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Richard Reibstein Comments in Law360 on Upcoming New York City Legislation for Food Delivery Contractors

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New York Partner **Richard Reibstein**, Co-Head of Locke Lord's Independent Contractor Misclassification and Compliance Practice, shared insights with Law360 regarding legislation about to be passed by the New York City Council that would entitle food delivery gig workers to certain rights and protections. Reibstein noted the city council did not wade into the debate surrounding a test for independent contractor status in the language of the bills, which would require restaurants to provide restroom facilities, set minimum pay per trip, prohibit companies from charging workers certain fees and make companies disclose tip policies.

"The city council wisely said, 'We'll just call them independent contractors,'" he said. "They don't say who is and who is not an independent contractor. It doesn't define a test for independent contractors. It just says independent contractors are covered."

He added that if delivery workers were reclassified as employees as a result of a change in the law or a court decision, then, paradoxically, this legislation providing additional rights to food delivery workers would no longer apply to them.

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