

Press Coverage | March 5, 2026

Proposed Labor Department Rule To Make It Easier for Companies To Classify People as Gig Workers

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Richard Reibstein, a partner in Troutman Pepper Locke’s Labor + Employment Practice Group, was quoted in the March 5, 2026 *Marketplace* article, [“Proposed Labor Department Rule To Make It Easier for Companies To Classify People as Gig Workers.”](#)

The proposed rule also puts more weight on how much control workers have and whether they face a profit or a loss. That standard tends to favor employers. But there are gray areas, and the ultimate deciders here are the courts, according to Richard Reibstein, a partner with the law firm Troutman Pepper Locke.

This proposed rule is “much ado about nothing from the legal standpoint,” he said, adding that that’s because anyone disagreeing with the rules goes to court.

Besides, he said, the gig worker rules change every time there’s a new president. President Barack Obama’s guidelines were erased by the first Donald Trump administration. And that was then overridden by the Biden White House. Now, the rule is ping ponging back to where it was during Trump’s first term.

“Therefore, the courts are saying, ‘We don’t need any help,’” Reibstein said. “That’s why they’ve essentially disregarded these prior rules on independent contractor status.”

Reibstein expects this latest Trump administration rule to also wind up in court, but first it has to be finalized — and that can only happen after a 60-day public comment period.

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