

# Position Paper

January 2026

## Quality Jobs Act

On 4 December 2025 the European Commission initiated a first-phase consultation of social partners under Article 154 TFEU on possible direction of EU action to improve working conditions, health and safety at work and implementation of workers' rights – Quality Jobs Act. The German digital association Bitkom (although not a social partner) would like to underline its key positions for the upcoming legislative procedure, particularly regarding algorithmic management and AI in the workplace as well as occupational health and safety in the context of telework.

### Summary

- The EU should prioritise initiatives aimed at **streamlining regulatory frameworks and fostering competitiveness**. To this end, EU action should focus on simplifying labour legislation, for example through an additional omnibus package, and on implementing existing rules within the framework of the planned Quality Jobs Act.
- **In Bitkom's view there is currently no need for additional AI specific labour legislation. Existing legislation** – notably the AI Act, the General Data Protection Regulation and the Platform Work Directive – **already provides comprehensive rules for the deployment and use of AI in the workplace, offering sufficient safeguards for workers' rights and safety**. Before introducing new legislation, these frameworks must first be fully implemented and evaluated in terms of their effectiveness, practicality, and impact on European digital innovation and competitiveness.
- **The definition of «telework» and corresponding regulation in statutory legislation or in collective agreements may vary in different Member States.** The EU should take a **differentiated view depending on the scope of telework**, i.e. whether or not it takes place on a voluntary basis; whether it exclusively takes place in a fixed workplace at the employee's home; whether it takes place during the entire working time or on a regular or only on an occasional basis. **Extending the Workplaces Directive to all off-premises workplaces, including those used for teleworking, would be impracticable and disproportionate.** Employers cannot fully equip or effectively monitor compliance with occupational health and safety provisions in workplaces that are outside their legal control and premises.

## In detail

### Algorithmic management and Artificial Intelligence at work

We acknowledge that the planned Quality Jobs Act aims to support and enable take-up of AI at work, while protecting workers from potential risks.

**However, in Bitkom's view there is currently no need for additional AI specific labour legislation.**

**Existing legislation** – notably the AI Act, the General Data Protection Regulation (GDPR) and the Platform Work Directive (PWD)<sup>1</sup> – **already provides comprehensive rules for the deployment and use of AI in the workplace, offering sufficient safeguards for workers' rights and safety.** In this context, the well-established acquis on working conditions, occupational health and safety, and equality also play a relevant role<sup>2</sup>.

**New legislation on algorithmic management would duplicate regulatory requirements where the scope of different legislative instruments overlaps.** This is particularly the case with regard to **transparency and information rights** (Art. 13, Art. 26 (7), Art. 26 (11), Art. 50, Art. 86 AI Act; Art. 12-15 GDPR; Art. 9 PWD), **human oversight** (Art. 14, Art. 26 (2) AI Act; Art. 22 GDPR and Art. 10 PWD) and **the protection of workers' personal data** (Art. 88 GDPR and Art. 7-8 PWD).

Ultimately, duplication leads to incoherence and legal uncertainty, as well as placing an administrative burden on businesses and public organisations striving to ensure compliance with multiple layers of regulatory requirements.

**Given the implementation timelines for the AI Act and the Platform Work Directive, the lack of evidence how these frameworks function in practice and how they interact with each other, introducing further AI legislation at this stage would be premature.**

The obligations set out in the AI Act for high-risk workplace systems will apply from August 2026, or later if the Commission's proposed Digital Omnibus Package is adopted by co-legislators. Important accompanying guidelines and standards for the AI Act are not yet available. The Platform Work Directive must be transposed into national law by December 2026. National laws are not yet in place.

**Before introducing new legislation, these frameworks must first be fully implemented and evaluated in terms of their effectiveness, practicality, and impact on European digital innovation and competitiveness.** Evidence-based policymaking requires a

<sup>1</sup> AI Act Regulation (EU) 2024/1689, General Data Protection Regulation (EU) 2016/679 and Platform Work Directive (EU) 2024/2831.

<sup>2</sup> Directive on Transparent and Predictable Working Conditions (EU) 2019/1152, Working Time Directive 2003/88/EC, Information and Consultation of Employees Directive 2002/14/EC, European Framework Directive on Safety and Health at Work 89/391 EEC, Equal Treatment Directive 2006/54/EC.

thorough impact assessment of any further measures aimed at addressing potential gaps in workers' rights protection in the context of AI and algorithmic management.

Therefore, non-binding EU action within the planned Quality Jobs Act should focus on effective implementation and enforcement of existing EU protections for workers and on providing clarifying guidelines for implementation. EU regulation should take a risk-focused rather than technology-focused approach. The deciding factors should be the intended use of the algorithmic management and AI systems in question and the severity of the potential harm they could cause to workers' health, safety or fundamental rights.

Otherwise, the planned Quality Jobs Act may also cover algorithm-based digital tools which have been in use for decades without posing a risk to workers' rights or safety. For example, shift schedules in larger industrial companies have not been created using pen and paper for decades, but rather with computer programmes. Introducing new regulatory requirements would significantly complicate the use of such applications and ultimately hinder further take-up of digital technology.

**Finally, new legislation on algorithmic management at this stage would undermine the EU's efforts to simplify regulation and promote competitiveness.**

## Occupational safety and health

The review of the Display Screen Equipment Directive and the Workplaces Directive<sup>3</sup> aims to adapt occupational health and safety provisions to a digitalised world of work.

Whereas the current consultation document does not define «telework», the two-stage consultation on «workers' right to disconnect and telework» referred to telework as «a work arrangement, which involves the use of ICT and can be carried out in several alternative workplaces in addition to the employer's premises.»

Bitkom would like to point out that **the definition of «telework» and corresponding regulation in statutory legislation or in collective agreements may vary in different Member States.**

For example, in Germany whereas «Telearbeit» is precisely defined and strictly regulated in the Workplace Ordinance<sup>4</sup>, there is no legal definition for the more commonly used «mobile Arbeit». With «Telearbeit» on the one hand, work is carried out at a permanent workstation installed and fully equipped by the employer in the workers' private sphere, for which the employer and the worker have stipulated weekly working hours in an agreement. With the much more flexible «mobile Arbeit», on the other hand, the work is carried out irrespective of a fixed workplace at any location: from home or from a customer's premises, from a hotel during a business trip, from the

<sup>3</sup> Display Screen Equipment Directive 90/270/EEC and the Workplaces Directive 89/654/EEC.

<sup>4</sup> The definition in Section 2 (7) Workplace Ordinance reads as follows: «Teleworkstations are DSE workstations installed permanently by the employer in the workers' private sphere, for which the employer has stipulated weekly working hours – agreed with the worker – and the duration of the installation. A teleworkstation is not set up by the employer until the employer and the worker have stipulated the conditions for teleworking in a contract of employment or in the framework of an agreement and the necessary fitting out of the workstation with furniture, work tools including communications equipment has been provided and installed in the worker's private sphere by the employer or a person commissioned by him.»

[Ordinance on Workplaces \(Workplace Ordinance - ArbStättV\) \(gesetze-im-internet.de\)](http://www.gesetze-im-internet.de)

private home of a third party, from public transport, from a co-working space or a local community centre, from a café or a park, etc. «Mobile Arbeit» may also include the so-called «workation», i.e. the combination of «work» and «vacation», where work can be carried out in a holiday flat, holiday resort, a boat or a camper van, etc. Workation is often, but not necessarily, carried out from abroad. With «mobile Arbeit» employees are essentially free to decide where and when to perform their work.

**Extending the Workplaces Directive to all off-premises workplaces, including those used for teleworking, would be impracticable and disproportionate.** Employers cannot fully equip or effectively monitor compliance with occupational health and safety provisions in workplaces that are outside their legal control and premises.

The EU should take a **differentiated view depending on the scope of telework**, i.e. whether or not it takes place on a voluntary basis; whether it exclusively takes place in a fixed workplace at the employee's home; whether it takes place during the entire working time or on a regular or only on an occasional basis. In case the employer instructs the employee to telework, regulation may be more comprehensive.

**Bitkom would also like to point out, that there are already existing measures in place to protect employees' health and safety at telework, notably risk assessment combined with training and instructions provided by the employer.**

The European Framework Directive on Safety and Health at Work<sup>5</sup> introduces the principle of risk assessment and defines its main elements. Accordingly, in Germany employers are obliged to carry out a risk assessment of the working conditions in accordance with Section 5 of the Occupational Health and Safety Act<sup>6</sup>. This applies regardless of the place of work, i.e. also for telework («mobile Arbeit»). The assessment focuses on the protection of employees from hazards in the workplace and the minimisation of behaviour patterns of employees that are harmful to health. The assessment of the conditions of work must cover risks result from *inter alia* the design and setup of the workstation and the workplace as well as psychological stress at work.

Supporting instruments for the protection of employees' health and safety at telework are already available: the Federal Ministry of Labour and Social Affairs has adopted a Recommendation for good hybrid screen work<sup>7</sup>, the Institute for Work and Health of the German Social Accident Insurance has published a checklist for carrying out the risk assessment for working from home<sup>8</sup> and also a survey software for carrying out a self-assessment<sup>9</sup> is available. These checklists provide workers with specific recommendations on how to set up their workstation at home and can also be used by employers to assist the assessment of working conditions.

**In terms of working conditions EU action should refrain from regulating work arrangements in detail. Practice shows that collective agreements at sectoral or organisational level as well as individual work agreements are the most appropriate**

<sup>5</sup> European Framework Directive on Safety and Health at Work 89/391 EEC

<sup>6</sup> [Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work \(Arbeitsschutzgesetz, ArbSchG\) \(gesetze-im-internet.de\)](http://gesetze-im-internet.de/arbeitsschutzgesetz_arbschg.html)

<sup>7</sup> BMAS ASUG Richtlinien Mobile Arbeit

<sup>8</sup> [Work from home CHECKLIST- long version | DGUV Publikationen](http://www.bmfsfj.de/SharedDocs/Downloads/DE/ASUG/Arbeitsmarkt/Arbeitsmarktpolitik/Arbeitsmarkt/Arbeitsmarkt-Informationen/Arbeitsmarkt-Informationen/Arbeitsmarkt-Informationen.html)

<sup>9</sup> [Use our HomeOffice-Check.de assessment for Hybrid Work now! \(hub4you.eu\)](http://www.homeoffice-check.de)

**to lay down telework arrangements. In this context, greater emphasis should be placed on employee responsibility and empowerment.**

Employers may be reluctant to enable telework to their employees, if the compliance burden and costs are disproportionate. This would ultimately result in employees losing the flexibility that these options provide.

Moreover, as part of the simplification agenda, certain provisions of the health and occupational safety framework applicable for telework could also be reviewed. For example, periodic inspections of work equipment under Article 5 of Directive on the use of work equipment, which has been transposed into German law by the Operational Safety Ordinance (Betriebssicherheitsverordnung)<sup>10</sup>. This requires employers to regularly inspect equipment made available to employees for home use, such as monitors and electrically height-adjustable desks. Within the context of telework if an employer requires an employee to use specific equipment, the employer should also be responsible for ensuring safety. However, if employees can decide for themselves whether to use such equipment at home, inspections should not be compulsory.

## **Subcontracting**

The consultation document rightly points out that subcontracting is a legitimate business model which can help businesses to obtain specialised expertise and adapt to changing business needs. However, subcontracting can also lead to fraudulent practices and non-compliance with labour legislation.

In Bitkom's view existing EU acquis and national laws already provide sufficient safeguards for vulnerable groups or economic sectors at risk of fraudulent practices. For example, the German Act to Combat Undeclared Work and Unlawful Employment provides for *inter alia* the control of compliance with the provisions of the Residence Act, social security law, minimum wage legislation and working conditions legislation.

Looking specifically at platform work, the Platform Work Directive provides additional safeguards. It stipulates that persons performing platform work through intermediaries should enjoy the same level of protection as those with a direct contractual relationship with a digital labour platform.

Intermediaries enable businesses to respond flexibly to local demand during staffing shortages, seasonal peaks and periods of increased demand, as well as in underserved areas on the outskirts of urban centres.

The added value of EU action could be realised in the area of cross-border subcontracting. In other areas, the EU should focus on enforcing existing rules to avoid overlapping compliance provisions and legal uncertainty, which would create unnecessary administrative burden.

<sup>10</sup> Use of work equipment Directive 2009/104/EC and BetrSichV - nichtamtliches Inhaltsverzeichnis.

## Just transitions

The consultation document rightly notes that the EU acquis, particularly the Information and Consultation of Employees Directive<sup>11</sup>, provides a solid basis for workers involvement at company level in restructuring processes.

In Germany, the works council's right for information and consultation in the case of restructuring is already adequately regulated in the Works Constitution Act (Betriebsverfassungsgesetz)<sup>12</sup>. Section 111 et seq. contains provisions relating to alterations and the reconciliation of interests in the case of alterations, including an (enforceable) social compensation plan.

Addressing the employment and skills implications of the twin transitions is a task for society as a whole. Bitkom acknowledges that the Just Transition Fund supports reskilling and upskilling programmes as well as vocational education and training.

Companies take responsibility for the skills' development of their employees. A 2025 Bitkom study<sup>13</sup> found that around three-quarters (73 per cent) of companies provide their employees with further training on digital topics. It is important to involve employees in matters relating to further training at the workplace. However, it would be clearly disproportionate to establish individual rights for employees to further training at the expense of their employer.

## Enforcement and role of social partners

Bitkom acknowledges the key role of collective representation in social market economies. EU action within the Quality Jobs Act should focus on effective implementation and enforcement of existing EU protections for workers and on providing clarifying guidelines for implementation. The implementation of EU action should respect different national systems and the autonomy of social partners.

<sup>11</sup> Information and Consultation of Employees Directive 2002/14/EC

<sup>12</sup> Works Constitution Act (Betriebsverfassungsgesetz - BetrVG) ([gesetze-im-internet.de](http://gesetze-im-internet.de))

<sup>13</sup> [Vermittlung von Digitalkompetenz: Drei Viertel der Unternehmen bilden Beschäftigte weiter | Presseinformation | Bitkom e. V.](http://Vermittlung von Digitalkompetenz: Drei Viertel der Unternehmen bilden Beschäftigte weiter | Presseinformation | Bitkom e. V.)

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