



AI that works for all:

Aligning the EU AI agenda with quality jobs.

A position paper by the Adecco Group

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Introduction

Artificial intelligence is playing an increasingly influential role in the organisation of work across the EU, affecting how tasks are allocated, monitored, and managed. In response, EU policymakers, particularly under the Quality Jobs agenda, are proposing stronger regulation of AI in the workplace, including enhanced worker protections, transparency, and human oversight.

Those advocating for new regulation often proceed on the assumption that AI poses novel risks unaddressed by existing law. This is true to an extent, but it is neither unexpected nor inherently problematic. There have always been, and will remain, risks associated with technological change that are not fully anticipated or exhaustively regulated. Law is not designed to capture every conceivable risk, but rather to function as an overarching framework within which societal and economic activity can develop. More detailed regulation can clarify specific obligations, yet it too can never provide complete coverage.

Against this backdrop, the Adecco Group does not deny that certain AI-related risks may remain insufficiently addressed. However, we challenge the assumption that such gaps—particularly in the context of work and employment—necessarily justify the introduction of additional, workforce-specific AI legislation. Existing EU law already provides robust and enforceable protections in areas central to the use of AI in the workplace, including transparency, procedural fairness, the contestability of AI-supported decisions, data protection, and equal treatment.

Introducing further regulation at a stage when the EU Artificial Intelligence Act has yet to be fully implemented risks being disproportionate. It may add legal complexity without effectively addressing the underlying concerns, while potentially constraining innovation and adoption—particularly in light of Europe’s current position in AI enablement and deployment relative to other global regions, where strong protections for fundamental rights and workers are already embedded in the EU’s legal framework.

The core challenge therefore lies less in the existence of legal gaps than in the effective interpretation, implementation, and enforcement of the rules already in place. Strengthening enforcement capacity, enhancing guidance, and promoting more consistent application across Member States are likely to offer a more effective and proportionate response to the challenges posed by AI in the workplace than the introduction of new statutory obligations.



Existing legal framework governing AI at work

With the adoption of the EU Artificial Intelligence Act (Regulation (EU) 2024/1689), the Union has introduced the world's first comprehensive, binding framework for AI. The Act seeks to promote trustworthy, human-centric AI and protect fundamental rights through a proportionate, risk-based approach. As a signatory to the European Commission's AI Pact,¹ The Adecco Group fully aligns with these objectives. The Group further positions itself as a frontrunner in the development and implementation of a robust Responsible AI framework for the benefit of its candidates, associates, colleagues, and clients.²

In addition to the AI Act, workplace AI is already regulated by extensive EU law on employment, data protection, equality, and health & safety. Together, these existing legal frameworks impose significant constraints on AI use at work, creating a highly regulated environment even before the AI Act's full application. This section therefore examines how the EU acquis already provides a comprehensive basis for governing workplace AI.

Data protection and automated decision-making (GDPR)

The GDPR plays a central role in regulating AI use in employment. It establishes binding principles for lawful, fair, and transparent data processing, including purpose limitation, data minimisation, accuracy, and accountability. These obligations apply fully to employers' use of data-driven and AI-enabled systems, regardless of whether they are formally labelled as "AI." Consequently, many key aspects of algorithmic management that involve processing workers' personal data are already tightly regulated under EU law.

Especially important are the GDPR rules on profiling and automated decision-making. Where AI systems are used to support or significantly influence human decision-making with substantial effects on workers—such as recruitment, performance assessment, promotion, or dismissal—employees benefit from specific safeguards under Article 22 and the transparency duties in Articles 13–15. These include:



The right to receive meaningful information about the logic involved in automated processing.



The right to access and rectify personal data used by such systems



The right to contest and seek human intervention in certain automated decisions.

Crucially, these protections apply irrespective of a system's technical sophistication. Whether employers use simple rules-based software or advanced machine-learning models, the same obligations apply, making the GDPR a technology-neutral framework governing AI-assisted decision-making in employment.

Labour law, worker information and consultation rights

Alongside the GDPR, EU labour law provides structural safeguards that are directly relevant to workplace AI. Existing directives require employers to inform and consult workers or their representatives about significant changes to work organisation, working conditions, and employment relationships. The introduction of AI systems for performance monitoring, task allocation, or managerial decision-making may trigger these obligations, even without dedicated legal provisions on AI at work.

In several Member States, including Germany and the Netherlands, national law goes further by requiring prior consultation with work councils before introducing technologies affecting workforce management or employee monitoring. These mechanisms are particularly important in contexts of algorithmic management, where decision-making processes rely on partially automated inputs or recommendations that can significantly affect daily working conditions, autonomy, and job quality.

Taken together, these rules ensure that the use of AI in the workplace is subject to collective oversight and ongoing social dialogue. Instead of relying mainly on individual workers' ability to challenge decisions after harm has occurred, EU labour law situates AI deployment within organisational governance structures that emphasise transparency, worker participation, and accountability.

¹ <https://digital-strategy.ec.europa.eu/en/policies/ai-pact#ecl-inpage-Signatories-of-the-AI-Pact>

² Also see <https://www.adeccogroup.com/rai-principles>

Equality and non-discrimination law

Concerns about bias and discrimination are often cited to justify AI-specific workplace regulation. However, EU equality and non-discrimination law already apply fully to employment decisions influenced by AI. Existing legal frameworks prohibit both direct and indirect discrimination throughout the employment lifecycle, regardless of whether decisions are made by humans or supported by automated systems.

EU directives ban discrimination on grounds such as sex, race, ethnic origin, age, disability, religion, or belief in access to employment, working conditions, and dismissal. These rules are effect-based rather than technology-specific, meaning employers cannot avoid liability by relying on algorithmic decision-making.

EU case law further establishes that employers are responsible for preventing ostensibly neutral employment criteria from producing unjustified indirect discrimination. The Court of Justice of the European Union has held, notably in *Jenkins* (Case 96/80) and *Bilka-Kaufhaus* (Case 170/84), that neutrality of form does not absolve employers where a practice has discriminatory effects, unless objectively justified. This reasoning applies equally to algorithmic or AI-assisted decision-making: such systems constitute neutral employment practices in law, and any disparate impact they generate remains attributable to the employer, who must therefore identify and mitigate associated discriminatory risks.



The AI Act as a layer of governance, not a reset of workplace regulation

The EU's AI Act establishes a horizontal, risk-based framework for AI across the Union. In employment, it classifies AI systems used for recruitment, worker management, and access to self-employment as high-risk, subjecting them to stricter requirements on risk management, data governance, transparency, and human oversight.

Importantly, the Act does not regulate employment relationships as such. Its obligations are system-focused and do not alter employers' responsibilities under labour, data protection, or equality law. Employers therefore remain fully accountable for workplace decisions made with AI support under existing legal frameworks.

The AI Act is designed to operate alongside the GDPR, labour law, and non-discrimination rules, which continue to generate core obligations relating to transparency, fairness, and contestability. Enforcement likewise remains divided: system-level compliance is overseen by market-surveillance authorities and the European AI Office, while employment rights are enforced by national labour inspection authorities, courts, data-protection authorities, and equality bodies.

Overall, the AI Act strengthens safeguards around workplace AI but does so within the existing EU legal acquis. The key challenge lies in coordinating and effectively enforcing this layered framework, rather than in creating additional standalone workplace regulation.

Emerging calls for additional workplace AI regulation

Despite the extensive body of EU law already governing workplace AI, further legislative proposals—particularly under the Quality Jobs agenda—have gained momentum, reflecting concerns around transparency, fairness, accountability, and the impact of algorithmically influenced decision-making on workers.

However, such calls do not necessarily signal actual regulatory gaps. Rather, they often stem from implementation challenges, uneven enforcement across Member States, and uncertainty about how existing rules apply in practice to AI-driven tools. In this context, legal coverage risks being conflated with legal effectiveness. Adding new statutory layers may increase complexity without addressing the root causes of concern where protections already exist but are not consistently realised.

Ius Laboris, a leading global alliance of employment, immigration, and pensions law firms spanning 56 countries, has generously shared insights with the Adecco Group based on a survey of its member firms. These findings highlight several key challenges facing policymakers in regulating the use of AI in the workplace. The table below draws on these survey responses to identify the primary obstacles in deploying AI at work. For each challenge, we provide our own independent assessment, considering whether it reflects gaps in existing regulation or rather the need for clearer guidance, stronger governance frameworks, and more effective enforcement of current laws.

Challenge	Explanation
Transparency and explainability in practice	Despite the transparency obligations set to take effect under the AI Act , alongside existing requirements under the GDPR, workers may still find it difficult to understand or challenge decisions influenced by algorithms. In our view, this issue stems primarily from shortcomings in implementation and communication, rather than from gaps in the legal framework itself.
Logging and bias-mitigation requirements	The AI Act will introduce detailed obligations concerning data quality, risk management, and logging for high-risk systems. However, experience among practitioners suggests that additional time is required to develop a clear understanding of how these requirements will be operationalised and enforced in practice. This points, in our assessment, to challenges related to compliance maturity and enforcement capacity, rather than to deficiencies in the regulatory framework itself.
Contestability and access to underlying data	Workers already benefit from GDPR-based rights to information and to challenge outcomes arising from algorithmic decision-making, which are set to be further reinforced by oversight requirements under the AI Act. In our assessment, the principal challenge lies in the effective operationalisation of these rights, particularly in contexts where AI tools are developed and deployed by third-party vendors.
Protection of contractors and self-employed workers	Concerns relating to the rights of contractors primarily arise from the risk of employment misclassification, rather than from gaps in AI-specific regulation. The Platform Work Directive directly addresses this risk, for a significant share of affected workers engaged through digital platforms, by introducing a rebuttable presumption of employment alongside enhanced requirements for algorithmic transparency.
Uneven enforcement across EU Member States	The AI Act relies primarily on national market surveillance authorities for its enforcement, and capacity remains uneven across Member States, many of which are still in the process of developing the necessary institutional capabilities. The Act itself establishes a comprehensive enforcement architecture, including both national authorities and the European AI Office, with implementation timelines extending through 2025–2027. In our assessment, variability between Member States should therefore be understood as a transitional challenge, rather than as evidence of gaps in legal protection.

As outlined above, while existing frameworks may not address every contingency, our assessment indicates that the principal challenges lie less in legislative gaps than in issues of implementation, resourcing, and enforcement. In this context, improving operational practices, providing clearer guidance, and strengthening enforcement capacity is likely to offer a more effective response to the practical challenges of workplace AI deployment than introducing additional statutory rules.

The following areas highlight critical opportunities for improvement that we believe ensure that current protections are fully realised in real world employment settings:



More context-sensitive enforcement and practical guidance

Enforcement should be aligned with the ways in which AI systems are actually deployed in HR practice. This requires sector-specific guidance on the use of AI features in recruitment platforms and other automated decision-making tools. Enhanced cooperation between regulators, employers, and technology providers would help ensure that legal obligations are translated into workable day-to-day practices.



Clearer administrative guidance from national authorities

Some Member States (e.g., Denmark with their “Digitaliseringsstyrelsen”) already provide practical AI implementation guidance. Broader adoption across the EU would improve consistency, reduce uncertainty, and better align regulators and organisations.



Government support to society wide up/re-skilling

Widespread and effective use of AI at work depends on access to high-quality up- and reskilling across society. While AI-related training offerings are rapidly expanding, their quality and relevance often vary. Public authorities can strengthen impact by supporting inclusive reskilling programmes and by establishing quality labels or accreditation schemes, helping employers and workers identify credible training and avoid low-quality or purely marketing-driven offerings.



Soft-law measures and internal governance frameworks

Extensive EU-level and national soft-law guidance already exists. The emphasis should shift to encouraging organisations and businesses to actively align with these frameworks. The uptake of recognised standards, such as ISO/IEC 42001 for AI management, can help translate legal requirements into practical internal processes, including risk assessment, human oversight, and bias mitigation, rather than treating compliance as a purely formal obligation.



Utilise the role of works councils and collective bargaining

Existing structures for social dialogue (such as works councils and collective bargaining mechanisms) already provide useful channels for discussing workplace changes. Where appropriate, these established frameworks can also be used to address the introduction and use of AI systems in the workplace.

From regulatory expansion to effective governance

AI is already embedded as a supporting actor in workplace decision-making across the EU, and the Union has not been unprepared for this shift. Existing EU rules on data protection, labour law, non-discrimination, and worker participation address many of the key risks associated with AI use at work, while the AI Act adds an important system-level governance layer.

Ongoing concerns about transparency, bias, and accountability do not necessarily point to regulatory gaps. In many cases, they reflect challenges of implementation, enforcement, and institutional coordination. Responding with additional legislation risks adding complexity without addressing these underlying issues. Moreover, regulatory frameworks inherently struggle to keep pace with rapid technological developments, increasing the likelihood that newly introduced rules may quickly become outdated. While regulatory adaptation is inevitable, the iterative expansion of legal frameworks risks perpetuating a cycle of reform without resolving core challenges in the use of AI in the workplace.

As debates continue under the Quality Jobs agenda, policymakers face a choice between expanding regulation and ensuring that existing rules work effectively in practice. This paper argues for the latter. Priorities should include clearer guidance, stronger enforcement capacity, improved coordination between authorities, and meaningful engagement with social partners. A focus on regulatory effectiveness, rather than legislative expansion, offers the most practical path to governing workplace AI use in a way that is both protective and workable.

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