

# Is Congress Ready to Fix the Square-Peg/Round-Hole Gig Dilemma?

Insights

5.10.17

An influential member of Congress recently provided some hope that statutory relief for the ill-fitting wage-hour rules as applied to gig workers might be considered by Washington in the not-too-distant future.

As reported by Bloomberg BNA, the hopeful comments came last week from Virginia Foxx (R.-N.C.), who serves as the Chairwoman of the Education and the Workforce Committee, while speaking at the Consumer Technology Association's New American Jobs Summit.

When describing the “outdated regulatory structure” that applies to workers and employers, she acknowledged that “it simply doesn’t make sense” for the gig economy. She then analogized to the classic “square-peg-in-a-round-hole” dilemma in light of the fact that gig workers do not “fit neatly into obsolete job categories defined in another era.”

Because Chairwoman Foxx has an “R” beside her name to indicate her party affiliation, it should come as no surprise that her remarks drew criticism from someone from the other side of the aisle. Rep. Mark Takano (Calif.), the ranking Democrat on the Workforce Protections, expressed his concerns that Chairwoman Foxx’s comments signaled an interest in removing workers’ rights rather than protecting them. “When she talks about updating the laws,” he said, “what I hear her say is we need to throw out protections instead of how these workers can get a fair deal. It’s been a pattern of workers not being protected.”

It remains unclear exactly where Congress might go in regards to gig economy focused legislation. However, the debate to date has included a variety of solutions, including the creation of a new classification that would address the gig workers who fall somewhere between the traditional employee and classic independent contractor models. The Labor Department also hopes to provide some further data to inform the debate as a result of feedback from new questions that it will add to its soon-to-be-released contingent worker survey.

## ***Related People***

---





**Joseph P. Shelton**  
Regional Managing Partner  
615.488.2901  
[Email](#)