ETUC reply to the First Stage Consultation of Social Partners on the Quality Jobs Act

European Trade Union Confederation | Esther Lynch, General Secretary |
Bld du Jardin Botanique 20 - 1000 Brussels | +32 (0)475 601 501 | etuc@etuc.org | www.etuc.org

CONFEDERATION SYNDICAT EUROPEÆN TRADE UNION

ETUC reply to the First Stage Consultation of Social Partners on the Quality Jobs Act

Table of contents

ETUC reply to the First Stage Consultation of Social Partners on the Quality Jobs Act

Introduction

- **The ETUC vision of quality jobs**

The European Trade Union Confederation (ETUC) welcomes the European Commission's initiative to put forward a Quality Jobs Act and appreciates the opportunity to contribute to this consultation. The ETUC has consistently underlined that Europe needs not only more jobs, but better jobs. For the ETUC, a quality job is one that provides fair pay, secure employment, safe and healthy working conditions, equal opportunities, access to training and career development, and a meaningful voice for workers through collective bargaining and democracy at work.

- **Pillars of a quality job**

For a job to be a quality job, the following pillars have to be present:

- collective bargaining
- full respect for workers and trade union rights
- fair wages
- job security and career progression
- social protection
- training without costs and during working time
- good working conditions
- health and safety at the workplace
- work-life balance
- equality and non-discrimination

The Quality Jobs Act must be judged against whether it can close the quality job deficits that still shape labour markets across the EU and whether it ensures that rights are effectively enforced in practice, not only recognised in principle.

The urgency of this initiative is growing. In various countries, unemployment has started to increase. Past experience shows that when labour markets weaken, job quality often deteriorates further: insecurity spreads, wage growth is suppressed, work intensity increases, and the most vulnerable workers are pushed into precarious employment. The EU must avoid repeating this cycle. A Quality Jobs Act is therefore not only about improving conditions in good times, but it is also a tool to strengthen resilience and prevent a race to the bottom during economic uncertainty or transitions.

Even before this turning point, millions of workers were trapped in jobs characterised by low wages, unfair working conditions, absence of safeguards for workers' rights in the use of AI at work, precarious or unpredictable contracts, lack of respect for workers' right to disconnect, as well as excessive working time, and poor access to training.

Too often, workers face a gap between formal rights and their reality at work, due to weak enforcement, insufficient labour inspection capacity, and business models that rely on evading responsibilities through subcontracting, labour intermediation, bogus self-employment and outsourcing.

These deficits are increasingly compounded by a growing crisis of psychosocial risks, including high work intensity, insufficient staffing, insecurity, and widespread exposure to work-related stress, burnout, harassment and violence. Far too often, work organisation prioritises short-term cost reduction over sustainable working conditions and worker well-being. Protecting workers' mental health and addressing psychosocial risks must therefore be a core element of any strategy to improve job quality, alongside physical health and safety, including protection against occupational heat risks.

Job quality deficits are also deepened by ongoing transformations, including the green and digital transitions, which are too often implemented at enterprise level without anticipation and management of change, without adequate planning, investment in skills, or meaningful social dialogue. Too many companies still lack credible just transition approaches, including workforce planning developed through collective bargaining, training entitlements, income security and redeployment pathways, and structured involvement of workers' representatives. Without just transition measures negotiated with unions, restructuring risks becoming a driver of insecurity, stress and degraded job quality.

The ETUC therefore considers a binding Quality Jobs Act essential as part of a new social agenda for Europe. It must be delivered without delay.

A Quality Jobs Act is not only about improving working lives, it is essential to delivering Europe's economic and social objectives. The ETUC recalls the Draghi report assessment that promoting competitiveness should not be based on "*using wage repression to lower relative costs*" and that "*competitiveness today is less about relative labour costs and more about knowledge and skills embodied in the labour force*". The EU cannot deliver a competitive, resilient and socially just economy without jobs that are secure, fairly paid, safe, and compatible with workers' health, family life and long-term skills development. The ETUC therefore calls on the Commission to ensure the Quality Jobs Act tackles quality job deficits head-on and becomes a concrete instrument to raise standards across Europe, with tangible impact for workers in every Member State.

Finally, the ETUC considers essential that the EU pursues quality jobs and high social standards in all its actions, including with regard to simplification. Actions to promote and support quality jobs must not be undermined by parallel legislative deregulation processes that risk weakening core labour and social protection standards, such as the 28th company regime and various Omnibuses.

In this regard, the ETUC calls for effective trade union and social partners' involvement throughout the preparation of any legislation which may affect employment rights and standards. Simplification should aim at improving clarity, accessibility and enforcement of existing rules and must not serve as a vehicle for the erosion of established workers' rights and protection standards. This is the difference between genuine simplification and deregulation.

The Quality Jobs Act must reinforce the role of trade unions and promote collective bargaining, and protect well-functioning collective bargaining systems.

The Quality Jobs Act must deliver binding legislation and an enforceable framework that tackles the root causes of poor job quality: the spread of precarious work, weakened collective bargaining, subcontracting, labour intermediation and outsourcing models that drive down standards, the absence of safeguards for workers' rights in the use of AI at work, violations of the right to disconnect and lack of protection for workers teleworking, failures to assess and prevent psychosocial risks, as well as physical risks such as occupational heat, and to anticipate and manage change through just transition agreements negotiated with trade unions. Crucially, the Act must include measures to ensure that EU employment rights are applied across workplaces and sectors, including through stronger enforcement mechanisms, adequate resourcing of labour inspectorates, effective sanctions and access to justice, and protection for workers who report abuses. Without robust enforcement, even the best-designed standards will fail to deliver tangible improvements in workers' lives.

Q1: Do you consider that the issues and possible areas for further EU action are correctly identified in this document?

Assessment of Issues and Areas for EU Action Identified in the Consultation across six areas: Job quality deficits in the EU labour market

In its reply to the consultation document on the first-phase consultation of social partners under Article 154 TFEU, the ETUC provides input on all potential areas for EU action identified in the European Commission document and, at the same time, reaffirms its position expressed during the two-stage consultation on the right to disconnect and telework carried out in 2024 and 2025.

1. Telework and right to disconnect

1.1. A call for binding EU legislation

The simultaneous increase in the use of digital devices and teleworking has created the risk of an "always-on" work culture which impacts the working and employment conditions of workers. More and more workers find it increasingly difficult to disconnect from working responsibilities. Therefore, in line with its response to the second stage consultation, the ETUC reiterates its call on the Commission to deliver binding legislation on telework and the right to disconnect without further delay.

ETUC is concerned about the apparent dilution of the European Commission's approach on the issue of the right to disconnect and telework in the consultation document on the Quality Jobs Act, and the further delay of the Commission in proposing legislation. The ETUC reiterates its demand to the European Commission to

immediately proceed with legislation in this area, following the withdrawal of employers' organisations at the final stage of the social partners' dialogue negotiations that spanned 13 months over 2022-2023 and the already finished two-stage consultation in 2025.

ETUC reiterates its demand expressed its responses to the Commission's two-phase consultation of the social partners in the area of workers' right to disconnect and telework for a Directive on this area, also following the EP April 2021 resolution, adopted under Article 225 TFEU, calling for EU legislation on the right to disconnect and telework and the Commission President July 2019 commitment to deliver a response to the EP'a calls with a legislative act, and her July 2024 commitment to propose legislation in this area. [Ursula von der Leyen (2019), A Union that Strives for More, p.20]

1.2. Evidence on the expansion of telework, work intensification and associated risks

Data from the European Working Conditions Survey (EWCS 2024)[1] confirm that telework is now widespread in Europe, with approximately 3% of workers teleworking full-time, 9% working in a regular (hybrid) arrangement, and 16% teleworking occasionally, meaning that almost 28 % of workers engage in some form of telework (Eurofound, 2025). While these arrangements offer flexibility, they are also associated with a blurring of boundaries between work and private life, including working outside contractual hours, ergonomic and psychosocial risks, and increased work-related contacts during leisure time.

Although post-pandemic data remain limited, evidence from before the COVID-19 pandemic already pointed to a clear trend of increased work-related contacts outside normal working hours. In 2019, 14% of employees in the EU-27 reported being contacted several times for work-related purposes outside working hours, while a further 23% reported being contacted occasionally. This phenomenon varied significantly across Member States and was particularly pronounced in Finland and Sweden, where more than 30 % of employees were contacted outside normal working hours[2].

More recent evidence confirms that this trend has intensified. A Eurofound survey conducted in 2022 in Belgium, France, Italy and Spain found that over 80% of respondents were contacted for work-related purposes outside their contractual working hours, and nine out of ten of those contacted reported that they responded to such contacts. This highlights the strong expectation of constant availability and the limited effectiveness of existing protections in practice[3].

The absence of binding and enforceable rights to disconnect contributes to work intensification, unpaid overtime and increased psychosocial risks across sectors. These risks are especially acute in workplaces facing staffing pressures or high public and customer demand, such as public services, where digital availability is often used to compensate for insufficient resources. This undermines working time protections and shifts organisational risks onto workers.

This is further supported by sectoral social partner experience in public administrations which resulted in employers and unions agreeing to address this via the European Agreement on Digitalisation signed by EPSU-led TUNED and central government employers (EUPAE), which addresses telework and the right to disconnect. This text also shows that EU-level action is needed to ensure effective protection and that unions and employers agree that legally binding standards are important.

According to the EU Labour Force Survey (EU-LFS), the share of workers working from home doubled following the pandemic, rising from 11.1% in 2019 to 21.9% in 2021, and has remained at elevated levels since then (around 20% in 2022 and 2023). While a slight decrease has been observed, this is mainly due to reduced frequency rather than a return to pre-pandemic patterns[4]. Telework is increasingly combined with on-site work, leading to hybrid working arrangements. Evidence from the European Commission's 2022 exploratory study further indicates that telework is expected to continue growing in the medium and long term, particularly in the form of occasional or hybrid telework.

These findings confirm that existing EU legislation is insufficient to ensure effective protection, thereby reinforcing the need for binding EU legislation on telework and the right to disconnect.

---

[1] Eurofound. (2025). European Working Conditions Survey 2024: First findings. Publications Office of the European Union. https://www.eurofound.europa.eu/en/publications/all/european-working-conditions-survey-2024-first-findings

[2] European Commission. (2023). Second-phase consultation of social partners under Article 154 TFEU on telework and the right to disconnect. Brussels.

[3] Eurofound. (2022). Living, working and COVID-19 (Belgium, France, Italy and Spain). Publications Office of the European Union.

[4] Eurostat. (2024). EU Labour Force Survey (EU-LFS): Employed persons working from home.

In line with its response to the second stage consultation, the ETUC reiterates that binding legislation on telework and the right to disconnect is needed more than ever.

2. Algorithmic management and Artificial Intelligence at work

2.1 A call for binding EU legislation

The ETUC considers that the consultation document correctly identifies algorithmic management and artificial intelligence at work as key challenges for job quality. However, the way these challenges are framed significantly underestimates the existing regulatory gaps and the need for binding EU legislation.

The ETUC calls on the Commission to deliver binding legislation on algorithmic management and artificial intelligence at work in the Quality Jobs Act, in line with Commission President von der Leyen's promise at the ETUC Congress in Berlin in 2023".

In addition, President von der Leyen's political priorities for the 2024-2029 European Commission commits to an initiatives on the impact of digitalisation on work, from AI management, to telework and the impact of an "always on" culture on people's mental health. (Ursula von der Leyen (2024), Political priorities for the 2024-2029 European Commission, p.18). The Mission Letter to Commission Vice-President Mînzatu also outlined the objective to deliver "an initiative on algorithmic management" and "possible legislation on AI in the workplace".

Algorithmic management and artificial intelligence must deliver for workers and improve their working conditions, in full respect of social dialogue and collective bargaining to prevent any shift of risks onto workers. Technology must be developed in compliance with fundamental and labour rights, provide for democratic oversight and social justice.

The section on the modernisation and promotion of quality jobs while boosting digital innovation identifies the opportunities and challenges that workers face when confronted with digital technologies and in particular artificial intelligence (AI) and algorithmic management (AM).

2.2. Evidence on the impact on job quality, autonomy and working conditions

On the one hand 67% of European workers believe that AI and AM help them to perform their tasks faster, enhance efficiency and job quality, allowing them to focus on higher-value tasks, and improve safety at work.

84% call for more protection of their privacy by management and request more transparency; effective protection from discrimination, data breaches or excessive surveillance and psychosocial risks is a clear request of workers. 77% call for the involvement of worker representatives in the design and use of workplace technologies and for trust to be fostered[5].

The analysis of job quality in the context of digitalisation (https://www.etui.org/publications/job-quality-and-digitalisation) reveals a number of challenges to job quality when workers are exposed to automated (including algorithmic) management:

- More unpredictable, hectic and intense work, more frequent work at short notice;
- More work spilling over beyond contractual hours: increased frequency of work in free time to meet work demands, longer hours of work, worse work-life balance.
- Decline in job security.
- Among freelancers (own account work), observed significant decline in autonomy.
- Increase in certain ergonomic risks common to office and computer-based work in general, such as more frequent repetitive hand movements.

The Commission acknowledges that the use of AM and AI is only partially covered by the GDPR and AI Act, thus leaving substantial loopholes in workers protection, which is urgent to address through a binding legislative instrument. Such regulatory intervention should overcome existing limitations in the EU legal framework governing digital technology. In particular the following considerations should be taken into account and reflected in the Commission's forthcoming proposal for binding legislation on AM and AI at work.

Evidence shows that AI and algorithmic management is leading to the disappearance of certain jobs, affecting both entry-level positions and low-skilled workers as well as highly skilled workers. 66% of Europeans believe that the

[5] European Commission, Special Eurobarometer SP554: Artificial Intelligence and the future of work.

use of AI will lead to more job losses than job creation. At company level, AI is already leading to job losses particularly in back office functions.

While 62% say they are aware that their employer makes use of digital technologies, including AI, to manage their activities, only 18% say that they have been given a detailed explanation by their employer on the use of such technologies, including information about the benefits, drawbacks, and their rights, just 12% say they have been given access to their personal data and just 6% say they have been given access to the results of the automated analysis carried out, according to the Special Eurobarometer "Artificial Intelligence and the future of work".

As we have the Platform work directive, it is important to emphasise that algorithmic management is expanding beyond platform labour, transforming labour processes across sectors (Gaudio, 2024). A 2025 OECD survey of over 6000 firms shows widespread and growing adoption – especially in the United States and parts of Europe – alongside managerial concerns over accountability, transparency and worker wellbeing (Milanez et al., 2025). Similarly, the European Commission (2025) notes that, although detailed data on affected workers in the EU-27 is lacking, up to a quarter of companies were already using such systems by 2023, mainly for surveillance and evaluation, with annual deployment growth projected at 3% to 6% (European Commission, 2025).

Today about one in five companies (with 10 or more employees) in the EU use AI in the workplace. This figure shows the fast pace in which the use of AI at workplace by companies is growing (because in 2024 it was 13.5%, up from 8% in 2023) (see: Use of artificial intelligence in enterprises - Statistics Explained - Eurostat). With this rapid growth of AI use in companies, AI-driven systems increasingly handle task assignment, supervision, evaluation and even pay, adding flexibility to previously stable aspects of work. This shift exacerbates existing power and information asymmetries while creating new risks through heightened flexibility and precarity, and erosion of worker autonomy—issues inadequately addressed by GDPR or general labour legislation.

From a legal and regulatory perspective, algorithmic management has been recognised as a major challenge for labour law and workers' rights (Adams-Prassl, 2019; De Stefano and Taes, 2021; Ponce Del Castillo, 2018). Scholars and institutions (Cazes, 2023; OECD, 2024) warn that, unless addressed, labour law risks obsolescence, unable to guarantee basic protections for workers.

2.3 Evidence from the national level

Recent ETUI research [Ponce Del Castillo, A (2024) AI: the value of precaution and the need for human control. In Ponce Del Castillo (Ed.) *Artificial intelligence, labour and society*. ETUI] provides concrete evidence of the risks associated with algorithmic and automated decision-making systems when they are deployed without enforceable safeguards and meaningful human control. Four case studies from different European countries illustrate how such systems can override professional judgement, produce discriminatory outcomes and undermine fundamental rights.

In the United Kingdom, an algorithm developed by the Office of Qualifications and Examinations Regulation (Ofqual) was used in 2020 to assign A-level grades after exams were cancelled due to the Covid-19 pandemic. Although teachers provided estimated grades, the algorithm relied heavily on schools' historical performance, leading to widespread downgrading of students, particularly from disadvantaged backgrounds. Teachers were unable to meaningfully intervene, and the system ultimately had to be withdrawn following public outcry. This case demonstrates how algorithmic systems can overrule human expertise and produce unfair outcomes when human control is limited.

In the Netherlands, automated risk-profiling systems were used by the Tax and Customs Administration to detect alleged fraud in childcare benefits. The systems relied on discriminatory indicators, including nationality, and resulted in around 26,000 parents being wrongly accused of fraud between 2012 and 2019. Many families faced severe financial hardship, loss of employment and family breakdown. Despite warnings, algorithmic outputs were treated as decisive, revealing how automated systems can cause large-scale harm when transparency, accountability and human oversight are absent.

In France, the "Foncier innovant" AI system was introduced by the tax authorities to detect undeclared swimming pools using satellite imagery, in cooperation with private technology providers. Professional land surveyors were largely excluded from the system's design and deployment, raising concerns about the erosion of professional judgement, reduced data quality and the marginalisation of workers' expertise. This case highlights how automation can undermine professional roles and service quality when workers are sidelined.

In Serbia, a national "social card" system was introduced to centralise welfare data and automate benefit eligibility decisions. Social workers were unable to correct data or override automated decisions, and thousands of people lost benefits without proper individual assessment. The system is currently subject to legal challenges. This case illustrates the risks of removing human discretion entirely from high-stakes decision-making processes.

Taken together, these case studies show that algorithmic systems can generate serious and sometimes irreversible harm when used without binding safeguards. The parallels with the world of work are structurally similar. Systems to perform algorithmic management to allocate tasks, monitor performance or trigger sanctions pose significant risks to workers' rights, working conditions and occupational safety and health. These cases therefore provide strong evidence and patterns that we observe in the workplace that justify the need for European legislation to regulate algorithmic management at work, ensuring transparency, accountability, meaningful human oversight and enforceable rights for workers and their representatives.

2.4. Regulatory gaps in the AI Act and GDPR and the leverage of the Platform Directive

ETUC disagrees with the consultation document when it states that the AI Act and the General Data Protection Regulation (GDPR) offer a 'comprehensive framework for regulating digital technologies in the workplace', in particular given the proposals under the digital omnibus that will weaken existing workers protection under the AI Act and the GDPR).

AI systems at the workplace are classified as "high-risk" - in particular in the context of recruitment or selection of natural persons, and AI-driven decision making process affecting the terms of work-related relationships, allocating tasks and monitoring and evaluating performance -, but the AI Act does not provide sufficient solutions to address those challenges that protect workers' rights and labour conditions;

In particular, the AI Act lacks clear measures to protect workers against continuous physical and mental pressure from algorithmic management. It lacks proper measures to ensure that bias and discrimination risks are addressed not only at data level, but also at model and algorithm level.

The Council itself acknowledges that the AI Act addressed only 'some of the risks related to the further digitalisation of work[6], while the Commission's Apply AI Strategy Communication, which is cited in the consultation document, acknowledges that concerns about the impact of AI on job quality and job displacement remain[7].

The AI Act allows industry self-assessment, limits oversight and provides minimal worker protection. It does not cover compliance with the labour law acquis nor oversight by labour inspectorates.

While the AI Act prohibits emotion recognition at the workplace, all other forms of biometric recognition at the workplace remain allowed, introducing 'grey areas' where it becomes difficult to assess when biometric recognition ventures into emotion recognition.

These regulations do not in any way address the risks of de-skilling and job displacement that (can) come with the unbridled implementation of (generative) AI in the workplace.

Given the current omnibus initiatives on AI and GDPR, the ETUC notes that in the Quality Jobs Roadmap the EU Commission stresses that "*the AI Act and the GDPR provide essential and relevant horizontal frameworks*". The ETUC stresses that these frameworks should not be exposed to changes before they have been properly implemented and evaluated.

The protection of workers against the negative effects of AI systems at the workplace is not enforceable at all, which is a lacuna in the legislation.

While providing essential and relevant horizontal frameworks, the AI Act and the GDPR are under deregulatory attack through the Digital Omnibus published on 19/11/2025, which jeopardises not only their implementation but also their respective enforcement (see *Mario Mariniello, 13 November 2025) The European Commission's Digital Omnibus could increase risks, not growth?, Bruegel).* This refers, in particular, to the openness to broad

[6] European Council, *Future policy priorities for the Union on the European Pillar of Social Rights – Opinion of the Employment Committee and the Social Protection Committee*, Brussels.
[7] European Commission (08.10.2025) Apply AI Strategy, p.13

interpretations of legitimate interest in the use of employee data and the extension of sectoral exemptions relating to the application of AI rules;

The Digital Omnibus package further undermines transparency and traceability of potentially high-risk AI systems by weakening the safeguards set out in Article 6(3) of the AI Act, removing even the registration requirement. The Quality Jobs Act should therefore restore and strengthen obligations for AI systems used in employment contexts, including mandatory prior information and consultation of workers and their representatives before deployment, as the introduction of such systems constitutes a substantial change in work organisation within the meaning of Article 4(2)(c) of Directive 2002/14/EC.

A great deal of hope was placed on the fact that both acts allow, during transposition, for the introduction of more favourable or more specific rules to better protect workers, which has indeed been the case in several Member States. Likewise, sectoral collective agreements have advanced protection in the same direction. Given the considerable discretion of the Member States, there is a real risk that these specific rules to better protect workers will not materialise fully and uniformly across the Union. As a result, the EU regulatory framework risks collapsing into a minimal baseline, defined by the AI Act's limited provisions – restricted chiefly to prior notification and too narrowly framed redress mechanisms.

References to improved implementation and enforcement of these EU instruments, while necessary, cannot be presented as a sufficient response to the structural regulatory gaps affecting algorithmic management at work.

The machine-learning AI is inherently unpredictable, making compliance with the AI Act highly challenging. Moreover, the AI Act does not provide for active worker involvement, requiring only that workers be informed when AI systems are deployed. There is a clear need to co-create AI systems that workers actually need, ensuring they are safe, transparent, and supportive. This calls for developing frameworks that introduce mechanisms for meaningful worker participation in AI design and implementation.

As neither GDPR nor the AI Act tackle the specific challenges at the workplace, their enforcement cannot be referred to as a solution for workers.

As it now stands, platform workers – typically granted fewer protections – may now benefit from stronger safeguards than non-platform workers who are equally subject to algorithmic management and AI systems at the workplace.

Furthermore, the first international legally binding treaty, namely the Council of Europe Framework Convention on Artificial Intelligence and Human rights, provides greater certainty when faced with rapid technological changes but it is also not addressing the comprehensive impact on AI and algorithmic management at work, exposing the current shortcomings of the regulatory landscape including at multilateral level.

While the AI Act establishes the EU AI Office as a central body for oversight, coordination and monitoring, the governance architecture of EU AI policy lacks a structured and permanent involvement of trade unions in the oversight and governance of AI systems used in the workplace. This gap must be addressed by requiring the direct and formal involvement of workers' representatives at EU level; without it, the monitoring and assessment of AI-related risks in the world of work will remain partial, ineffective and disconnected from workplace realities

The regulatory architecture of the AI Act is primarily grounded in internal market competences, treating AI mainly as a good or service to be placed on the market and framing protection around individuals as citizens or consumers, rather than as workers. The Quality Jobs Act should therefore redress this imbalance with an approach more labour oriented to AI and algorithmic management at work, ensuring the effective involvement of workers and their representatives in the risk assessment of AI systems used in employment contexts, beyond provider and deployer self-assessment, and explicitly addressing AI-related risks to working conditions, employment rights and collective labour relations.

While the Directive on Platform Work contributes to securing GDPR rights at work, it only applies to platform workers under a strict interpretation of the text.

2.5. Case for binding EU legislation

The extent of social dialogue and collective bargaining on these issues remains insufficient in the face of the challenges posed by AI development**.**

In a nutshell, the reasons for EU action can be listed as follows:

- First, while many AI systems used at work are classified as 'high-risk', the AI Act does not address core labour-law issues arising from their deployment, such as work organisation, power asymmetries, collective rights or occupational health and safety.
- Second, both the AI Act and the GDPR are horizontal instruments, primarily designed for product safety and data protection, and do not establish specific, enforceable labour standards for the use of algorithmic systems at work.
- Third, the ongoing deregulatory pressures, including the Digital Omnibus initiative, risk weakening both implementation and enforcement, further exposing workers to regulatory gaps.

For these reasons, the need for binding legislation on AI at work is even more evident today.

Strong trade union involvement is essential to ensure the successful introduction of AI and algorithmic management in the workplace.

It is important to secure the Human in control principle, including the right for workers to challenge and overrule automated decisions.

Transparency and explicability must be guaranteed, including clear information on the use, logic and impacts of AI systems, as well as access to relevant data for workers' representatives

Moreover, as outlined above, the deployment of AI and algorithmic management is generating significant productivity gains and increased corporate revenues. The Quality Jobs Act should require mechanisms to ensure that these profits are fairly shared, so that they result in concrete improvements for workers, for example through working time reduction with no loss of pay and/or wage increases, to be realised also through collective bargaining at all levels, including company-level bargaining.

Such legislation can take into account the provisions and the ethos of the agreement on digitalisation negotiated by the EU social partners in central government administrations (SDC CGA). The need for binding legislation is also shown by the demand of the central government social dialogue social partners asking to make their European Framework Agreement on Digitalisation binding.

The ETUC welcomes the adoption by the European Parliament of a resolution calling for the EU Commission to present a legislative act on algorithmic management in workplaces, referring to the directive on platform work, as adopted by European Parliament resolution of 17 December 2025 (EP legislative initiative report on *Digitalisation, artificial intelligence and algorithmic management in the workplace – shaping the future of work*). The ETUC would underline the need for a more explicit obligation for Member States to request that companies set up a governing structure where workers and management discuss the introduction and deployment of AI. Such a request was also a part of the European Parliament report during the negotiations on the AI Act in 2023.

Any reference to 'simplification' or 'reduction of administrative burden' in this context is most concerning, especially where it may affect the application of the GDPR, which is designed to protect fundamental rights and cannot be treated as a regulatory burden. It would diminish business accountability obligations aimed at protecting workers for almost 99% of all EU enterprises (SME's and small-medium mid-caps). An OECD report based on a survey of 6000 firms in six countries including France, Germany, Italy and Spain highlighted wide use, but also that managers have trustworthiness concerns, and often do not understand how data is used[8].

In particular, certain derogations from Articles 9 and 12 of the GDPR are proposed *in the digital omnibus*, paving the way for exemptions in the collection, as part of AI training, of sensitive data such as health, sexuality, political opinions, religious beliefs or biometric data used to identify a person. In addition, important decisions could be automated without human control if a company deems them necessary for a contract or service.

The Platform Work Directive represents a blueprint for further legislation to provide the necessary safeguards for workers concerning the respect of the human-in-command principle, transparency, fairness, human oversight, safety and involvement of trade unions and information and consultation of workers' representatives on decisions likely to lead to substantial changes in work organisation, including deployment of AI and AM systems, to name but a few.

[8] OECD (2023), *Algorithmic management in the workplace*, OECD Publishing, available at: https://www.oecd.org/en/publications/algorithmic-management-in-the-workplace_287c13c4-en.html

However, one of the major loopholes is that it only cover persons performing platform work, leaving other workers increasingly subject to algorithmic management less protected.

In addition, it should also be noted that most AM systems are developed in the USA or at least in non-European countries, which may present a problem to democracy since many big tech companies are challenging the EU's right to legislate in the digital field.

3. Just transitions

3.1. A call for binding EU legislation

The ETUC calls on the European Commission to deliver binding legislation on just transitions through the forthcoming Quality Jobs Act. The Commission's shared text does not always give sufficient weight to the fact that the green and digital transitions represent major opportunities for Europe. If managed well, they can strengthen the EU's geopolitical position by reducing dependence on imported fossil energy, improving the Union's trade balance, creating high-quality jobs across regions and sectors, and accelerating progress towards climate neutrality. Transitions that deliver tangible economic and social benefits are also essential to maintaining public support for climate action and the European project, and to countering far-right political forces that exploit insecurity and inequality.

In this context, it is essential that the scope of just transition policies fully reflects all aspects of employment that may be affected, including the role of the service sector. Services are not only undergoing significant transformation in their own right, but also play a critical supporting role in industrial transformation.

3.2. Scale of restructuring: green and digital transitions and risks of deindustrialisation

Overall, we welcome the recognition that the green and digital transitions are driving significant restructuring across Europe. While some degree of restructuring is inherent to the transformations required to maintain Europe's prosperity and competitiveness, it must be accompanied by strong labour and social policies to ensure that change is managed fairly and delivers quality employment. The text appropriately cites the Eurofound study showing that "33% of large-scale restructuring cases from 2021 to 2024 [were] linked to these transitions". These developments are taking place against the backdrop of profound demographic change, including population ageing and growing labour shortages in key sectors and regions.

These restructuring processes must be seen in the context of a broader and accelerating wave of deindustrialisation across Europe, characterised by plant closures, offshoring, disinvestment decisions and the erosion of strategic production capacities in key industrial sectors. This process is already leading not only to job losses, but also to a structural loss of economic know-how, skills ecosystems and productive capacity, with long-term consequences for regional economies and Europe's economic base.

A recent report from IndustriAll European Trade Union, which represents around 7 million workers across key industrial sectors, examined the impact on industrial jobs from US and Chinese competition. It found that of the 18 strategic industrial sectors assessed, only one – aerospace and defence – remains in a globally competitive position. Without a decisive strategic shift, Europe faces accelerated deindustrialisation, growing strategic dependency and the loss of millions of quality industrial jobs. Crucially, the report shows that industrial decline is not inevitable, but the result of political and corporate choices. Two of the main findings are particularly relevant for this consultation. First, many companies continue to prioritise profit maximisation and shareholder payouts over reinvestment in productive capacity, skills and innovation. Second, and relatedly, the absence of mandatory transition planning undermines coordinated industrial and labour market responses.

Restructuring processes are not confined to the manufacturing sector. Other sectors also face the risk of forced redundancies and closures, which would weaken the European economy and lead to the loss of thousands of jobs, while recent proposals such as a "28th regime" and the Commission's support for pre-pack insolvency procedures raise serious concerns due to insufficient guarantees for workers' and their representatives rights to information and consultation.

The EU labour market is marked by a persistent expansion of temporary and insecure employment. Temporary contracts now account for approximately 13% of all employee contracts in the EU, around twice the share recorded in the mid-1990s. Workers on such contracts are systematically less likely to access employer-provided training, internal mobility or meaningful involvement in change processes, and are therefore disproportionately exposed to

job loss during restructuring. This weakens the capacity of the green and digital transitions to deliver stable, high-quality employment and underlines the need for enforceable rights to anticipation, training and worker involvement.

In addition, the rise of precarious contracts undermines the EU's capacity to retain a qualified workforce and address essential skills and qualification needs for the digital and climate transition. Indeed, the decrease of companies' investments in quality jobs, apprenticeships, continuous training and life-long learning undermines the established European competitive advantage of a highly skilled and qualified workforce reflected in the quality of its manufacturing sector.

This was further evidenced by the 2025 review of the Council Recommendation on ensuring a fair transition towards climate neutrality which found that more efforts are needed to design policies that effectively target vulnerable groups, including workers who face particular difficulties transitioning into quality jobs.

The Eurofound study quoted in the social partner consultation document provides further important findings that reinforce the need for stronger EU action. Collective bargaining and worker involvement in the twin transitions is below average for all types of restructuring cases, and the study shows that where unions are involved, job losses are dramatically reduced. This underlines that social dialogue, collective bargaining and early worker involvement are decisive factors not only in anticipating and managing change, but in preventing avoidable restructuring and preserving employment and economic capacity, often in regions heavily reliant upon few key sectors or employers. The study also notes that among large restructuring cases involving job losses, skills-related measures are the least frequently implemented by social partners. This does not point to a lack of relevance of skills policies, but rather to their insufficient anticipation and integration into corporate decision-making processes.

The 2025 review of the 2022 Council Recommendation on ensuring a fair transition towards climate neutrality supported this. The text states that engaging social partners has proven essential in shaping policies on the green transition and in addressing climate-related impacts on employment, including industrial restructuring and climate-induced work interruptions. However, it also concludes that further efforts are required to reinforce participation mechanisms and to extend social partner involvement into the implementation phase of measures supporting the anticipation and management of change. The 2025 review also said that while the integration of green skills into training programmes is spreading, in many Member States progress is held back by the absence of a comprehensive national framework, a core demand of the European Parliament EMPL committee adopted Just Transition Directive text. The review further notes that there remains a clear need to promote the creation of quality jobs in the green economy, turning employment challenges into opportunities, including in light of the forthcoming Quality Jobs Roadmap initiative.

We agree with the social partner consultation document's assessment that "For employees, the lack of anticipation and inadequate implementation of restructuring best practices lead to job insecurity and insufficient personalized support". This is a correct diagnosis. However, it should be made explicit that anticipation and management of change are not an acceptance of restructuring or job losses as inevitable outcomes of the workplace transitions. Their primary objective must be to prevent job losses, retain a qualified workforce and prevent economic decline wherever possible, by enabling early intervention, social dialogue, collective bargaining and workers' involvement in company and investment plans, and the internal management of change through job transformation and training, including through intersectoral cooperation. This approach strengthens the long-term viability and sustainability of workplaces, improves job security and ensures a better-equipped workforce.

Where such anticipation is absent, restructuring becomes more abrupt, socially costly and economically inefficient. In addition, it is essential that all workers experience the green and digital transitions as an opportunity rather than solely as a threat. A just transition is therefore a precondition for public acceptance of positive economic and social change.

The unreferenced claim that "For employers, administrative burden can lead to delaying restructuring or structural changes which can increase long-term costs and lead to the company's closure" requires stronger evidential grounding. At present, the empirical evidence points in the opposite direction. EIB analysis shows that the factors placing European industry at risk are overwhelmingly structural: persistent investment gaps, global competitive pressures, including competition from highly subsidised dumping competitors, high energy costs, disrupted supply chains and shortages of skilled labour. These constraints should be clearly identified and addressed as they weaken firms' ability to adapt, rather than administrative requirements.

Labour shortages are not a given. They are strongly correlated with the quality of working conditions and are most acute in sectors where conditions are poorest. Where workers face high work intensity, limited control over working

time, widespread non-standard schedules and constant demands for flexibility, many choose to leave these sectors or avoid them altogether.

3.3. Role of social dialogue and collective bargaining

While restructuring processes often form part of transitions, they must be anticipated and managed jointly with workers' representatives and their trade unions to ensure they do not result in cost-cutting strategies that undermine employment standards and working conditions. Therefore, we strongly oppose any approaches that, through actions to 'reduce administrative burdens', are intended to lowering employment standards, facilitating dismissals or weakening employment protection legislation, thereby reducing workers' rights and undermining the ability of trade unions to act effectively. Employment protection frameworks and workers and trade union rights must not be in any way undermined under the pretext of competitiveness or simplification.

We strongly welcome the reference to the Clean Industrial Deal and the reiteration of the Commission's commitment to deliver a framework on restructuring focusing "on just transition, anticipation of change, quicker intervention when there is a threat of restructuring, and implementation of the information and consultation framework". In the current context, this commitment is particularly important.

3.4. Training and anticipation and management of change

By promoting collective bargaining and social dialogue. Companies covered by collective agreements and co-determination frameworks are demonstrably more sustainable and more successful in managing transformation.

Training policies are essential to enable companies to decarbonise and digitalise while retaining their workforce, skills and industrial know-how, and to manage transformation internally rather than through redundancies. The transitions are not only about managing job losses but about protecting economic activities and enabling workers to access new opportunities. For workers who want to re or upskill, according to the Commission's Employment and Social Developments in Europe (ESDE) 2024 report, the three main constraints on participation in in-work training are unchanged since 2011: schedule conflicts, balancing family responsibilities and financial constraints.

Therefore, effective transition policy could be further reinforced by supporting an extended right to paid training for all workers during working time. This approach is consistent with existing EU law, notably Article 13 of the Transparent and Predictable Working Conditions Directive, which already requires that mandatory training be provided free of cost, counted as working time and, where possible, take place during working hours.

We also welcome the reference to the 2022 Council Recommendation on ensuring a fair transition towards climate neutrality. However, a 2023 EMCO and SPC review of the same Recommendation notes that "only one country has put in place a dedicated strategic and institutional framework for a fair transition". Even if this number has increased tenfold, it would remain insufficient for the scale of change underway. The 2025 review of the same Recommendations does not address this figure directly but does state "only few Member States have reported good examples of effective involvement of worker representatives in anticipation and management of change". The Commission's 2025 assessment of the updated National Energy and Climate Plans (NECPs) states that plans "lack detailed analysis of the social and employment impacts, particularly for vulnerable households, workers, and regions" and do not sufficiently outline measures to mitigate these impacts.

The situation is likely even weaker for the digital and AI transition, where there is little indication that comprehensive, economy-wide national frameworks exist to anticipate labour market impacts, manage restructuring or ensure systematic worker involvement.

As a recent study requested by the European Parliament's Committee on Employment and Social Affairs (EMPL) of the Just Transition Directive initiative found, drawing on evidence from the European Commission's Just Transition Platform, there are "several structural gaps [that] may inhibit the just transition's capacity to deliver equitable, high-quality employment". In particular, the study identifies the "limited enforceability of agreements among social partners" and the fact that "core commitments – such as the 2022 Council Recommendation on ensuring a fair transition, the Regulation establishing the Just Transition Fund, and the social-partner clauses embedded in Cohesion Policy – remain essentially in the form of recommendations". As a result, many regions that require transformation "face no legal obligation to replicate such [ideal] practices, leaving social partners and external stakeholders with merely an advisory role". This lack of enforceable minimum standards for effective promotion of collective bargaining on anticipation and management of change, information, consultation and quality-employment safeguards shows the limits of the effectiveness of current approaches. This assessment is echoed in the conclusion of the 2025 review of the same 2022 Council Recommendation which states that

“Ultimately, a fundamental paradigm shift remains needed and is not yet universally visible” and that this should be built on stronger and more effective social dialogue.

While we welcome the mention of the Just Transition Fund, it is important to acknowledge that it will no longer exist as a standalone fund in the next MFF. By 2027, three of the four EU transition funds (JTF, EGF, ESF+, SCF) could disappear, leaving vulnerable regions without dedicated support. At a time of accelerating restructuring processes, this significantly increases the risks faced by regions dependent on employment in sectors or activities under pressure in the transitions. Cuts to and the increased centralisation of cohesion funds proposed in the Commission’s MFF proposal pose a serious threat to a just transition. Moreover, the partnership principle that governs cohesion funding is a crucial element in ensuring effective stakeholder participation in the transition process. The ETUC has repeatedly raised concerns about proposals that risk omitting the effective and timely participation of trade unions. As regional challenges are becoming increasingly complex and multidimensional the more EU funding is managed at national level, the more the need for the EU institutions to deliver binding legislation on Just Transition to secure a level-playing field.

While binding legislation on Just Transition is the primary focus of this consultation request, it must be complemented by adequate EU-level investment, coherent industrial policy and job protection tools.

In this regard, the ETUC has called for the establishment of a “SURE2.0” permanent EU job protection and transition instrument, building on the original SURE scheme.

The ETUC has also long called for a comprehensive and coherent Just Transition Framework that breaks down silos and ensures that Just Transition is thought along in all policies that impact employment and labour markets. Just transition objectives must be addressed and pursued through all relevant policy portfolios and elements that impact the labour market and labour conditions including economic governance, climate action, energy policy, competition, and public procurement, amongst others.

Collective bargaining is a key tool to ensure anticipation and management of change and should be further protected and promoted at both Member State and EU level. This has been recognised in the EU Quality Framework for anticipation of change and restructuring, in the Council Conclusions on more democracy at work and green collective bargaining for decent work and sustainable and inclusive growth, in the La Hulpe Declaration, and in the EESC Opinion "Towards a just transition legislative proposal and EU policy tools that enable a more social European Green Deal". Additionally, the OECD and ILO also regularly underline the importance of collective bargaining as a key driver for positive developments on our labour markets.

It is very welcome that the Commission is gathering information on the implementation, scope and effectiveness of three of the key directives relevant to anticipation and management of change. We also welcome the acknowledgment that the 2013 European Quality Framework for Anticipation of Change and Restructuring is non-binding; the 2018 monitoring study found huge shortcomings, and there is no evidence that the situation has improved since. This assessment does not point to the need to reopen these existing directives but rather confirms the limits of the current legislation and the need for complementary, expansive and binding measures to ensure effective anticipation, worker involvement and social dialogue in the context of the twin transition.

In the area of just transitions and workers’ involvement, the Commission’s analysis remains too narrow. It limits its legal references primarily to the directives on information and consultation of employees (Directive 2002/14/EC), collective redundancies(Directive 98/59/EC) and transfers of undertakings (Directive 2001/23/EC). While these instruments are essential, they do not exhaust the relevant EU acquis. In particular, the Statute for a European Company (SE) and its accompanying Directive on employee involvement (Council Regulation (EC) No 2157/2001 and Council Directive 2001/86/EC) are highly relevant for ensuring effective workers’ involvement, including in situations of cross-border restructuring and just transitions.

The final paragraph of this section of the consultation is very positive, but it again omits the need to guarantee a right to paid training during working time so that all workers can upskill and adapt to changing jobs within their companies, to the benefit of themselves, their companies, and their regions in a rapidly changing world.

Overall, the proposals put forward by the Commission are welcome and go a long way toward addressing the anticipation and management of change required by the twin transitions. However, in a context of ongoing loss of productive capacity, stronger and enforceable measures are needed to bring about positive restructuring and create quality jobs, enhance skills and industrial know-how. These gaps are better recognised in the adopted 3 December 2025 EMPL Committee INL on the Just Transition Directive in the world of work: ensuring the creation

of jobs and revitalising local economies. This text was adopted by the European Parliament Plenary on the 20th of January, with 420 MEPs voting in favour of the final text, further strengthening the urgent case for binding legislative action on this file.

4. Occupational safety and health

4.1. A call for binding EU legislation

The ETUC calls on the Commission to deliver binding legislation on psychosocial risks and on occupational heat and extreme weather in the Quality Jobs Act.

Binding legislation on musculoskeletal disorders and on gender-based violence and harassment is also urgent.

Gender-responsive prevention of violence and harassment enhances overall workplace safety and benefits all workers, regardless of gender.

4.2. Psychosocial risks and ergonomic risks

It is positive that the consultation document explicitly refers to **psychosocial risks** in relation to work factors, correctly situating the issue within occupational safety and health policy. This approach focuses on the prevention and management of work-related psychosocial risks which fall within employers' responsibility rather than relying on and avoids shifting the discussion to the more diluted and individualised narrative concept of "mental health" which concerns personal well-being and mental health conditions resulting from multiple interacting work-related and non-work-related factors. This reflects a more accurate recognition that psychosocial risks stem from work organisation, management practices, power relations, and working conditions, and insufficient conditions for recuperation and daily rest.

Recent evidence from EU-OSHA and ETUI demonstrates that psychosocial risks remain widespread in European workplaces and continue to pose serious threats to workers' health and safety. Despite increased awareness, there has been little progress in prevention, monitoring or enforcement, while new forms of work organisation and digitalisation are adding further pressure.

The latest EU-OSHA ESENER survey shows that exposure to psychosocial risks has remained consistently high since the previous survey in 2019. Time pressure continues to affect 43% of establishments, a figure that has barely changed over the past five years. Difficult interactions with customers, patients or pupils are reported by 56% of workplaces, confirming that work intensity and interpersonal stress are structural features across many sectors rather than isolated problems.

According to the OECD, work-related mental health problems represent more than 4 % of GDP annually (€600 billion per year). For example, we see that work-related depression alone is estimated to cost over €100 billion per year and 350 million lost working days per year.

ETUC also welcomes the European Commission's identification of ergonomic risks, also known as musculoskeletal disorders, as a major challenge for workers' health and safety. MSDs remain one of the leading causes of work-related ill-health across the EU.

Across Europe, the most commonly reported workplace risks are directly linked to MSDs. According to ESENER, 64% of establishments report risks related to prolonged sedentary work, while 63% identify repetitive hand or arm movements as a significant risk factor. Although these figures represent a slight decrease compared to 2019, they remain extremely high and point to persistent exposure affecting a majority of workplaces. Lifting or moving heavy loads continues to affect more than half of establishments (52%), showing no meaningful reduction over time. Sectoral analysis further confirms that MSD risks are not confined to specific sectors, but are broadly distributed across the economy.

We agree with the Commission's analysis of the scale and persistence of some of the problems identified and with the underlying evidence presented, particularly the research findings and survey data produced by EU-OSHA, which consistently highlight the prevalence and impact of both psychosocial and ergonomic risks across sectors and occupations. In addition, ETUC would welcome an explicit reference to the ILO fundamental principle that occupational health and safety protection must apply to all workers, regardless of their employment contract type or employment status. ETUC therefore draws attention to a major gap in the EU occupational safety and health framework: the explicit exclusion of "domestic servants" from the scope of the OSH Directive that in practice has largely applied to domestic workers. This exclusion is outdated, discriminatory and fundamentally incompatible with

the objective of ensuring quality jobs for all workers, the European Pillar of Social Rights, and the European Union's commitment to ensuring safe, fair, and decent working conditions for all workers.

4.3. Issues not addressed by the consultation document: hazardous substances, gaps in the personal scope of OSH protection (domestic workers, migrants)

Domestic work is a highly feminised sector and is characterised by a high incidence of vulnerable employment situations. Workers are exposed to significant physical and psychosocial risks, yet remain deprived of basic OSH protections, including prevention measures, risk assessment and access to enforcement. Excluding such a large and predominantly female workforce from OSH legislation perpetuates structural gender inequalities in the labour market.

Extending OSH protection to domestic work is therefore necessary to close a long-standing protection gap and to ensure that EU OSH legislation effectively applies to all workers.

The ETUC would like to state that psychosocial risks cannot be treated as a sub-issue of digitalisation, as the Quality Jobs Roadmap – not the consultation documentation - appears to suggest; they must be addressed comprehensively across all sectors and forms of work, and binding requirements on PSR are essential.

Alongside the very valuable information presented from EU-OSHA, additional evidence reinforces the severity of the issue: according to the findings of the ETUI report "The costs of cardiovascular diseases and depression attributable to psychosocial work exposures in the European Union (2025)", scientific studies indicate that psychosocial work exposures contribute to an estimated 6,000 annual deaths from coronary heart disease and around 5,000 work-related suicides across the EU.

The consultation document has not properly addressed some other important OSH-related aspects, and in some cases has overlooked them entirely.

The document makes no reference to the situation of migrant workers who often face deplorable working conditions – they are frequently employed in the most physically demanding and hazardous jobs and are therefore at heightened risk of exposure to dangerous substances.

The repeated references to "simplification" and "reduction of burdens" are problematic, as employers' obligations to ensure prevention measures, fulfil reporting duties, and comply with training and information requirements in the area of health and safety cannot be considered a burden; they are an intrinsic and indispensable part of the prevention system itself. Moreover, strong protection of workers' safety and health helps prevent the well-documented high societal costs associated with occupational accidents and work-related illnesses. Employers also bear significant costs and productivity losses due to accidents, absenteeism and long-term sickness. In this sense, robust safety and health regulations are factors of productivity which contribute to the sustainability and competitiveness of enterprises.

The document also fails to recognise how chronic understaffing and excessive workloads, particularly in public services, exacerbate occupational safety and health risks and undermine effective prevention.

Exposure to hazardous substances is not addressed in the Quality Jobs Act, and it remains a core occupational safety and health concern. ETUC therefore welcomes the ongoing and forthcoming revisions of the Carcinogens, Mutagens and Reprotoxic Substances Directive and rejects the Chemicals Omnibus presented by the Commission in July, as it would deregulate democratically agreed protections and increase exposure of workers - notably factory workers, farmers and hairdressers - to carcinogenic, mutagenic and reprotoxic substances by making their use easier in products such as cosmetics and fertilisers.

In this context, the Commission must strengthen its capacity to prepare scientific opinions on chemicals in order to accelerate the revision process. This requires the allocation of sufficient resources to all actors involved in setting occupational exposure limit values, including the European Chemicals Agency and the social partners.

4.4. Occupational heat and extreme weather

ETUC welcomes the fact that occupational heat is explicitly referenced in the Quality Jobs Roadmap. In particular, we note the reference to the European Agency for Safety and Health at Work (EU-OSHA) and its 2023 guide "Heat at Work – Guidance for Workplaces", but is not referred in the consultation document on the Quality Jobs act.

While these references in the Roadmap are important, they remain insufficient in light of the scale and urgency of the problem. Occupational heat stress is rapidly becoming one of the most significant challenges for workers' health and safety in the European Union. Alarmingly, the number of people dying from extreme heat in the workplace is rising faster in the EU than in any other region, with heat-related workplace deaths increasing by 42% since 2000.

The document identifies occupational heat as an emerging OSH challenge, but it still approaches it mainly through guidance, awareness-raising and soft measures. ETUC considers that this framing does not fully reflect the systemic, structural and life-threatening nature of occupational heat exposure, nor the fact that climate change is already making many workplaces unsafe on a daily basis. Recent European research, including by EU-OSHA, shows that extreme cold, extreme weather and climate change increasingly threaten workers' safety and health, including through rising biological hazards[9]. For these reasons, ETUC believes that the issues are not sufficiently identified, and the urgent necessity of binding EU action is not yet recognised in the document.

Certain sectors, such as agriculture, forestry, construction and delivery work, are particularly affected by climate change due to physically demanding outdoor work, direct exposure to heat and UV radiation, and the use of PPE. These risks are exacerbated by limited EU OSH provisions for outdoor work and by exclusions in the personal scope of the Workplace Directive, such as transport, agriculture and forests. In addition to heat, other extreme weather events also threaten workers' health and safety, as well as income and job security.

In tripartite opinions adopted in 2024 and 2025[10], the ACSH identified heat exposure as the most urgent climate-related occupational risk and assessed EU OSH legislation against key prevention criteria. It concluded that EU law largely lacks specific heat-related provisions, with no coverage of heat indicators or acclimatisation and only partial, indirect treatment of hydration and rest measures.

According to the EU-OSHA OSH Pulse Survey 2025, climate change–related risks are already affecting a significant share of the EU workforce. Across the European Union, one third of workers (33%) report being exposed to at least one climate-related risk factor at work. More specifically, 20% of workers report exposure to extreme heat (indoors or outdoors), while 19% report exposure to air quality issues, such as pollen, dust or smoke. Lower, but still significant, proportions of workers report exposure to intense sun radiation (12%) and to extreme weather-related events - including floods, wildfires or droughts (9%) (EU-OSHA, 2025).

In the context of the digital transition, an increasing number of workers are required to use various types of devices, office settings, and screens in their workplace. ETUC therefore welcomes the attention given in the consultation document to the Workplace Directive and the Display Screen Equipment Directive[11]. ETUC supports a further assessment of the existing acquis and its revision where this is deemed necessary.

4.5. Gender-based violence and harassment at work

Noting that the gender dimension is largely absent from the Quality Jobs Roadmap and the consultation document of the Quality Jobs Act, it is positive that the need to foster a gender-sensitive approach to OSH, in particular in relation to the prevalence of sexual harassment affecting women workers and young women workers, is recognised.

While this is welcomed, ETUC however has repeatedly made the case that the world of work is connected with all forms of gender-based violence and harassment (GBVH), notably sexual harassment, domestic violence, third-party violence and cyber-violence. Gender-based violence and harassment, including economic violence, is rooted in gendered power imbalances, often resulting in economic harm, which is a common denominator of all forms of gender-based violence and harassment. A survey by the ETUC found 72% of trade unions in 15 member states also say their country's laws to tackle violence and harassment in the world of work are not strong enough. Another 73% of respondents affirmed that the laws in EU Member states to tackle gender-based violence and harassment were not adequately enforced.

A survey conducted by the European Transport Workers' Federation in 2025 exposed shocking rates of violence and harassment against women workers, especially in some sectors: nearly three out of four women transport workers (74%) reported having experienced violence or harassment in their current workplace, with 7%

[9] The impact of weather conditions on work-related injuries Filomena, Picchio (2024)
[10] Advisory Committee on Safety and Health at Work, opinion on Climate Change – extreme weather conditions (adopted on 27/11/2024) and Advisory Committee on Safety and Health at Work, opinion on Climate Change – extreme weather and other topics (adopted on 10/12/2025)]
[11] Advisory Committee on Safety and Health at Work, opinion
on the Update of the Workplace Directive 89/654/EEC (adopted on 27/11/2024) and Advisory Committee on Safety and Health at Work opinion on the Update of the Display Screen Equipment Directive 90/270/EEC (adopted on 27/11/2024)

experiencing it daily and 45% several times a month. The 2025 survey on gender-based violence conducted by Eurostat, FRA and EIGE looked specifically at the incidence of sexual harassment at work, showing that around 30% of women have experienced sexual harassment at work in their lifetimes, with large variations between Member States. The incidence of sexual harassment was higher among women workers in the 18-29 years age group, at 41.6%.

It is positive that the consultation document emphasises gender equality in relation to OSH and correctly qualifies sexual harassment as a psycho-social risk affecting (women) workers' wellbeing at work.

It is therefore necessary to adopt a more comprehensive approach towards gender-based violence and harassment in the world of work, including as psychosocial risks. Sexual harassment is presented as the primary, in fact the only, form of gender-based violence and harassment relevant to OSH and gender equality at work. This narrow focus does not reflect the reality of the world of work as women workers experience all the forms of gender-based violence and harassment listed above, and not only sexual harassment, nor does it take into account the much more comprehensive standards of ILO Convention 190 (on the elimination of violence and harassment in the world of work) or the ILO Recommendation 206 (on violence and harassment).

In particular, the increasingly widespread phenomenon of cyber-violence illustrates how GBVH extends nowadays across both the physical and digital "world of work". A 2022 report by EIGE defines this phenomenon and its various manifestations, showing clearly that it disproportionately affects women and is a form of GBVH. It can affect women workers during telework, through work-related communication channels, and in online interactions with clients or third parties.

Third-party violence constitutes a serious psychosocial risk that overlaps with gender-based violence and harassment, as women workers are disproportionately exposed to it. It is a daily reality for many workers in customer- or user-facing roles, particularly in contexts of understaffing or isolation. Third-party violence can range from rude or aggressive behaviour to threats, verbal abuse and physical assaults. The resulting fear and sense of insecurity can have severe consequences for workers' physical and mental health, including anxiety, loss of confidence, long-term mental health conditions and, in some cases, incapacity to work. In public services, exposure to third-party violence is often linked to high workloads and staffing pressures, which shape the context in which prevention measures have to operate.

EU-OSHA frames domestic violence as an emerging psychosocial risk that can affect workplace safety and health and should be incorporated into risk assessments, prevention strategies and support mechanisms in the world of work[12].

The existing EU OSH framework is rightly identified as needing to be updated and complemented, particularly considering changes in work organisation, including telework, platform work, AI-driven management practices and increasing digitalisation. However, the consultation document should make a much stronger and explicit link to different forms of GBVH as a psychosocial risk. The absence of this link limits the capacity of OSH legislation to effectively address risks that are pervasive, systemic, and gendered. Considering that victims are hesitant to report because of shame and stigma, OSH protocols need to be especially sensitive to the need for confidentiality and victim protection and support.

The current OSH framework is not fit for purpose without explicit measures to address all forms of GBVH – not only sexual harassment, but also online harassment and cyber-violence, third-party violence, and domestic-violence spillover effects into the workplace.

While sexual harassment might be the most obvious form of GBVH in the world of work and as such recognised in legislation and policy, it represents only one part of the whole picture. Limiting action to sexual harassment risks reinforcing the misconception that it is the only "relevant" form of GBVH in the world of work, when evidence clearly shows broader patterns of gender-based violence and harassment.

5. Subcontracting and labour intermediation

5.1. A call for binding EU legislation

The ETUC calls on the Commission to propose binding legislation on subcontracting and labour intermediation in the Quality Jobs Act.

[12] Domestic violence and the workplace - OSHwiki | European Agency for Safety and Health at Work

5.2. Risks linked to labour intermediation and subcontracting chains: impact on quality jobs, fraud, abuses and lack of enforcement

The ETUC welcomes the Commission's recognition that long and complex subcontracting chains and labour intermediation are closely linked to increased risks of fraud, abuse, accidents and non-compliance with labour, health and safety rules, as well as underdeclared work. Abusive subcontracting and fraudulent intermediation both pose serious challenges to quality jobs, where direct and stable employment should be the norm. Evidence shows that precarious working conditions in supply chains comes with higher occupational risks and psychosocial hazards, triggered by fragmented responsibility, commercial pressure, and limited access to training and information for workers[13]. These risks may be further exacerbated where Algorithmic Management or Artificial Intelligence are used by businesses to remotely organise, intermediate and control fleets of subcontractors and workers[14].

Indeed, long and complex chains of subcontractors and intermediaries pose particular challenges in terms of monitoring and enforcement of workers' rights. The longer the chain, the greater the risks of non-compliance. Likewise, data indicates that the incidence of both foreign workers and posting arrangements increases with the length of the chain[15]. This separation of risks and responsibilities down the chain blurs accountability and transparency, making it difficult to determine the liable employer or undertaking in cases of violations. There is therefore a clear link between abusive subcontracting and fraudulent labour intermediation, and the erosion of quality jobs at the expense of vulnerable workers. It is particularly worrying that subcontracting and intermediation is growing throughout Europe, despite labour market tightness. Instead of improving attractiveness by guaranteeing quality jobs, employers increasingly seek ways to access cheap, flexible and precarious labour.

These challenges are clearly confirmed also by findings from previous studies conducted by the European Commission[16] itself, the European Labour Authority[17] , the European Platform tackling Undeclared Work[18] , Eurofound[19] as well as by the ETUC[20] , EFBWW[21] , EFFAT[22], ETF[23] and industriAll Europe[24]. Already twenty years ago, in 2006, the Commission had identified subcontracting as a risk in terms of job quality[25]. Yet to this day, EU law has not been able to effectively tackle these problems. On the contrary, they continue to increase and feed unfair competition, social dumping, labour crime and impunity in the internal market. The need for EU action is also highlighted by the European Parliament Report on addressing subcontracting chains and the role of intermediaries in order to protect workers' rights.

While workers in labour-intensive sectors (e.g. construction, agriculture, food, care, delivery, logistics and transport, as identified by the Commission, but also e.g. textile, catering, hospitality, cleaning, fishing, seafaring and shipbuilding) may be more prone to certain risks, the Commission does not sufficiently recognise the more structural and cross-industry problems subcontracting and intermediation pose to the European labour market and fair competition in the EU as a whole. Research consistently illustrates how outsourcing has contributed to increased labour market polarisation and a downward pressure on wages and working conditions[26].

---

[13] EU-OSHA: OSH Wiki - Contractor management (2022).
[14] Altenried M.: 'On the Last Mile: Logistical Urbanism and the Transformation of Labour' in *Work Organisation, Labour & Globalisation*, pp. 114–29, vol. 13, no. 1 (2019).
European Commission Joint Research Centre: Algorithmic management consequences for work organisation and working conditions (2021).
[15] De Smed L. et.al.: Unravelling the subcontracting chain in constructions works. Declaration of works in immovable property in Belgium. POSTING.STAT 2.0 project. HIVA-KU Leuven (2024).
European Commission: Posting of workers – Collection of data from the prior declaration tools – Reference year 2023 (2025).
[16] European Commission: Study supporting the Monitoring of the Posting of Workers Directive 2018/957/EU and of the Enforcement Directive 2014/67/EU (2024); Study on the protection of workers' rights in subcontracting processes in the European Union (2012).
[17] European Labour Authority: Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues (2025); Construction sector: Issues in information provision, enforcement of labour mobility law, social security coordination regulations, and cooperation between Member States (2023).
[18] European Platform tackling Undeclared Work: Tackling Undeclared Work in Supply Chains (2021).
[19] Eurofound, Impact of subcontracting on working conditions (2011)
[20] ETUC: Securing workers' rights in subcontracting chains (2021).
[21] EFBWW: Towards a preventive approach against abusive subcontracting practices in the European construction sector (2025)
[22] EFFAT: Model Directive to End Exploitation in Subcontracting and Labour Intermediation (2025), available, and EFFAT: Improved working and living conditions in the meat sector through trade union action (2023)
[23] ETF: Sorry, we subcontracted you (2025)
[24] IndustriAll Europe: Misusing shortages for a new 'race to the bottom'? Equal treatment for migrant workers now! (2024)
[25] European Commission: Green Paper on Modernising labour law to meet the challenges of the 21st century (2006).
[26] Zwysen W.: 'Working apart: Domestic outsourcing in Europe' in European Journal of Industrial Relations, pp. 221-241, vol. 30, no. 2 (2024).
Deborah G. et.al.: 'The Rise of Domestic Outsourcing and the Evolution of the German Wage Structure' in The Quarterly Journal of Economics, pp. 1165–1217, vol. 132, no. 3 (2017).
OECD: 'The rise of domestic outsourcing and its implications for low-pay occupations' in OECD Employment Outlook (2021).

Over the past decades, companies are increasingly relying on intermediaries and subcontracting as a business model to cut labour costs and avoid employer responsibility. Subcontracting may indeed be considered legitimate, but not if it serves to circumvent or undermine workers' and trade union rights, labour standards and collective bargaining agreements. Moreover, the outsourcing of core business activities also generates unequal treatment of workers and social dumping. Direct and stable employment should always be the norm. Flexibility and competitiveness should never come at the expense of quality jobs, or be built on precarity and labour exploitation. This is particularly the case when subcontracting is used for artificial arrangements involving e.g. letterbox companies, fake postings of EU and third-country nationals, bogus self-employment and fraudulent forms of intermediation, or in violation of the right to collective bargaining. While the social partners can make a key contribution to tackling abuse, this counter-acting force is challenged by fragmented workforces, union-busting and obstacles to collective bargaining. The Commission's emphasis on the role trade unions and collective bargaining can play, on the one hand, while on the other hand seeking to uphold a regulatory framework that in practice undermines trade unions' ability to improve workers' conditions, health and safety, is highly problematic and contradictory.

5.3 Evidence from sectorial and national levels

Evidence: Subcontracting – logistical sector

The ETUI report *Sorry, we subcontracted you* (2025) shows that subcontracting has become a structural business model in key sectors of the European economy, notably warehousing and last-mile delivery. The study focuses on the four largest logistics markets in the EU - France, Germany, Italy and Spain - where logistics and parcel services employ millions of workers (around 2 million in France alone). In these sectors, subcontracting is no longer occasional but systematic, particularly in transport and delivery activities, where it is often the rule rather than the exception.

Across the four country case studies, subcontracting is associated with lower pay, longer and more unpredictable working hours, higher accident risks and widespread violations of labour and OSH rules.

The report highlights that long and complex subcontracting chains significantly weaken enforcement. National authorities face serious difficulties in identifying the responsible employer, carrying out inspections and imposing sanctions. Subcontracting makes controls more time-consuming and often reactive rather than preventive, while workers frequently refrain from claiming their rights due to fear of dismissal, retaliation or - for migrant workers - deportation. Interviews conducted for the study confirm that access to justice is often perceived as costly, lengthy and ineffective.

Importantly, the report underlines that reliable EU-wide data on subcontracting is largely missing. In many cases, there is no precise information on the number of subcontracting companies, the share of outsourced work, or the number and contractual status of workers employed along the chain. This data gap itself is identified as a major obstacle to enforcement and policy-making, and as evidence of the inadequacy of the current EU framework.

Country-level evidence from the four case studies

France

The report shows that subcontracting is widespread in warehousing and parcel delivery, particularly in large logistics hubs serving e-commerce. Subcontracting chains are often long and opaque, involving multiple layers of intermediaries. This fragmentation is associated with lower wages, high work intensity, frequent breaches of working-time rules and a high incidence of occupational accidents. Labour inspectorates face difficulties identifying the responsible employer, while worker representation is weakened by workforce fragmentation and high turnover.

Germany

In Germany, the study documents extensive subcontracting in logistics and last-mile delivery, often combined with the use of migrant labour. Subcontracted workers frequently experience inferior working conditions compared to directly employed workers performing the same tasks, including longer hours, lower pay and reduced access to social protection. Although Germany has introduced sector-specific regulations in parts of logistics, the report finds that enforcement remains challenging and that subcontracting continues to be used to circumvent collective agreements and dilute employer responsibility.

Italy

The Italian case highlights the structural role of subcontracting and cooperatives in the logistics sector. The report links subcontracting to particularly poor OSH outcomes, identifying logistics as one of the sectors with the highest levels of work accidents and occupational diseases. Long shifts, night work and insufficient rest periods are common, especially among subcontracted workers. While Italy formally provides for chain liability, the study shows that complex subcontracting structures and weak enforcement allow abusive practices to persist. In addition, evidence from Italy points to the existence of gangmaster practices and a broader "normalisation of deviance" within the sector, as recognised by the Tribunal of Milan in 2023. Notably, four of the ten largest companies in the sector have been prosecuted for this offence, underlining the systemic nature of these abuses and the limitations of existing legal safeguards.

Spain

In Spain, subcontracting in logistics and delivery is characterised by high levels of precarious employment, including temporary contracts and bogus self-employment. The report notes that subcontracting has contributed to wage disparities, unstable working hours and difficulties in accessing collective bargaining coverage. Despite recent labour market reforms aimed at promoting direct employment, the study finds that subcontracting remains a key mechanism for shifting risks onto workers and avoiding employer obligations.

Evidence from the agri-food and hotel sectors[27]

The EFFAT report Exploitation Across Contracting, Subcontracting and Labour Intermediation (2025) provides extensive evidence that subcontracting and labour intermediation are systematically used in the agri-food and hotel sectors to reduce labour costs, circumvent collective agreements and shift employer responsibility. Drawing on documented cases from multiple Member States, EFFAT shows that subcontracting is no longer confined to auxiliary tasks but increasingly affects core business activities, resulting in widespread exploitation, social dumping and enforcement failures.

In the agri-food sector, abusive subcontracting practices are particularly visible in meat processing and agriculture. In Belgium, France, Italy, Spain and Germany, subcontractors and intermediaries are systematically used for slaughtering, cutting, harvesting and food processing - activities at the heart of production. The report documents lower wages, excessive working hours, unsafe conditions and systematic breaches of OSH rules, often affecting migrant workers. Long and opaque subcontracting chains dilute responsibility, making labour inspections difficult and allowing employers to evade accountability. Extreme forms of abuse, including gangmaster practices (caporalato), illegal labour intermediation and even human trafficking, are reported in Italy, Spain and France, with workers charged for transport, accommodation and recruitment, pushing them into debt and dependency.

At the same time, the report identifies positive examples demonstrating that regulation works. In Germany, the 2021 Labour Protection Control Law banned subcontracting and temporary agency work in core meat-processing activities, leading to the direct employment of around 35,000 workers, improved OSH compliance and stronger worker representation. In Denmark, strong sectoral collective agreements combined with high collective bargaining coverage and effective labour inspection have significantly limited the abusive use of subcontracting in the meat sector, ensuring equal pay and conditions and preventing the emergence of long and opaque subcontracting chains. Romanian legislation requires that workers supplied through intermediaries enjoy conditions equivalent to directly employed workers, and enforcement mechanisms make the principal employer accountable in practice. In Turkey, targeted legislation have limited subcontracting in production areas and enabled the transfer of subcontracted workers to permanent contracts. These cases show that restricting subcontracting does not lead to delocalisation, but rather improves working conditions and fair competition.

In the hotel industry, evidence from Spain, France, Italy, Poland and Nordic countries shows a similar pattern. Hotels increasingly subcontract core services such as housekeeping to multiservice companies applying weaker collective agreements. This results in significant wage gaps - up to 40% lower pay in Spain - heavier workloads, unpaid overtime and higher physical strain, despite workers performing the same essential tasks as directly employed staff. Subcontracting fragments employer responsibility and undermines collective bargaining

[27] EFFAT (2025) .*Exploitation Across Contracting, Subcontracting and Labour Intermediation EFFAT Selection of Cases*, and *Why the EFFAT Model Directive is the Right Answer to Tackle Exploitation in Contracting, Subcontracting and Labour Intermediation*: https://effat.org/wp-content/uploads/2025/05/Exploitation-Across-Contracting-Subcontracting-and-Labour-Intermediation-EFFAT-Selection-of-Cases-2025.pdf

systems, leading to unequal treatment within the same establishment. High-profile labour disputes, such as the Ibis Batignolles strike in France and recent court rulings in Spain, underline the structural nature of the problem.

Across both sectors, the report concludes that national approaches are fragmented and insufficient, allowing abusive subcontracting practices to persist and distort competition within the internal market.

Overall, the ETUC considers the Commission's description as unbalanced and incomplete. Although the Commission emphasises that the EU acquis applies throughout subcontracting chains, workers' right to equal treatment is not properly acknowledged. Subcontracted workers often do the same tasks in the same workplace as direct employees, under the same contractor's direction, but work longer hours, get lower wages and suffer more insecurity. Importantly, sub-standard remuneration is not only limited to violations of statutory minimum wages but also the principle of equal pay for equal work under collective agreements. Despite recognising the serious labour violations and enforcement challenges that stem from long and complex subcontracting, limitations of the length of the chain are only mentioned in passing by the Commission with reference to national legislation. Similarly, the Commission makes a positive assessment of full chain liability schemes where they exist at national level, without admitting that EU level liability schemes fall short of such comprehensive protection. While the Commission's overview remains focused on existing provisions offering a partial protection to EU mobile and/or third-country national migrant workers in certain sectors, it is important to recall that these forms of abusive practices harm local and foreign workers alike, within as well as across borders. Increased efforts for enforcement will not suffice, especially given the structural obstacles both workers and enforcers face in the internal market already today. Importantly, the effectiveness of subcontracting liability and its incentives for contractors to act more carefully in selecting subcontractors also depend on issues such as whether due diligence can lead to exoneration, the scope of liability, time limits and whether claims can be filed collectively by workers' representatives, trade unions or social funds.

Finally, while the Commission recognises that labour intermediation brings additional complexities to contracting chains and enforcement, it does not sufficiently elaborate on any of the particular challenges and exploitative practices linked to unregulated intermediaries, which often go hand in hand with abusive subcontracting, sourcing and outsourcing of workers. Fraudulent forms of intermediation range from unfair recruitment and worker dependencies to gangmasters and forced labour, often characterised by a complete lack of responsibilities or quality standards, coupled with e.g. excessive fees being charged from workers for the recruitment, travel, permits, training and/or deplorable accommodation. These exploitative practices and conditions often originate from informal and non-transparent recruitment by intermediaries based either in the workers' country of origin or destination.

Against this background, the scene as set by the Commission clearly illustrates the fragmented and piece-meal approaches that currently exist at EU as well as national levels with regard to workers' protection in subcontracting chains and labour intermediation. However, the gaps and limitations of the existing EU legal framework are not recognised or explored. Better enforcement of existing legislative instruments mentioned in the consultation document will not be sufficient to effectively address all these challenges. Instead, a more holistic and preventative approach is needed. This makes it clear that dedicated binding EU legislative action is needed to ensure comprehensive protection to all workers across all sectors.

6. Enforcement and the role of social partners

6.1. A call for binding EU legislation

The ETUC calls on the Commission to deliver binding legislation on enforcement in the Quality Jobs Act.

6.2 Enforcement of EU labour law and the role of the social partners

The Quality Jobs Act must reinforce the role of trade unions and promote collective bargaining. A core task for the ETUC is to promote social rights and workers' rights in the EU legal framework. The challenges facing workers in the EU member states are different, yet the fight for higher wages and better working conditions are universal. The integrated EU internal market makes the strive for a level playing field without social dumping and with respect for social and employment rights more important than ever. The ETUC will always support its national affiliates in their strive for collective bargaining and their freedom to maintain, conclude and enforce collective agreements which may be a better tool to implement and complement EU-legislative initiatives according to national practices and frameworks. In this respect acknowledging the importance for the social partners to have

room for negotiating and collectively bargain. Negative impact and misuse by employers or 'yellow' unions must be prevented.

The Quality Jobs Act includes a dedicated section (2.5) on enforcement and the role of social partners. The Commission emphasises - in line with long-standing ETUC arguments - that weak and uneven enforcement of EU labour law remains a major challenge, leaving many workers without the rights guaranteed to them. It also highlights persistent problems such as insufficient labour inspection capacity, difficulties in monitoring complex subcontracting chains, the continued prevalence of undeclared work, and the particular impact of ineffective enforcement for workers who face barriers in knowing and claiming their rights.

The Commission underlines the crucial role of trade unions in raising awareness of rights, supporting workers in lodging complaints, helping inspectorates detect abuse and exploitation, and strengthening collective bargaining as a tool for compliance and improved working conditions and reinforcing fundamental collective and individual rights at work, including the protection of personal data. This approach fully reflects long-standing ETUC positions, including the priorities of the ETUC Action Programme 2023–2027.

The Quality Jobs Act should address the damage caused by inconsistent, weak or non-existent enforcement of EU labour law. It explicitly recognises that EU action could strengthen the implementation and enforcement of workers' rights under EU law through reinforcing the role of social partners, ensuring the capacity, frequency and effectiveness of labour inspections, promoting collective agreements as a means of providing protections for workers, including for self-employed workers, as set out in the European Commission Guidelines on the application of EU competition law to collective agreements. It should also address the need to improve access to information, justice, and effective and dissuasive sanctions, taking into account the principles and values contained in the Treaties. This applies for both new rights created by the Act and across the entire EU labour law acquis.

Enforcement frameworks under the Quality Jobs Act must ensure that control on working conditions and compliance mechanisms are capable of effectively reaching all workplaces, including atypical or isolated workplaces such as private households where domestic workers operate.

One-third of European countries fail to meet the ILO Convention No. 81, which provides common minimum standards for the labour inspectorate, not least its Article 10, which lays down that the number of labour inspectors must be sufficient to ensure the effective exercise of the functions of the inspection services. The Commission itself points out that in 2023, the ILO's measure of inspectors per 10.000 employed people varied from 0.23 in Ireland to 3.08 in Luxembourg [European Commission (25.11.2025), Proposal for a Joint Employment Report (COM(2025) 958 final), p.93], with at least 13 Member states failing to reach the ILO recommended ratio of 1 inspector per 10 000 employed people without even taking into account the impact of the rise of bogus self-employment and of the persistent informal work on this ratio. Since all 27 EU Member States have ratified ILO Convention No. 81 (Labour Inspection Convention, 1947), creating a uniform international commitment across the Union, this allows the EU itself to adopt measures to harmonise implementation, ensuring consistency across the internal market. EU-level legislation would guarantee uniform enforcement, prevent regulatory divergence and strengthen fundamental rights under the EU Charter of Fundamental Rights (Articles 27, 31, 30).

Equally, it is essential to underline the need to strengthen labour inspectorates, within the wider context of a long-term deterioration of public administrations and public services across many Member States. Chronic underfunding, staff shortages and weakened institutional capacity in labour inspectorates, OSH authorities, social security institutions and tax administrations have significantly reduced the ability of public authorities to prevent abuses, carry out effective and regular inspections, ensure follow-up and sanctions, and address complex forms of non-compliance such as subcontracting chains, misclassification and undeclared work. Enforcement cannot be strengthened in isolation from the overall capacity of public services. This reality should be clearly reflected in the Quality Jobs Act.

6.3 Non-Standard forms of Employment and Misclassification

The document overlooks the problem of non-standard forms of employment and the precarity they generate, which in many cases result from the misclassification of workers, disguised employment relationships, weak enforcement, and gaps in national and European labour legislation. Stable contracts and effective access to labour and social rights are core determinants of Quality Jobs. The Quality Jobs Act must therefore explicitly address these structural drivers of precarious work.

In contrast to the Commission's November 2025 draft Joint Employment Report[28] , which acknowledged that non-standard forms of work are associated with poor working conditions, lower earnings and limited access to social protection, training and representation, the Quality Jobs Act consultation document fails to recognise this problem and does not address it adequately.

The consultation document rightly stresses that "quality jobs should be ensured for any type of contract, across sectors and subcontracting chains," but it fails to identify the scale and nature of the problem linked to non-standard forms of employment and does not propose concrete measures to guarantee such quality or to improve the quality where needed.

In 2023, close to 40% of workers across the EU were employed under non-standard arrangements, including part-time or temporary contracts, multiple jobholding, freelance work, or self-employment. Moreover, over 10% of workers in Finland, Greece, Poland, Italy, France, Croatia and Portugal were employed on very short-term contracts of less than one year.

The negative consequences on living and working standards as well as European competitiveness, of non-standard employment must be addressed through regulation that goes beyond part-time and fixed-term contracts and targets temporary agency work, subcontracting, bogus self-employment, platform work, unstable working hours and limited access to social protection. Many of these forms of work - particularly platform work, bogus self-employment and complex subcontracting chains - are insufficiently captured by official labour-force statistics and remain under-reported. Consequently, apparent stability or decline in headline figures masks a growing reality of insecurity, income volatility and deprivation, amounting to a hidden crisis in labour conditions, especially for the most vulnerable workers.

Workers in non-standard employment consistently experience inferior labour-market outcomes compared to those in standard full-time permanent jobs, including lower pay, higher risks of in-work poverty, employment and income insecurity, restricted access to social protection and increased reliance on public income support. Such forms of work are disproportionately concentrated among younger workers, women, migrants, lower-skilled workers and other marginalised groups, reinforcing structural inequalities in the labour market.

All available data point to a rapid rise of the Temporary Work Agencies (TWAs); for illustration, the number of TWAs in the Netherlands stands around 20 000, which is three times more than the number of supermarkets in the same country[29]. The rapid rise is explained by the lucrative possibility to avoid staff and administrative costs of direct recruitment while being effectively in the driving seat to direct and control employees' tasks and working conditions. The net losers from these transactions are workers. In labour-intensive sectors such as construction and meat processing, the involvement of Temporary Work Agencies in complex subcontracting chains makes labour inspection and enforcement difficult, especially in identifying the real employer. These challenges are exacerbated by the increased recruitment and posting of third-country nationals, facilitating fraud, labour exploitation and the misclassification of temporary agency work as labour-only subcontracting.

Non-compliant TWAs can undercut law-abiding operators, creating unfair competition and a race to the bottom that threatens both workers' rights and legitimate businesses. While some Member States have responded with bans or certification schemes, divergent national approaches distort the EU level playing field. There is therefore a need for stronger and more harmonised EU measures to ensure proper classification of work, effective enforcement along subcontracting chains, protection of workers, and fair competition within the internal market.

Precariousness is increasingly driven by bogus self-employment and other forms of disguised employment, extending far beyond platform work into sectors such as logistics, construction, agriculture, transport, cleaning, domestic work, creative industries, the media sector, and ICT services. Misclassification systematically deprives workers of fundamental rights, undermines collective bargaining, distorts competition and weakens social security systems.

[28] Strasbourg, 25.11.2025 COM(2025) 958 final PROPOSAL FOR A JOINT EMPLOYMENT REPORT FROM THE COMMISSION AND THE COUNCIL; [p11]
[29] Netherlands Statistics, Werkzame beroepsbevolking; positie in de werkkring, (13 November 2025), https://opendata.cbs.nl/?utm_source=substack&utm_medium=email#/CBS/nl/dataset/85278NED/table?dl=74BEF; Netherlands Statistics, Bedrijfsleven; arbeids- en financiële gegevens, per branche, SBI 2008, (18 April 2025), https://opendata.cbs.nl/?utm_source=substack&utm_medium=email#/CBS/nl/dataset/81156ned/table?dl=C9EBA.

Young people remain particularly exposed to these trends. As highlighted in recent research[30], EU and national regulatory frameworks frequently treat young workers as an "exception group", resulting in reduced protections, systematic undervaluation of their work and heightened exposure to precarious arrangements, including unpaid or low-paid traineeships, flexible fixed-term contracts, on-demand work and bogus self-employment.

Women remain systematically over-represented in precarious forms of employment across the European labour market. While the gender employment gap has narrowed over time, women's employment rate in the EU still remains around 11 percentage points lower than that of men, reflecting persistent structural barriers to stable employment (Eurofound, 2023)[31].

In addition, significant gender gaps, as well as horizontal segregation persist. Women remain under-represented in industry and construction, over-represented in services, and more likely to be in involuntary part-time work and to face higher youth unemployment. The gender pay gap also continues to require decisive action.

Women are far more likely than men to work part-time, with around 28-30% of women in employment working part-time compared with around 8–9% of men. A significant share of this part-time work is involuntary: Eurofound data indicate that around one quarter of women working part-time report doing so involuntarily, reflecting constrained rather than chosen flexibility. Women are also slightly over-represented in temporary employment, particularly in low-paid and service sectors characterised by weaker job security and limited career progression[32]. In addition, EIGE data show that nearly half of single mothers in the EU are at risk of poverty or social exclusion, underlining the gendered nature of in-work insecurity.

Further, EIGE's Gender Equality Index captures a key dimension of precarious employment: across the EU, women are far more likely than men to be in low-paid jobs, with 28% of women compared with 16% of men earning no more than two-thirds of the national median wage[33].

6.4 The role of the European Semester

The European Semester has the potential to be a powerful tool to monitor job quality and support enforcement of the EU social and labour acquis, but in its current form it falls far short of that promise. The process remains dominated by macro-economic surveillance and fiscal coordination, while social objectives are treated as secondary and largely optional. Country-Specific Recommendations (CSRs) are too often shaped by priorities such as competitiveness, fiscal stance and so-called "structural reforms", crowding out concrete demands to ensure quality jobs, strengthen collective bargaining coverage, combat precarious work, improve occupational safety and health enforcement, or tackle wage theft. As a result, the Semester systematically underuses its capacity to assess and address the real conditions faced by workers across Europe. It also fails to assess whether structural reforms either demanded by the Commission or proposed/implemented by the national government undercut quality employment and European social convergence.

Even when persistent shortcomings on employment and social progress are identified, the response is usually limited to generic reform language rather than clear, measurable and labour-centred outcomes. ETUC has repeatedly warned that this approach allows member states to ignore or delay action on wages, social protection and working conditions without consequence. While the Semester generates extensive analysis, including on social indicators, it lacks the political and institutional mechanisms needed to turn monitoring into tangible improvements in workers' lives. ETUC has therefore argued for a Semester that re-centres social investment and labour outcomes and better aligns EU financing and economic governance with social progress.

[30] Steiert M. (2025) The EU and the regulation of young people's work transitions: individuation, governance and quality, Working Paper 2025.02, ETUI.
[31] Eurofound. (2023). Reducing Europe's gender employment gap. Publications Office of the European Union. https://www.eurofound.europa.eu/en/commentary-and-analysis/all-content/reducing-europes-gender-employment-gap
[32] Eurofound. (2020). Employment and working conditions of the most vulnerable workers. Publications Office of the European Union. https://www.eurofound.europa.eu/en/publications/all/employment-and-working-conditions-most-vulnerable-workers-addressing-ongoing
[33] European Institute for Gender Equality. (2025). *Gender Equality Index 2025: Sharper data for a changing world*. https://eige.europa.eu/

Q2: Do you consider that EU action is needed to address the identified issues? If so, what should be the direction and scope of that action?

Need for EU action: ETUC demands for binding legislation to address quality jobs deficits

Considering the scope identified in Question 1, and in order for the Quality Jobs Act to effectively close the quality jobs deficit, the ETUC proposes the adoption of binding EU legislation in the following areas.

1. Telework and right to disconnect

Ensuring the respect for the right to disconnect requires binding EU legislative action. The ETUC reiterates that the right to disconnect is already established, and employers have no claim to workers' time beyond agreed working hours. The task for the European legislator is therefore not to create a new right, but to clarify, enforce, and strengthen the existing right through binding EU legislation. An effective EU legal framework must guarantee that workers can effectively disconnect from work without suffering negative consequences, ensure transparent working-time organisation, provide safeguards against work intensification, and include robust enforcement mechanisms. The ETUC reiterates that the Working Time Directive must not be reopened.

At the same time, the ETUC considers that minimum standards for telework must be established through a European binding legislative initiative setting out a baseline of rights and protections, while fully safeguarding the role of social partners through social dialogue and collective bargaining at all levels. Telework must remain voluntary and reversible, ensuring that workers cannot be compelled into telework nor prevented from returning to on-site work. Equal treatment must be guaranteed, with teleworkers enjoying the same rights, career development opportunities, and access to collective rights as on-site workers, with the necessary facilities for workers representatives to enable social dialogue at workplaces. Employers must assume responsibility for all costs associated with telework - equipment, ergonomic furniture, connectivity, maintenance - and for ensuring compliance with occupational health and safety requirements, including risk assessments adapted to telework and homeworking environments. It is important that the obligation to consider the technostress component in the assessment of work-related stress be explicitly provided for.

In its reply to the second-phase consultation on potential European action on telework and the right to disconnect, the ETUC indicated its agreement with addressing the OSH-related aspects of both topics through the revision of the Workplace Directive and the Display Screen Equipment Directive. Our demands therefore stem from the tripartite opinions adopted by the Advisory Committee on Safety and Health. The key elements are summarised below, with more detailed information available in the two ACSH opinions.

Telework is fully integrated into both opinions through an expanded definition of "workplace," explicitly covering homeworking and off-premises work.

Clear OSH obligations are established for employers in telework settings, notably: taking OSH measures within the limits of their means of influence; providing information, training, organisational support and procedures adapted to homeworking and off-premises contexts; ensuring that risk assessment also covers homeworking, with the possibility of using remote assessment methods; and guaranteeing that minimum OSH requirements - such as ergonomics, lighting, temperature and software design - apply equally to telework environments.

Regarding the right to disconnect, the opinions promote principles of healthy work organisation that support effective disconnection. They also call for rules that take into account the need for breaks from screen use. They also place strong emphasis on the prevention of psychosocial risks: employers must prevent excessive cognitive load, work intensification and work-related disturbances. For this to be truly effective, it is essential to significantly strengthen mechanisms relating to informational, consultative, organisational and strategic participation.

In practice, such work intensification is often linked to staffing pressures, where digital availability is used to compensate for insufficient resources, undermining effective disconnection despite formal rules. In addition, limits are placed on algorithmic surveillance and monitoring, which must comply with GDPR, be proportionate and transparent, and involve workers and their representatives.

In summary, the ETUC strongly reiterates its call on the Commission to proceed without delay to propose binding legislation on telework and the right to disconnect, on the basis of its reply to the second stage consultation.

2. Algorithmic management and Artificial Intelligence at work

To ensure that the Quality Jobs Act delivers on its ambition to raise job quality across the EU, it must address the major loopholes: the need to equip workers with fair and reliable digital technologies and in particular AI and AM and protect them from the adverse impacts of these technologies on their working conditions, and to allow them to exercise effectively their fundamental rights at work, in line with the information and consultation rights of workers' representatives on the introduction and implementation of these technologies in the workplace.

The Quality Jobs Act should notably provide for binding legislation on algorithmic management and artificial intelligence at work, including the following measures:

- The AI Act is not suitable for regulating use of AI in the workplace. It was as a product directive, and does not provide for the right legal base to protect workers. EU binding legislation on artificial intelligence and algorithmic systems in the workplace, based on Article 153 TFEU, should define European minimum standards for the design and use of artificial intelligence algorithmic and automated decision making systems at the workplace.
- Binding legislation must follow the protection of workers already enshrined in Platform Work Directive and in order to ensure the level playing field and equal protections the legislation on AI and AM should apply to all workers in all sectors.
- Any misalignment between the frameworks may lead to unclear responsibilities, weaker testing obligations, or inconsistent conformity assessments - all of which increase risks for workers. The Quality Jobs Act should therefore strengthen and harmonise where relevant the application of EU data protection and AI rules in employment contexts, in order to ensure legal certainty, consistent enforcement and equal protection of workers' rights throughout the Union.
- A "regulatory vacuum" caused by conflicting or unclear requirements must be avoided, in the full respect of Member States' national law and practices, in areas such as data protection. In particular, Article 88 of the GDPR allows national provisions on processing in the context of employment.
- ETUC key demands in new binding legislation are minimum norms for the better protection of workers against AI and algorithmic management at the workplace, where collective bargaining rights of trade unions as well as information, consultation and participation rights of workers' representatives are strengthened and enforced. This is particularly important since, contrary to the Commission's assessment, there are still very few agreements on the deployment of AI. Employers are reluctant to negotiate and workers not always aware.
- Algorithmic systems (automated monitoring and decision making systems) at work need to be transparent and explainable. Workers and their representatives shall have the right to receive information about the used applications in timely manner, plain and understandable language. Information must be provided before deployment and before substantial changes occur, and during changes and updates, as software and AI-uses change overtime, and at any time at their request. They shall have the right to participate in defining the rules governing the use of data;
- Training in the field of labour relations must be mandatory in relation to privacy rights, the protection of personal data and the exercise of associated rights, and how and when to exercise them without the possibility of sanctions or reprisals at work in the event of refusal to provide any data that is not legally or conventionally necessary.
- Trade unions and workers' representatives shall have the right to access external expertise, and the costs of this assistance should be carried by employers.
- An algorithmic impact assessment for changes in working conditions, including a fundamental rights and equal opportunities impact assessment, must be carried out by the employer, before deployment and before substantial changes occur, with the full involvement of trade unions and workers' representatives before any system is implemented and should be repeated regularly after implementation throughout the lifecycle.
- The use of algorithmic systems for disciplinary purposes, sanctions, dismissal, deactivation, demotion or performance-based sanctions should be prohibited. Legislation must provide at least the same level of protection, as granted in Platform Work Directive.
- Algorithmic scoring, rating or reputation systems that rank, classify or exclude workers, or that indirectly affect pay, access to work, scheduling or job security, must be strictly limited and prohibited where they lead to discrimination, segmentation or work intensification.

- Labour inspectorates and relevant public authorities must be granted explicit powers, technical capacity and access rights to audit algorithmic management and AI systems used in workplaces, including source documentation and impact assessments.
- When introducing new technologies, such as AI, it is important to adapt the Risk Assessment accordingly. Consideration must be given to the psychosocial risks and physical strain that may change as a result of the introduction of AI. Even after the introduction of AI, jobs must still be meaningful and meet the requirements of a quality job.
- Intrusive applications should be banned in the context of work. Intrusive applications shall be understood to mean all those that seek to use biometric data expressly prohibited in the workplace.
- Algorithmic systems and AI should assist workers in the employment context. The human-in-command principle has to be defined and the rights of human decision makers have to be protected.
- Workers shall have the right to check and revise algorithmic decisions.
- Workers shall have the right to human monitoring of automated systems.
- Workers shall have the right to request human review of significant decisions, in particular for those made by or with the support of AI or algorithm.
- Workers may not be subject to solely automated decisions producing legal or significant effects.
- The protection of health and safety at the workplace is the responsibility of the employer. Information and consultation of workers and their representatives is a duty in particular on issues related to occupational health and safety, especially in the field of algorithmic decisions.Without prejudice to Directive 89/391/EEC that should be fully implemented, and related directives in the field of safety and health at work, Member States shall ensure that the employers, with the involvement of workers and their representatives in accordance with Union and national law and practice:
  - evaluate the risks of algorithmic management system to their safety and health, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks as well as undue pressure put on workers;
  - assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;
  - monitor and review the occupational health and safety impacts of such systems throughout their life cycle, including reporting and follow-up of incidents;
  - introduce appropriate preventive and protective measures.
- Employers must not process emotional, psychological, or off-work personal data, and data concerning trade union membership and must provide the relevant training to ensure that workers are aware of their rights and recourse.
- Workers must be protected from physical or mental risks arising from algorithmic management, and receive the necessary preventive training in this regard before the start of the employment relationship and whenever there is a change in the organisation of work, where applicable.
- Employers must implement preventive measures against algorithmic risks, after timely information and meaningful consultation with workers' representatives.
- Employers must keep full documentation of algorithmic systems used in the workplace, including objectives, decision logic, data sources, performance criteria and risk mitigation measures, and make this documentation available to workers' representatives and competent authorities
- Training is a must when it comes to the introduction and safety of machine operation, as well as for products with AI and AM components or AI-driven functions.
- Workers must receive training including AI literacy to understand algorithmic systems and their risks.
- Trade unions and workers' representatives must receive training to engage effectively in consultation procedures.
- The Commission's Union of Skills initiative, while seeking to address skills gaps and mismatches in the labour market - particularly in the context of digitalisation, AI and algorithmic management - remains insufficient, as it does not guarantee workers' access to training as an enforceable right nor does it adequately prioritise the creation of quality jobs with fair wages and decent working conditions.
- The Quality Jobs Act should therefore establish a binding right to training, in line with OECD recommendations on lifelong learning and skills development, ensuring that training is provided during paid working time and free of charge for workers. Employers must bear primary responsibility for the provision of training, and any public financial support or subsidies granted to employers should be subject to clear social conditionalities.

- Workers must have a right to contest and seek redress and the right to explanations for automated and AI or algorithm supported decisions. Workers may contest decisions and seek correction through review mechanisms. Workers shall have the right to representation by themselves or through trade unions and workers' representatives and judicial redress.
- The legislative initiative must identify the workplaces using Algorithmic Management and Artificial Intelligence as the workplace as high risks.
- It must introduce effective, proportionate and dissuasive sanctions for misuse of algorithmic management and Artificial Intelligence at the workplace.
- Workers and their trade unions have the right to access to effective and impartial dispute resolution and, in the case of unjustified dismissal or actions affecting their working life and career path, a right to redress, including adequate compensation.
- Efforts to reduce administrative burdens on businesses must not weaken existing worker protections or reduce safety and compliance obligations.
- Unlike the Fundamental Rights Impact Assessment (FRIA) under the AI Act, which applies only to a limited category of deployers and does not adequately address the specific impacts of AI systems on workers and employment relations, an algorithmic impact assessment under the Quality Jobs Act must have a universal scope. It should therefore apply to all employers deploying algorithmic or AI systems in employment contexts, regardless of sector or size, and systematically assess impacts on working conditions, employment rights, equality, occupational health and safety, and collective labour relations, with the mandatory involvement of trade unions and workers' representatives.
- The Quality Jobs Act should call on the Commission to relaunch the legislative process towards a Directive on AI civil liability, ensuring that businesses are legally responsible for adverse impacts arising from the use of AI in employment contexts, in line with the precautionary principle and fundamental labour protections.

3. Just Transitions

Binding legislation ensuring Just Transition of the world of work through the anticipation and management of change is required. Social dialogue and collective bargaining are the most effective tools to steer the twin transitions. This requires enabling workers and companies to adapt to forthcoming changes through timely information, structured dialogue and, critically, access to training, as well as sufficient space for social partners to find tailored solutions.

The transitions are already transforming production processes, technologies and jobs within companies. Training policies are therefore not a secondary or compensatory measure, but a core instrument of industrial transformation. When anticipated early, skills development allows companies to manage change internally, transform existing jobs, retain workers and avoid unnecessary restructuring and loss of economic capacity and know-how.

Collective bargaining is a key tool to ensure anticipation and management of change. This has been recognised by the EU institutions in various instances. Specific provisions to promote collective bargaining on anticipation and management of change in accordance with national law and practice are necessary. At the same time, we need to maintain and protect existing agreements and the autonomy of social partners.

The recent CJEU's Adequate Minimum Wage Directive judgment confirmed beyond any doubt the EU's power to introduce provisions to promote collective bargaining.

The Quality Jobs Act should notably provide for binding legislation on Just Transitions, including the following measures:

- A dedicated framework to anticipate and manage change through social dialogue and collective bargaining and the design of just transition measures and mechanisms and through the mandatory and timely information and consultation of workers and their representatives, including on, investment and restructuring decisions affecting production and employment.
- An individual right to paid cost-free training for all workers during working hours which is preferably negotiated collectively and guaranteed by collective agreement, recognising that time, cost and family responsibilities are the greatest obstacles to participation in training. Such training should, where possible and preferable to the employee, primarily support adaptation and job transformation within the same company, sector, and/or region. Any training provisions should consider Member States'

diversity of national systems of adult education and collective bargaining systems to best deliver effective training.

- The establishment of an obligation on Member States to ensure a framework on the promotion and protection of collective bargaining on the anticipation and management of change, backed up with support measures for just transition agreements
- The establishment of national just transition strategies, including regional and (inter)sectoral plans, developed and implemented by or with the active involvement of social partners, with the objective of adapting, transforming, and/or preserving industrial activity, skills ecosystems and employment in affected regions.
- A requirement for companies to develop enterprise-level transition plans in cooperation with workers representatives and trade unions.
- A monitoring structure, including social partners, capable of delivering strategic foresight and conducting rigorous and granular socio-economic impact assessments of environmental policies.
- Effective, proportionate and dissuasive sanctions and enforcement measures, together with targeted funding for employers and workers who need it most.

Achieving these objectives will require the effective mobilisation and better use of existing and future financial instruments at EU, national, regional, company, and plant levels. Public funding must be systematically aligned with just transition objectives through strong social conditionality. This includes mandatory employment and working-conditions criteria attached to all public procurement, funding and tendering procedures, including under competitiveness instruments and the next MFF, ensuring respect for collective bargaining, decent wages and working conditions, co-determination and employment protection over a defined period. Public support should be conditional on investment in quality jobs, skills and training, including the guarantee of the right to training during working time.

To ensure accountability, clawback mechanisms should apply where beneficiaries violate workers' rights, engage in union-busting or seek to avoid collective bargaining. Social and local-content conditionalities are also needed to ensure that public investment benefits European workers, regions and production sites. This approach is consistent with recent OECD analysis on industrial policy, which highlights the importance of governments attaching social and environmental conditions to public support, including the creation of high-quality jobs, reinvestment of profits and the alignment of public funding with long-term productive capacity and societal objectives.

These measures are essential for both the green and digital transitions as well as for the acceptance for transition among workers. The September 2025 European Added Value Assessment of the EMPL Committee Just Transition Directive text found that targeted policies promoting upskilling, reskilling and training are needed to anticipate and address the forthcoming labour market transformation, and that the just transition will require a long-term perspective and a comprehensive approach combining investment and legislative measures. The Commission and Council's November 2025 Proposal for a Joint Employment report also acknowledges that to make green jobs more attractive, policies are needed to address job quality issues, notably related to working conditions, pay and resource access.

In addition, the consequences for workers' rights of restructuring driven by insufficient anticipation at company and sectoral level must be addressed. Large-scale restructuring by major companies often has significant spillover effects on smaller firms within value chains, which require stronger guarantees to continue or transform their activities while maintaining employment.

As the 2023 EMCO and SPC review of the 2022 Council Recommendation on ensuring a fair transition shows the clear need to move beyond voluntary approaches to deliver the scale and consistency required. As Mario Draghi noted in his flagship report, "only 37% of adults participated in training in 2016 and this rate has hardly increased since". According to the European Commission's latest Social Scoreboard, adult participation in learning between 2023 and 2024 has, at best, flatlined for the majority of EU citizens. Binding legislation on Just Transition would ensure that every worker has access to training during working hours, so adaptation strengthens productivity. Skills shortages are already a constraint: DG EMPL research found that the EU energy sector alone will need 145,000 additional workers by 2030 to meet our legally binding climate targets, while the World Economic Forum found that 39% of employers expect workers' core skills to be disrupted by AI within five years. Firms cannot stay competitive if their workforce cannot adapt or energy prices remain high.

In this context, and regarding labour shortages and the Commission's proposals to facilitate access to the European labour market for migrant workers, including students, researchers and skilled workers, we underline our support for migration and the free movement of labour. However, these measures must complement, not replace, investment in training and upskilling of the existing workforce to meet new skills demands, including in ICT and other strategic areas. In all cases, migrant workers must be guaranteed equal pay and working conditions to those of national workers and students.

These measures must also apply to SMEs. As shown by the OECD Programme for the International Assessment of Adult Competencies (PIAAC), workers in SMEs participate less in formal and informal job-related training than workers in large firms, with an average difference of 15 percentage points across countries. The 2025 review of the 2022 Council Recommendation on ensuring a fair transition towards climate neutrality found that "worker involvement in SME greening strategies remains limited in most countries, undermining inclusiveness and effectiveness".

The argument that this agenda should remain purely a national competence is misguided. Commission research finds the regions most vulnerable to the climate transition are in Southern and Eastern European Member States, where trade union density is often lowest. The aforementioned World Economic Forum estimates that 44% of workers' core skills are expected to be disrupted by AI by the end of the decade, reinforcing the need for social partner involvement to cover as many workers as possible. A purely national approach also ignores the increased use of cross-European employment, creating social imbalances and discriminating between workers, risking further exclusion of low-skilled labour from access to training.

Where claims are made that existing laws are sufficient, it must be pointed out that these same laws have clearly failed to prevent the current wave of plant closures and job losses across Europe. There is also substantial alignment between trade unions and business on many aspects of the transition. As BusinessEurope state in a May 2025 restructuring policy note, addressing skills shortages requires targeted upskilling and reskilling in sectors most exposed to restructuring, early and anticipatory support for workers affected by change, and swift, flexible mobilisation of EU tools to support training and career transitions in connection with restructuring processes. Where claims are made that existing laws are sufficient, it should be noted that many of these laws are more than two decades old, and the scale of today's transitions requires a new response.

Collective bargaining is a key tool to ensure anticipation and management of change. This has been recognised by the EU institutions in various instances, including the Key messages from EMCO and SPC on the implementation of the Council Recommendation on ensuring a fair transition towards climate neutrality. The Commission has engaged to take action to increase collective bargaining coverage in the framework of the Quality Jobs Act, and specific provisions to promote collective bargaining on anticipation and management of change are necessary.

In the area of workers' involvement, the Commission's approach also lacks ambition. It appears to limit EU action largely to the assessment of three information and consultation directives, accompanied by references to potential future measures to ensure earlier worker involvement. This overlooks the need for a more holistic and enforceable EU framework. Experience with existing EU company law instruments illustrates this clearly. The social partner consultation text states that the EU acquis provides a 'solid basis for information and consultation'. There must be a comprehensive assessment of the entire EU acquis containing information and consultation provisions (including those on OSH) with the view to identifying 'protective gaps' that could undermine the 'effective' and 'inclusive' nature of information and consultation standards.

More than 20 years of practice under the Statute for a European Company (Societas Europaea, SE) have produced alarming results. Rather than supporting the Europeanisation of industrial relations in line with economic integration, the SE has increasingly been used to avoid or circumvent workers' participation rights, a trend reinforced by the 2019 Company Law Package. Against this background, and in light of the Commission's forthcoming initiative on a so-called "28th Regime" and on harmonising aspects of insolvency law with the aim of introducing pre-packs in all member states, it is essential that the EU addresses the well-documented shortcomings of the existing framework. This requires, at a minimum an EU framework on information, consultation and participation applicable to European company forms and to companies making use of EU company law instruments enabling cross-border mobility. The findings of the European Parliament's EMPL study on the JTD reinforce this need, and addressing the loopholes of the SE. As the study states: "The first enabler is early and fair participation…effective when participation is formalised, adequately resourced, and connected to decision points".

The European Added Value Assessment of the Just Transition Directive further supports the transformative potential of coordinated action: "A fair transformation could yield €261 billion per year in benefits… creating approximately 2.1 million additional jobs". The same Assessment states that there is a need for legislative measures and that "targeted policies promoting upskilling, reskilling and training are therefore needed to anticipate and address the forthcoming labour market transformation". As such, this agenda is not about burdens. It is about opportunity.

Calls for a Just Transition Directive are supported by the 3 December 2025 EMPL Committee INL on the Just Transition Directive in the world of work which was adopted in the Parliament on 20 January this year, 2024 INI on the Role of Cohesion Policy in Supporting the Just Transition. It has been further supported by the European Parliament's resolution from November 2023 on job creation, and the European Economic and Social Committee (EESC) Opinion published at the request of the 2023 Belgian Presidency of the Council of the EU. Together, they provide a strong and coherent political foundation for EU-level legislative action.

Legal justification for many of the measures called for throughout this response in relation to transitions is provided by the 6 of January text adopted by an overwhelming majority. The Committee on Legal Affairs confirmed that the Just Transition Directive text adopted by the EMPL Committee can be based on Article 153(1)(b) TFEU on working conditions. In other words, there is a clear legal basis for such a Directive.

4. Occupational safety and health

When it comes to **psychosocial risks,** including all forms of violence and harassment, there is a clear and urgent need for EU action. The ETUC has consistently called for legislation on the prevention of psychosocial risks at work, grounded in the principles of prevention and addressing work organisation, workload, job demands, predictability, autonomy, working time, workers' participation and safe staffing levels.

However, the approach suggested in the consultation document - based mainly on patchy modifications of existing directives such as the Workplace or Display Screen Equipment Directives - would not provide the level of protection needed when it comes to this category of risks. Psychosocial risks require a coherent and comprehensive regulatory framework, which cannot be achieved through scattered amendments to legislation originally designed for physical and ergonomic risks.

The Quality Jobs Act should notably provide for binding legislation on psychosocial risks, including the following measures:

- Establish a clear legal obligation for employers to prevent psychosocial risks, just as they are required to prevent physical risks.
- Require employers to conduct risk assessments with a gender perspective and that include psychosocial factors, with the involvement of workers and their representatives.
- Ensure that preventive measures tailored to psychosocial hazards are implemented, including workload management, work-life balance policies, and protection against harassment.
- Guarantee access to training, awareness-raising, and support services for workers.
- Provide special attention to vulnerable groups and gender-sensitive policies to address violence and harassment.
- Strengthen enforcement mechanisms and ensure that labour inspectorates are equipped and staffed to monitor compliance.
- Provides protection against retaliation when workers raise psychosocial risks concerns, as well as effective complaint and redress mechanisms for workers.
- Pathologies resulting from exposure to psychosocial risks must be formally recognised as occupational diseases, for which the recommendation (EU) 2022/2337 concerning the European list of occupational diseases should be amended accordingly to recognise psychosocial disorders.

On musculoskeletal disorders, there is equally a need for EU action. ETUC supports the proposal to address these risks through the framework established by the two opinions adopted by consensus in the Advisory Committee on Safety and Health on the revision of both the Workplace Directive and the Screen Display Directive. These opinions reflect a balanced and comprehensive tripartite approach, built on evidence, expertise, and the shared commitment of governments, employers, and trade unions.

However, ETUC wishes to express an important note of caution. The tripartite opinions were themselves prepared on the basis of an existing impact assessment. Despite this, the European Commission has now decided to launch

an additional impact assessment focusing on the feasibility of the various options contained in the ACSH opinions. The Commission justifies this on the grounds that it must identify the potential impacts of each scenario on companies.

From ETUC's standpoint, this additional step is unnecessary and unjustified. Employers participated fully in the drafting and negotiation of the ACSH opinions, and their concerns were explicitly integrated into the compromise reached. The tripartite consensus already reflects a balanced assessment of impacts, including on companies. Reopening this discussion through a new impact assessment risks duplicating work, creating delays, and undermining the value of social partner involvement. The Commission should respect and build upon the tripartite consensus already achieved within the Advisory Committee. We therefore call on the Commission to base its legislative initiative squarely on the ACSH opinions and to avoid processes that may dilute or postpone urgently needed improvements in the prevention of ergonomic risks and musculoskeletal disorders.

The Quality Jobs Act should notably provide for binding legislation on musculoskeletal disorders including the following measures:

Updates to the Workplace Directive:

- Introduce a new, explicit section on workplace ergonomics, requiring: Dimensions, furniture, and equipment adapted to workers' anatomical and physiological characteristics.
- Adaptation to the nature of tasks performed.
- Strengthen obligations to identify and mitigate physical risks linked to posture and movement.
- Improved risk assessment, including for homeworking and off-premises workplaces, including private households for the case of domestic workers.
- Update requirements on: Lighting, layout, temperature, humidity, and noise to reduce compensatory postures and muscular strain.
- Ensure inclusive ergonomic design to accommodate workers with disabilities.

Updates to the Display Screen Equipment Directive:

- Introduce comprehensive ergonomic improvements for modern digital work
- Updated minimum requirements for workstation and equipment design
- Mandatory provision of external monitors, keyboards, and mice when laptops or tablets are used
- Adjustable chairs and sit–stand desks
- Screens, desks, and input devices must be suitable and adaptable to the worker
- Update environmental ergonomic conditions: Lighting, glare reduction, heat, humidity, and noise; add new provisions on ergonomic software design, including avoiding excessive cognitive load.

Across both directives, the proposed changes represent a major step forward in EU-level prevention of MSDs. They modernise ergonomic requirements that have remained largely unchanged since the early 1990s and embed them into strengthened risk assessment obligations. These elements provide a coherent and up-to-date foundation for reducing one of the most prevalent and persistent forms of work-related ill-health in the EU and should form the core of the Quality Jobs Act's approach to musculoskeletal disorder prevention.

The opinions of the Advisory Committee on Safety and Health on the revision of the Workplace Directive and Screen Display Directive need to be translated into legislative action

The revision of both Directives should strengthen and effectively implement the existing right to safety and health training established under the OSH Framework Directive, with particular attention to risk assessments that take into account gender, age and job insecurity.

EU action on the prevention of occupational heat and OSH-related aspects of adverse climate phenomena is urgently needed, and it must go beyond guidance and campaigns. Climate change is already exposing millions of workers to dangerous levels of heat across multiple sectors, including construction, agriculture, transport and delivery services, manufacturing, waste management, health and care, and other outdoor and indoor workplaces. The absence of binding EU rules leaves workers unevenly protected across Member States and places excessive discretion on employers. EU action should establish a comprehensive and preventive framework for occupational heat and extreme climate risks.

The Quality Jobs Act should notably provide for binding legislation in this area including the following measures:

- Risk assessment methods should align with international standards such as the Wet Bulb Globe Temperature (WBGT) index to ensure accurate measurements of heat stress conditions with varying safety thresholds based on work intensity"
- Binding minimum and maximum working temperatures, adapted to: type of work, level of physical effort, indoor and outdoor work, use of protective equipment
- Heat stress should be defined in the body of the legislation, for which the definition included in the opinion of the Advisory Committee on Safety and Health, should be used: Heat stress occurs when a worker's body accumulates excess heat which, if not released to the environment, will raise core body temperature, leading to potential health risks and reduced productivity
- Clear obligations to stop or modify work when thresholds are exceeded
- Obligation for employers to carry out specific extreme temperatures risk assessments, including climate-related risks
- Adoption of extreme temperatures prevention and adaptation plans, updated regularly and in consultation with workers and trade unions
- Work organisation and protective measures
- Mandatory work-rest cycles, additional breaks and reduced working time during extreme temperatures episodes
- Guaranteed access to drinking water, hydration facilities, shaded or cooled rest areas, and appropriate cooling measures
- Adaptation of working hours (e.g. earlier or later shifts)
- Special protection for vulnerable workers
- Stronger safeguards for particularly vulnerable workers such as older workers, pregnant workers, workers with chronic illnesses, and those performing physically demanding work
- Measures to protect workers in precarious employment situations who may be less able to refuse unsafe work
- Workers should have the right to targeted and regular medical check-ups and health monitoring, which can also be a tool to prevent underreporting of work-related heat stress, UV radiation, and other diseases and accidents. Health monitoring plans should be ensured by the employer, in cooperation with trade unions and independent occupational physicians, particularly with regard to more vulnerable groups of workers
- Information, training and workers' participation
- Enforcement and labour inspection and effective, proportionate and dissuasive sanctions for non-compliance
- Mandatory inclusion of climate risks in workplace risk assessments
- Binding preparedness and action plans for extreme events
- Improving EU data collection and monitoring
- Climate permits and income protection for workers affected by extreme climate events
- The opinion on the revision of the Workplace Directive of the ACSH suggests extending the scope of the piece of legislation in question to other working environment and settings currently excluded, such as agricultural fields, forests, means of transportation and private households. It also specifies certain requirements relating to outdoor workplaces and changing weather conditions. These demands should be taken in consideration in the Quality Jobs Act.

Action is needed to expand the personal scope of the European OSH acquis so as to ensure that protection effectively applies to all workers and all workplaces. However, the current EU OSH framework contains explicit exclusions that undermine this objective. In particular, the exclusion of domestic workers from the scope of the OSH Framework Directive leaves workers in private households without access to basic OSH protections, despite their exposure to significant physical and psychosocial risks. This exclusion is outdated and inconsistent with the objectives of the Quality Jobs Act, the European Pillar of Social Rights and the EU's commitment to ensuring safe and decent working conditions. EU action under the Quality Jobs Act should therefore prioritise closing these protection gaps and ensure that OSH obligations apply effectively to all workers, regardless of the workplace or employment arrangement, including work carried out in private households. Extending OSH coverage to domestic work is essential to close this long-standing protection gap and ensure OSH legislation applies to all workers. ILO

Convention No. 189 on domestic workers should be taken into account as a key international benchmark, as it sets standards for decent working conditions in domestic work, including obligations on OSH protection and the prevention of abuse, violence and harassment

Preventing and eradicating gender-based violence and harassment (GBVH) is a core element of decent, safe and dignified work. The current EU legal framework in the field of OSH does not explicitly address forms of gender-based violence and harassment (offline or online), leading to major differences across Member States. Eurofound shows that national rules on bullying, harassment and cyberbullying are inconsistent, and most national OSH systems have not adapted to telework, digitalisation or online abuse. As a result, employers are not required EU-wide to treat GBVH - including cyberviolence, telework-related abuse, domestic violence and third-party violence - as specific OSH hazards needing gender-responsive prevention.

EU equality law (2006/54) prohibits discrimination and harassment but remains reactive, focused on individual complaints rather than systematic prevention. It does not reflect the broader scope on the "world of work" of ILO Convention No. 190 on violence and harassment and does not address domestic violence as a workplace issue.

The new Directive combatting violence against women and domestic violence (2024/1385) is an important step towards addressing GBVH and criminalising various types of online abuse, but it does not specifically address GBVH in the world of work. It does not establish employer duties, OSH obligations, risk assessment requirements, standardised reporting systems, a role for trade union representative involvement in victim protection and support, nor a role for social partners to negotiate on safe workplaces.

In particular, the Directive misses a key opportunity to harness regulatory frameworks and actors that are well-placed to address GBVH at work, one of the most important spheres of life in which women are exposed to GBVH. It only mentions the world of work specifically in relation to sexual harassment, but its article on sexual harassment applies only where sexual harassment is already a criminal offence in national law. In Member States where sexual harassment is not criminalised, the Directive's additional rights do not apply. The Directive advances protection from online GBVH but does not create the integrated OSH/prevention framework needed for the world of work.

Therefore, the Quality Jobs Act should notably provide for binding legislation to prevent gender-based violence and harassment in the world of work including the following measures:

- Measures to prevent and tackle all forms of gender-based violence and harassment in the world of work, online and offline, and offers practical solutions for safe workplaces through an intersectional lens
- Mainstreaming gender-based violence and harassment in a new initiative to make occupational safety and health fit for purpose; qualifying GBVH as psychosocial risks requiring gender-responsive risk assessment and prevention
- Recognising third-party violence, violence when commuting domestic violence, cyberviolence and online harassment as workplace risks.

5. Subcontracting and labour intermediation

Comprehensive action must be taken horizontally at EU level to urgently tackle abuses of workers' individual and collective rights, in subcontracting chains and labour intermediation, promoting direct and stable employment as the norm, equipping enforcers with the mechanism they need to effectively carry out monitoring controls, and holding companies to account. This should translate into EU binding legislation on subcontracting and intermediation, firmly grounded in the social policy chapter of the Treaties, as demanded by the ETUC[34]. Such a legislative framework must ensure robust protection for all workers, while addressing sectoral specificities and safeguarding the possibility for Member States and social partners to maintain or introduce more stringent protective measures. It must fully respect and support the autonomy of social partners, including their right to negotiate, conclude and enforce collective bargaining agreements in accordance with national labour market models.

ETUC calls for binding legislation that must establish clear and enforceable obligations in cases of subcontracting and labour intermediation, ensuring that the rights and protections of workers do not diminish along the chain.

[34] ETUC: Resolution for an EU Directive on subcontracting and labour intermediation (2025).

The Quality Jobs Act should notably provide for binding legislation on subcontracting and labour intermediation including the following measures:

- **Full chain liability**, ensuring that workers' rights and entitlements can be enforced throughout the entire subcontracting chain, holding the main contractor/client and subcontractors jointly and severally liable for violations of social and labour obligations. Liability must be comprehensive, covering at least wages, taxes, social security contributions, violation of health and safety standards, working time and compliance with labour laws and collective agreements.
- **Limitations on subcontracting**. Subcontracting must be effectively regulated, whereas the direct employment relationship should remain the norm. Chains must be limited to one or, in the case of exceptional and justified cases a maximum of two sub-levels, whereas financial and labour-only subcontracting should be prohibited altogether. Contracting and subcontracting of core business activities must be prohibited, with only direct employment permitted for such activities. Subcontracting may not concern the predominant execution of a contract, with stringent qualification and transparency requirements.
- **Regulated intermediation**. To prevent fraud and unfair recruitment, and to improve transparency and controls, labour intermediaries must be regulated, registered and certified in the EU, subject to clear quality standards and obligations, including applicable labour law and collective agreements. Intermediaries should not impose any fee on workers for recruitment, travel, training or accommodation. In construction, labour intermediation and agency postings should be prohibited.
- **Equal treatment** of all workers performing the same activity must be guaranteed with regard to pay, conditions and protections, regardless of their employment, migration status and position in the chain. Subcontractors must be subject to the same rules as the main contractor/client, including collective agreements, health and safety requirements, professional qualifications, social security and tax obligations.
- **Trade union rights**. Respect for collective bargaining and collective agreements must be ensured throughout the chain and circumvention through agreements by yellow unions or less favourable agreements must be prevented. Trade unions and workers' representatives must have access to the workplace(s), relevant information, and the rights and means to effectively defend the interest of all workers in the chain.
- **Decent accommodation**. where provided by employers or intermediaries, accommodation must be independent from the employment contract, and termination of employment must not automatically end the accommodation contract, so as to prevent employer dependencies. Housing provided must meet applicable quality standards, with costs being limited, fair and transparent.
- **Transparency, monitoring and enforcement**. Main contractors must keep registers of all subcontractors, intermediaries and workers accessible to competent authorities, labour inspectorates, trade unions and works councils as means to help identifying the real employer and effectively enforce workers' rights. Contractors should be required to carry out due diligence of their subcontractors and intermediaries, while not being exempt from joint and several liability. Mechanisms for enhanced cooperation should be established to enable effective investigations of complex cases in cross-border situations, including through the involvement of social partners. Safe complaint mechanisms, access to justice, effective remedies, compensation and dissuasive sanctions must be put in place to help workers, trade unions and enforcers hold businesses to account.

6. Enforcement and the role of social partners

The ETUC has consistently stressed that effective enforcement of workers' rights is essential to a fair labour market. Rights enshrined in European legislation must be realised in workers' daily lives. Achieving this requires a legally binding EU framework that guarantees effective enforcement and protection in every workplace, backed by strong trade unions, support for collective bargaining, effective complaint mechanisms, and representation before courts, including a right for trade unions to engage in class actions on behalf of or in support of workers. These avenues should be coupled with effective remedies, and dissuasive sanctions as well as a possibility to ban sanctioned employers from receiving EU or Member State funding. Labour inspectorates must be fully equipped to uphold EU standards (in line with the ILO Conventions n° 81 and N° 129 and the new ILO guidelines on general principles of labour inspection), while fully respecting the roles of social partners and the enforcement prerogatives of trade unions at national level. The ETUC has also called for clear avenues to hold governments and employers

accountable when they fail to transpose, implement or respect EU law. The EU must ensure that its directives are properly applied and enforced, with trade unions empowered to monitor compliance and defend workers.

As we need to look at the aspect of enforcement holistically, ETUC is proposing several areas for intervention, clustered in different topics related to enforcement.

The Quality Jobs Act should notably provide for binding legislation and the following measures:

6.1 Strengthening enforcement of EU labour law and the role of the social partners

- The Quality Jobs Act must reinforce the role of trade unions and promote collective bargaining. A core task for the ETUC is to promote social rights and workers' rights in the EU legal framework. The challenges facing workers in the EU member states are different, yet the fight for higher wages and better working conditions are universal. The integrated EU internal market makes the strive for a level playing field without social dumping and with respect for social and employment rights more important than ever. The ETUC will always support its national affiliates in their strive for collective bargaining and their freedom to maintain, conclude and enforce collective agreements which may be a better tool to implement and complement EU-legislative initiatives according to national practices and frameworks. In this respect acknowledging the importance for the social partners to have room for negotiating and collectively bargain. Negative impact and misuse by employers or 'yellow' unions must be prevented.
- Access to the workplace: Ensuring trade unions access to the workplace(s), including digital access, relevant information, as well as the rights and means to effectively represent and defend the interest of all workers;
- Increasing the frequency and effectiveness of labour inspections, including through clear numerical targets for inspections. National labour inspectorates and the European Labour Authority must be strengthened with substantial additional mandate, human, material and financial resources to investigate cases, impose sanctions, and collect unpaid wages and social contributions, while respecting the roles and prerogatives of trade unions at national level, as well as strengthening cooperation with them. All EU Member States have ratified ILO Convention 81, stipulating that labour inspectorates should possess sufficient powers, particularly for supervision and enforcement;
- Prohibit unfair terms in employment contracts: the Quality Jobs Act must require Member States to prohibit unfair and abusive terms in employment contracts, including clauses that allow employers to unilaterally modify essential elements of the employment relationship, such as the workplace, working hours, or job duties;
- Collective complaints mechanisms: The Quality Jobs Act must also ensure that Member States provide for representative actions, including collective complaints and collective redress in all employment and equality law cases, recognising legal standing for trade unions and strengthening their crucial role in enforcing workers' rights;
- Interim remedies: of particular importance are interim remedies pending the resolution of legal proceedings in employment law cases that can be protracted. Ensure that Member States guarantee that workers who have suffered a dismissal or detriment have access to interim relief pending the resolution of legal proceedings, in accordance with national law;
- The requirement for companies to keep registers of all subcontractors, intermediaries and workers, accessible to labour inspectorates, trade unions and works councils as means to better monitor and enforce workers' rights, and to help identify the real employer. For these purposes, a substantive employer definition should also be introduced;
- The establishment of a European register of companies to enable competent authorities and trade unions to retrieve data to effectively identify and tackle fraudulent companies in the internal market, verifying whether an employer has paid taxes, social security contributions and wages in accordance with collective agreements, as well as any track-record of previous violations or concerns expressed by national authorities and trade unions. Non-compliant companies must be black-listed (e.g. for the purposes of subcontracting or procurement);
- Digitalisation and enhanced data collection based on clear reporting requirements defined by information needs to effectively assess compliance, target and conduct inspections. Data access, interoperability and cross-referencing is needed to improve cross-border cooperation, information exchange, risk assessments, more targeted inspections and mutual recognition of sanctions. Competent authorities on e.g. social security, taxation and EU funding should be obliged to verify and

cross-check data to detect labour abuses and support inspections. Furthermore, the promotion of digital enforcement tools and a strengthened ELA with a data processing mandate will also help to better support the cooperation between Member States as well as with social partners.

- The implementation of social ID and labour cards to improve transparency and control in high-risk sectors, supported by an EU framework to ensure interoperability with future initiatives such as the European Social Security Pass (ESSPASS) under the forthcoming Fair Labour Mobility Package.
- Rights-based enforcement with a guaranteed access to safe reporting mechanisms so that all workers, representatives and trade unionists feel safe to speak up against abuse and claim their right to redress and protection, without fear of adverse treatment or consequences. Migrant workers, independently of their employment or residence status, must be able to report violations of their labour rights without risking retaliation, detention and/or deportation. Firewalls between immigration authorities and labour inspectorates must be ensured.
- Permanent EU funding for trade union-led counselling and support services for mobile and migrant workers on the ground and across all Member States. Such services provide trusted, confidential and independent guidance that public authorities are not always in a position to offer. An EU-wide network of counselling centres is key to help workers understand and enforce their rights, resolve cross-border cases, support victims, and cooperate effectively with national authorities;
- Sanctioning wage thefts: employers who fail to adhere to collective agreements, including cases of wage theft (the unlawful failure or refusal of employers to pay workers their full wages, which spans from a simple refusal to pay the agreed or minimum wage, to refusal to pay overtime, illegal deductions, withholding of tips or misclassification of workers), where workers are not paid the full wages they are entitled to, should face stricter sanctions;
- Ensuring comprehensive, harmonised data collection on all forms of non-standard work (platform, subcontracted, agency, disguised employment, civic law contracts, etc.) is crucial to understanding the full scope of the problem, to support evidence-based policy-making and to measure success.

6.2 Preventing Non-Standard forms of Employment and Misclassification

- Legal rights to permanent contracts and full-time work: The Quality Jobs Act must ensure that Member States guarantee effective legal rights to permanent contracts and full-time work. EU action is needed to reverse the widespread misuse of fixed-term, temporary, involuntary part-time and on-call arrangements, which undermine job security, wage stability, access to training, and social protection.
- Presumption of employment: Ensuring correct employment status is fundamental to achieving the objectives of the Quality Jobs Roadmap and Act and must be a central pillar of the forthcoming Quality Jobs Act. ETUC therefore urges the Commission to adopt an ambitious, horizontal EU approach to employment presumption based on the national definition of worker and taking into account the CJEU[35] and national collective agreements and practice. Similarly to the platform work Directive, in case of suspected misclassification, an appropriate and effective procedural facilitation that avoids lengthy judicial proceedings for workers must be in place. The burden of proof must rest with the employer. This approach builds on the Platform Work Directive and should be extended to all sectors where similar risks exist. Without a horizontal presumption, loopholes will persist, and precarious, platform-style business models will continue to spread through the wider labour market.
- Close the legal loopholes that enable the structural overrepresentation of young people in non-standard and precarious employment and undermine their full enjoyment of EU labour and social rights. Existing gaps and permissive interpretations in EU law allow young people to be treated as an “exception group”, facilitating systematic deviations from the principles of equal treatment, non-discrimination and effective legal protection enshrined in the EU acquis. This results in employment conditions for young people that would be unlawful or unacceptable for the general workforce. The EU must establish a clear regulatory principle that all young people engaged in economic activity are, as a rule, entitled to the same labour rights and protections as other workers. Any derogation must be strictly justified, proportionate and time-limited. Current practices—such as youth minimum wages, trainee and student exemptions, flexi-jobs or reduced dismissal protection—fuel labour market segmentation and entrench precariousness. Closing these loopholes is essential to ensure

[35] (https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/network-legal-experts-moves/case-law/case-law-definition-workers_en)

genuine access to EU social rights and to prevent age-based discrimination in European labour markets. The EU Social Acquis must ensure that the employment of young people is not systematically undervalued or utilised as a legally permissible source of flexible labour. The ongoing work on the Traineeship Directive must contribute to this goal.

- Workers with disabilities face similar challenges in the European labour market. Making the anti-discrimination principle enshrined in EU law effective should guarantee that all workers with disabilities effectively enjoy the same labour rights and protections as other workers. The Quality Jobs Act must contribute to the implementation of the EU Strategy for the Rights of Persons with Disabilities by introducing legally binding measures to support quality employment for workers with disabilities, including by ensuring reasonable accommodation; improving the functioning of sheltered workshops and guaranteeing access to the wages applicable in their sectors of activity; ensuring compatibility between wages and disability entitlements; promoting job retention and the prevention of chronic diseases; supporting mobility; and improving access to training.
- Zero-hour contracts must be banned as their use around Europe continues to increase[36] and they are not prevented by the Transparent and predictable working conditions directive. A legally enforceable right to a guaranteed number of working hours must be established to ensure contractual clarity, income security, and effective protection against unilateral and arbitrary scheduling practices.
- Addressing gender inequalities in the labour market requires a comprehensive approach that tackles both pay and employment quality and would significantly contribute to close the gender pension gap, vital for their future sustainability. This includes the full implementation and enforcement of the Pay Transparency Directive, the effective implementation of the principle of equal pay for work of equal value, and the promotion of fair wages in highly feminised sectors that have been historically underpaid despite their high societal value. At the same time, labour market policies must aim to increase women's participation in quality employment and close the employment gap in the EU. A key component of this effort must be the reduction of involuntary part-time work among women workers, which continues to be a major driver of precariousness, lower earnings and limited career progression. Work-life balance and equal opportunities must be recognised as priority areas for EU action, as persistent gender gaps in employment are closely linked to unequal care responsibilities, entrenched gender norms and insufficient workplace support for balancing paid work and care. This requires the full enforcement and improvement of the EU's Directive on work-life balance for working parents and carers, stronger promotion of the equal sharing of caring responsibilities, adequate pay to ensure equal uptake of parental leave, and further support for collective bargaining on work-life balance measures. It also requires increased investment in public services, especially by increasing the availability, quality and affordability of early childhood education and care. Lastly, the recognition, regulation, proper valuation and professionalisation of domestic and care work is urgently needed to ensure that care responsibilities are not informally absorbed by women within households and families, but are instead supported through decent jobs and accessible, high-quality home and long-term care services.
- Regulating fraudulent practices and workers' abuse by Temporary agency work. There is a need for EU action to ensure the clear identification of the real employer throughout subcontracting chains and to prevent the misclassification of temporary agency work as labour-only subcontracting. Labour inspection and enforcement must be strengthened, particularly in cross-border situations, to combat fraud, labour exploitation and unfair competition, while protecting compliant temporary work agencies. At the same time, workers' rights, including those of third-country nationals, must be fully safeguarded within a fair and well-functioning internal market. To support these objectives and ensure a level playing field, a mandatory certification system for all companies providing labour should accompany the existing Temporary Agency Directive, covering not only temporary work agencies but also secondment agencies supplying workers.

6.3 Strengthening the European Semester and its enforcement role

- Under Articles 121 and 148 TFEU, EU economic and employment coordination must promote upward social convergence and effective implementation of the European Pillar of Social Rights. However,

[36] Zwysen W. (2025) Non-standard and precarious work across Europe:an overview and mapping of national actions, Report 2025.03, ETUI.

the European Semester has so far failed to adequately support quality job creation and enforcement of EU labour and social standards.

- EU action should reorient the European Semester towards quality jobs by placing job quality, support and/or development of strong collective bargaining (at cross-sector and sector levels), adequate and fair wages, robust social protection and safe working conditions at the core of economic and employment coordination.
- A new headline target on quality jobs should be introduced, based on a set of indicators grounded on the ETUC definition of quality jobs. The progress in delivering quality jobs should be assessed by the Commission, including through the Semester process. The monitoring process of the implementation of the action plan to strengthen collective bargaining (as required by the Adequate minimum wage directive) should be interlinked with the European Semester.
- Through Country-Specific Recommendations (CSRs), Member states must address all dimensions of social progress, with a clear link to EPSR principles, and with the aim of improving the wellbeing of workers and their families, ensuring inclusive labour markets and improved working conditions, and tackling vulnerabilities. Finally they should be more precise, measurable, and with stronger follow-up where Member States persistently fail to comply.
- Member States should be able to better participate in the Social Convergence Framework, elevating the tool at the core of the EU Semester.
- Peer review within EMCO and SPC in the EPSCO Council should be reinforced, alongside the full and meaningful involvement of social partners at all stages of the Semester, including at national level with dedicated fora. This would strengthen EU economic governance as a tool to deliver quality jobs and social convergence.
- Member States must involve social partners at national level in the European Semester. Timely and effective involvement of national social partners should be better structured and made mandatory at all stages of the European Semester. Moreover, in the framework of the Social Convergence Framework, social partners shall be offered the possibility to advance proposals to contribute defining CSR in social fields, if they wish to do so.
- EU funding must be linked to social progress. Access to EU funds should be conditional on social conditionalities, to promote collective bargaining and quality jobs. This would create real incentives for companies invest in quality jobs, rather than relying on low wages and precarious work as a development strategy.
- Especially funding under ESF+, National and regional plans, the Youth Guarantee funds, and other funding supporting employment must be conditioned based on quality jobs criteria in order to prevent funding of non-standard forms of employment, low quality and precarious jobs.
- Member States, within the framework of the European Semester, must recognise and strengthen the role of public services, in particular public employment services, in supporting access to quality jobs, including through their recognition as social investments. Public services are also essential in removing structural barriers to quality employment and in addressing persistent labour shortages. At the same time, the quality of jobs within public services themselves must be safeguarded, as budgetary constraints and EU economic governance measures have steadily undermined working conditions and the quality of jobs.

Q3: Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?

ETUC strongly supports European social dialogue as a cornerstone of the EU social model and remains fully committed to engaging constructively with employers' organisations. However, ETUC does not consider that the necessary conditions currently exist to initiate a dialogue under Article 155 TFEU on the issues identified in this consultation.