



What Can The Gig Economy Expect Under President Biden?

Insights

11.09.20

Now that all major media outlets have projected Joe Biden to be our next president, it is natural to begin to wonder what the next four years might look like for the gig economy. Our firm published [a detailed assessment about what employers can expect in 11 key areas of workplace law that you can find here](#). I'd encourage you to give it a look; it covers some fascinating territory.

As for the gig economy, I provided my ideas about what you can expect. My main thought is that President Biden will be faced with a particularly difficult challenge: ensuring workers receive fair treatment from businesses while not stifling the flexibility and efficiency of modern business models that rely upon contingent workers and gig-economy strategies. That could lead to "a bit of a rollercoaster" ride when it comes to refining and applying existing laws to gig economy business arrangements.

Businesses that implement a contractor workforce in whole or in part might be concerned given that Biden's campaign [platform touted that he would put a stop](#) to misclassification, harnessing multiple federal agencies to work together to address issues (think the IRS, the DOJ, the EEOC, and the NLRB). But it appears unlikely that we would see a [California-like ABC test](#) implemented on a national level, regardless of whether the Senate is controlled by the Democrats or not. That might be a bridge too far for some moderate Democrats who will take business considerations into account when determining the best workplace law policies, especially in light of the need for economic recovery.

And while the Department of Labor has released regulations to make it easier for hiring entities to [classify workers as independent contractors](#), the future of this rule is uncertain at best. As I have said before, the proposed misclassification rule is [almost certain to be challenged in court](#) before taking effect. Which means you can expect the action to be focused at the state level over the next four years.

Regular readers of this blog know that you can find regular updates on these topics by following our publication. I'd recommend you read [our detailed summary of what to expect in all aspects of workplace law here](#) and check back with this blog frequently to get specific updates on gig economy developments.

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