

# Biden Versus Trump Judges: Workers' Rights

Whether the specific issue is job discrimination, minimum wage and overtime pay, union organizing, or more, federal courts play a critical role in protecting workers' rights against big corporations and others. Federal judges nominated by Donald Trump, as opposed to those nominated by President Biden, have markedly different records in this area, with Trump judges favoring corporations and employers and Biden judges enforcing laws that protect the rights of workers.

Both at the Supreme Court and in lower courts, Trump judges have dramatically harmed the rights of workers in numerous decisions. For example:

- Trump justice Neil Gorsuch wrote a 5-4 [decision](#) that [bars](#) millions of workers from banding together to pursue claims of federal wage and hour violations and requires them instead to pursue individual arbitration claims. Gorsuch was also the [deciding vote](#) in a 5-4 ruling that overturned prior precedent and made it harder for public sector unions to organize.
- Trump justices Brett Kavanaugh, Amy Coney Barrett, and Gorsuch provided the deciding votes in a Supreme Court ruling that [invalidated](#) a California rule giving unions access to farm property to organize farmworkers.
- Trump judge Robert Luck wrote a 2-1 decision that [upheld](#) the dismissal of a Georgia county worker's age discrimination claim despite a supervisor's remark that he was "tired of looking at all these old people."
- Trump judge Steven Menashi cast the deciding vote in a 2-1 ruling upholding the dismissal of a Connecticut worker's claim that the corporation he worked for violated state [minimum wage](#) laws.
- Trump judge Amy St. Eve [reversed](#) a district court ruling that allowed a class action on behalf of almost 2000 Illinois women to proceed in challenging a hostile work environment, including sexual harassment, at a county facility.
- Trump judges Jonathan Kobes and Ralph Erickson affirmed the dismissal of a Missouri auto worker's complaint that he was illegally [fired in retaliation](#) for reporting safety problems at the plant where he worked.
- Trump judge Kevin Newsom wrote a [decision](#), joined by Trump judges Elizabeth Branch and Britt Grant, that upheld the dismissal of a Georgia Black woman's job bias claim and made it much harder to prove job discrimination, at least in the Eleventh Circuit including Florida, Georgia, and Alabama. A dissenting judge wrote that the ruling "drops an anvil on the employer's side" in job bias cases.



In contrast, Biden nominees have written or cast deciding votes in numerous decisions that have protected workers' rights around the country. For example:



- Biden judge Veronica Rossman [reversed](#) a lower court and held that a Utah employee should have his day in court to try to prove that his employer had illegally failed to accommodate his disability.
- Biden judge Gustavo Gelpi [ordered](#) a lower court to ensure that a New England corporation properly provide overtime pay to thousands of eligible employees.
- Biden judge Jennifer Sung mandated [enforcement](#) of a National Labor Relations Board decision against a corporation guilty of anti-union activity in California, including refusing to rehire employees who had joined the union.
- Biden judge Dana Douglas [upheld](#) a lower court ruling that former patients at a rehabilitation facility could proceed with a collective action against the entity that required them to work for outside businesses for no wages at all.
- Biden judge Rossman [reversed](#) a lower court Trump judge and gave a Frito-Lay employee the opportunity to prove his age discrimination claim.
- Biden judge Candace Jackson-Akiwumi cast the [deciding vote](#) to give a former University of Wisconsin employee the opportunity to prove that he was illegally fired in retaliation for raising job discrimination complaints.
- Biden judge Toby Heytens reversed the dismissal of a complaint by a North Carolina Black man that he was illegally fired because of his race.
- Biden judge Ketanji Brown Jackson (later confirmed to the Supreme Court) wrote a decision that [overturned](#) action by Trump officials and restored federal workers' rights to bargain with employers about working conditions.

These cases illustrate the tremendous impact that federal judges have on workers' rights and how important it is who nominates them. The coming year will determine whether it is Biden or Trump who nominates judges in the future.

