

Insights, News & Events

5 WAYS THE 2026 MIDTERMS WILL IMPACT THE SENATE HELP COMMITTEE AND EMPLOYERS ACROSS THE COUNTRY

Insights
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It may be hard to believe, but the 2026 midterm elections are right around the corner (at least by DC standards), and it's time for employers to start paying attention. While Republicans are hoping to maintain control of both the House and Senate, Democrats are banking on regaining control of one or both houses to serve as a check on the Trump administration. So what do employers need to know? To be clear, this is not just another "Most Competitive Midterm Races to Watch" article, but instead focuses specifically on how key races and additional political factors will shape one of the most influential committees impacting the workplace – the US Senate Committee on Health, Education, Labor, and Pensions (HELP). This group of Senators offers advice and consent on the president's labor nominees and oversees issues businesses care about from independent contractor classification to regulation of the use of artificial intelligence (AI) in the workplace. So, how exactly will the midterms affect the makeup of this key committee in the next Congress? We lay out five things to watch below.

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Can Collins Hold On?

»»» **FP PREDICTION:**
Barring any scandals or gaffes, Platner's message will resonate with Maine voters and he'll unseat Collins.



Can Collins Hold On?

Recently, there has been a slew of US Senate candidates who have announced campaigns challenging incumbents in DC. For Senate Democrats, who would need to flip four seats and defend a handful of others, party leaders are eyeing Maine as a prime pickup opportunity. Sen. Susan Collins (R-ME), who currently serves as a member of the HELP Committee and Chair of the powerful Appropriations Committee (which helps determine the Labor Department's budget each year), is running for a sixth term next year. The Maine Republican has largely built her reputation around being a moderate consensus builder on both committees.

She is facing a challenge from political newcomer Graham Platner, an oyster farmer and veteran. While Collins has handily defeated all her previous opponents, she is running in an era of increased polarization in what is also expected to be a difficult environment for Republicans – especially as the president's party typically loses seats in Congress.

Her defeat would also likely impact the traditionally bipartisan appropriations process, which the Trump administration's Office of Management and Budget (OMB) has said "must be less bipartisan." Specifically, increased politicization of the annual budget process could increase the risk of government shutdowns, making it more difficult for businesses to plan. Additionally, as someone who has shown a willingness to buck her own party, Collins also used her platform on the HELP Committee to speak out against the Labor Department's plans to shutter the Job Corps earlier this year, a training program employers across the country have long relied on.

FP Government Relations Early Prediction: Assuming Collins retire, and Governor Janet Mills (D) does not mount a Senate campaign, we give the advantage to Platner. Despite being re unknown at this point, he has plenty of time to introduce him voters in a state with a population of less than 1.5 million peo both 2016 and 2024, President Trump was viewed by many a "anti-establishment" candidate, which helped carry him to vi Barring any scandals or gaffes, Platner's economic populist r and similar anti-establishment sentiment will resonate with M voters in a state that already leans Democrat.



Pro-Labor Republican Gains Seniority

FP PREDICTION:
Hawley will help confirm Crystal Carey as NLRB General Counsel but use his position to launch a possible 2028 presidential run.



Pro-Labor Republican Gains Seniority

Despite not being up for re-election until 2030, Sen. Josh Hawley (R-MO) would benefit from a shakeup in the makeup of the HELP Committee in 2026 insofar as it further increases his seniority as one of its rank-and-file members. Why does that matter?

Though Hawley has only served on the Committee since 2024, he has quickly made a name for himself as a GOP pro-labor voice, often opting to co-sponsor traditionally Democratic legislation such as the Warehouse Worker Protection Act and the Faster Labor Contracts Act. Earlier this year, Missouri's senior senator also balked at confirming management-side attorney Crystal Carey as National Labor Relations Board (NLRB) General Counsel, which resulted in the Committee delaying a vote on her nomination until further notice.

In the case of Carey and others, committee votes are often cast along party lines, giving Hawley the power to be a deciding swing vote in helping decide who is in charge of shaping regulatory priorities at agencies like the NLRB, Equal Employment Opportunity Commission (EEOC), Occupational Safety and Health Administration (OSHA) and Wage and Hour Division (WHD). Though Hawley is still relatively new to HELP, Sen. Tommy Tuberville's (R-AL) decision to forgo running for re-election (he will instead run for Governor of Alabama) and the appointment of other younger GOP members on the Committee gives Hawley an opening to build his national profile as a staunch conservative who is also aligned with organized labor.

FP Government Relations Early Prediction: Hawley is not up for re-election this cycle, but we predict that he will opt to co-confirm Crystal Carey as NLRB General Counsel. He is also using his position on the Committee to build a more national profile ahead of a 2028 presidential run.

Brown's Comeback Bid

Sen. Jon Husted (R-OH), another member of the HELP Committee, is also up for re-election next year. Husted's main opponent is former Sen. Sherrod Brown (D-OH), who is mounting a comeback bid after losing re-election by 3.5% last fall in a state President Trump won by double digits.

Brown is also a longstanding ally of organized labor in the Buckeye State and was the lead sponsor of the Social Security Fairness Act, legislation enacted in January by former President Biden that allowed former public sector workers, such as teachers and police officers, the ability to collect full retirement benefits. Unlike Collins and Hawley, Husted does not typically defy his own party on issues related to labor and employment, which may be enough to carry him to victory in the increasingly Republican state next year. However, no Democrat other than Sherrod Brown has the profile to make this race competitive. The non-partisan Cook Political Report currently ranks the matchup as "Lean Republican."

FP Government Relations Early Prediction: Sen. Husted wins election by 4 to 5 points, but Brown's popularity and name recognition will keep the race competitive. GOP leaders will be required to spend some money to defend the seat and avoid an upset.

HELP Chair Faces Primaries

While two of the aforementioned HELP Committee members are facing Democratic challengers, Committee Chair Bill Cassidy (R-LA) is already facing two primary challenges from within his own party. Ultimately, whether Cassidy wins re-election will be determined by whether President Trump believes Louisiana's senior senator has been sufficiently loyal (he voted to impeach the president in 2021) or whether he chooses to back another candidate who is able to consolidate the state's conservative voting bloc.

Currently in the running are State Treasurer John Fleming and State Senator Blake Miguez, who are both running to Cassidy's right. During his tenure in the Senate, Cassidy has prioritized legislation that would provide independent contractor workers with access to portable benefits and expand retirement benefits access to part-time workers.

Should Cassidy lose his primary race, Sens. Collins (if she wins), Paul (R-KY), and Murkowski (R-AK) would be the top Republicans on Senate HELP. On the other hand, if Democrats regain control of the Senate, Sen. Bernie Sanders (I-VT) would likely reclaim his spot as Committee Chair, allowing Democrats to control the Committee's agenda and giving it a more pro-labor bend.

FP Government Relations Early Prediction: President Trump both of Cassidy's primary challengers as he has done in previous elections. Cassidy loses his primary despite voting largely all lines on most issues.



Dem Senators Contend with Age

>>>> **FP PREDICTION:**
Both Markey and Hickenlooper will beat back any primary opponents.

Fisher Phillips

Dem Senators Contend with Age

In the wake of the 2024 election, elected Democrats are still grappling with the age of their elected officials. While Republicans also have many leaders within the party that are older (President Trump is the oldest person to be elected president, and Senate Judiciary Committee Chair Chuck Grassley is in his early 90s), Democrats are searching

for a way to reclaim power in Washington, which will likely include primary challenges to some of the party's elder incumbents.

Employment and Workplace Safety Subcommittee Ranking Member John Hickenlooper (D-CO) and Primary Health and Retirement Security Subcommittee Ranking Member Ed Markey (D-MA) are both HELP Committee Democrats vulnerable to well-funded primary challengers – and each currently has primary opponents lined up against them.

Both represent reliably blue states that are unlikely to flip to the GOP. However, it remains to be seen whether Democratic voters in those states are interested in funding younger candidates viewed as more likely to push back against the current administration and win back working-class voters, whom President Trump made inroads with last November.

FP Government Relations Early Prediction: While many Dem voters are unhappy with the party's leadership, a combination of name ID and no high-profile instances of voting against the party allow Markey and Hickenlooper to beat back any primary opponents (Markey did so in 2020, when he was challenged by former F Kennedy III.)

Conclusion

We will continue to monitor developments related to the midterm elections and government relations as they relate to the workplace. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on our [Government Relations team](#).