump's removal of Wilcox and other NLRB officials, Whole Foods is arguing there is no certification for the workers' unionization election outcome, and it can avoid negotiating with the union indefinitely.
- The only way to undo the damage that Trump has wrought on millions of workers' only venue to have their organizing and bargaining rights upheld is to reinstate Wilcox immediately.