



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION
Jobs and Skills
Future of Work, Youth Employment

Brussels
EMPL.B.1/RG

Subject: Reply to Ares(2026)9381166 raising concerns about the use of AI in the workplace

Dear petitioner,

Thank you for your email, registered on 5 October under reference number Ares(2026)9381166, and for raising your concerns about the use of AI in the workplace.

Under the EU legal framework, there is currently no general prohibition on all AI-based employee monitoring. However, the General Data Protection Regulation (Regulation (EU) 2016/679, 'GDPR'), the AI Act (Regulation (EU) 2024/1689) and the Platform Work Directive (Directive (EU) 2024/2831) set important limits and safeguards.

The GDPR provides key protections for data subjects, including employees. Any monitoring of employees must respect the principles in Article 5 GDPR (purpose limitation, data minimisation, accuracy, etc) and have a valid legal basis under Article 6 GDPR. The GDPR also requires transparency about automated decision-making, including information on the logic involved and the significance and consequences for the person concerned. Article 22 GDPR is especially important in employment contexts, giving employees the right not to be subject to decisions based solely on automated processing that produce legal or similarly significant effects (such as dismissals) unless strict safeguards apply, including human intervention and the right to contest the decision.

The AI Act provides additional safeguards. Since February 2025, it prohibits AI systems that infer emotions in workplace and education settings (Article 5(1)(f)), with narrow exceptions for medical or safety reasons. From February 2027, AI systems used for certain employment decisions (recruitment, promotion, termination, task allocation, monitoring and evaluating performance) will be classified as high-risk (Annex III, point 4), which entails requirements for providers and deployers in relation to risk management, data governance, transparency, and above all effective human oversight. Employers deploying such high-risk systems will also have to inform workers' representatives and affected workers before putting them into use (Article 26(7)).

For persons performing platform work specifically, the Platform Work Directive (in force since December 2024 and to be transposed by Member States by December 2026) directly regulates algorithmic management for the first time. Digital labour platforms must ensure human oversight of automated decisions, ban processing of certain personal data (e.g., emotional states, private conversations), inform persons performing platform work about how algorithms monitor and evaluate them, and give them the right to explanations and to contact a human. Notably, these protections extend to persons performing platform work

without an employment contract (i.e. self-employed). For platform workers in an employment relationship, the Directive further stipulates that digital labour platforms shall not use automated monitoring and decision-making systems in a way that puts undue pressure on them or puts their safety or physical and mental health at risk.

More broadly, these issues are also being discussed in EU social policy initiatives. In this context, the [call for evidence](#) to support the impact assessment for the upcoming Quality Jobs Act, which was open to all stakeholders until 29 September 2026, included matters relevant to working conditions and the impact of digital and algorithmic management at work. The Quality Jobs Act legislative proposal is expected in the fourth quarter of 2026.

In summary, current EU law does not establish a total prohibition on all AI-based workplace surveillance, but it does prohibit some AI practices and requires safeguards, transparency and human oversight for others under the GDPR, the AI Act and, for persons performing platform work, the Platform Work Directive. The Commission is currently considering whether further measures are necessary.

Yours sincerely,

Chiara Riondino
Head of Unit