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New York Locke Lord Partner Richard Reibstein Quoted by Law360 on Minimum Wage Protections for Independent Contractors in Gig Economy

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Richard Reibstein

Richard Reibstein, a New York Partner in Locke Lord's Labor and Employment Practice Group and co-head of the Firm's Independent Contractor Compliance and Misclassification Practice, was quoted extensively by Law360 discussing the advent of minimum wage standards in four jurisdictions in the United States covering independent contractors in selected gig economy industries. The article focuses on new minimum wage laws in California, Minnesota, New York City and Seattle for independent contractors performing app-based delivery services and ride-hail driving. Reibstein noted that, "Prior to 2020 or so, most legislative bodies [were] still focused on increasing penalties for independent contractor misclassification or imposing stricter standards for classifying workers as independent contractors." He also noted that, "While businesses have opposed [these new wage] standards, the requirements at least further cement the workers' status as independent contractors."

"Many types of [gig] workers are now being presumed [by legislative bodies] to have been properly classified," he added. But [mis]classification litigation will continue, he said, "especially now that a new U.S. Department of Labor independent contractor rule is in place." Reibstein concluded: "It may cause some of the gig workers who would otherwise be protected by these new state and local wage standards to lose those protections, if these workers are deemed to be employees under certain laws."

Read the full Law360 article (subscription may be required).

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