

BSA's response
to the European Commission's Call for Evidence
on the Quality Jobs Act

September 29, 2026

The Business Software Alliance (BSA) is the leading advocate for the global software industry before governments and in the international marketplace. Our members¹ are at the forefront of software-enabled innovation that is fueling global economic growth, including cloud computing and AI products and services.

BSA's membership includes many of the world's leading enterprise software providers to organizations of all sizes. Enterprise software companies provide the trusted foundation for responsible use of AI. Throughout the years, our members have heavily invested in creating cutting-edge solutions that support digital transformation across all industries and sectors in Europe.

BSA welcomes the opportunity to provide input to the European Commission's Call for Evidence for an impact assessment on the upcoming Quality Jobs Act, for which **this paper will focus on Artificial Intelligence (AI) and Algorithmic Management (AM) at work.**

As a general principle, BSA strongly supports the effective implementation and enforcement of the existing EU legislative framework, notably the AI Act, the General Data Protection Regulation as well as the existing legal framework relating to employment and labor. These frameworks already provide strong safeguards and protection for workers from discrimination, undue surveillance and harmful practices. Rather than seeking legislation, BSA believes that the European Commission should develop and promote guidance to help the relevant stakeholders understand, implement, comply and enforce the existing framework aforementioned. Rather than multiplying the number of legislations, the current European labor and employment framework stands the test-of-time and should therefore be applied to AI- and AM -enabled workplaces. The policy priority should be instead to equip workers and employers to manage that transition successfully—through skills, mobility, human oversight and evidence-based policymaking. Introducing new legislation could discourage the responsible adoption of workplace technologies that enhance productivity, safety, accessibility and skills development—particularly among SMEs. The Commission should therefore prioritize practical guidance, coordinated enforcement, social dialogue, capacity building and evidence gathering. Any future legislative intervention should be considered only where experience demonstrates a specific and material regulatory gap"

Therefore, **BSA strongly recommends that the European Commission avoid introducing new sectoral binding measures on AI and AM at work. The EC should focus on guidance on the interaction between the AI Act (and its upcoming guidance on High-Risk AI Classification) and GDPR on the one hand, and the labor and employment acquis, on the other hand.** This option would preserve the initial objective of the Commission to have general frameworks with regards AI and personal data, rather than multiplying sectoral legislations in the matter. It would also ensure alignment and co-existence of existing law and thereby reducing complexity – and cost - and increasing legal certainty, while pursuing the overall objective of AI adoption while preserving workers' protection.

Please find below more detailed recommendations.

¹ BSA's members include: Adobe, Alteryx, Amadeus, Asana, Atlassian, Autodesk, Avalara, Bentley Systems, Box, Cisco, Cloudflare, Cohere, Cohesity, Dassault Systemes, Databricks, Datadog, Docusign, Dropbox, Elastic, EY, Graphisoft, HubSpot, IBM, Kyndryl, MathWorks, Microsoft, Notion, Okta, OpenAI, Oracle, PagerDuty, Palo Alto Networks, PTC, Rubrik, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., TrendAI, TriNet, Veeam, Workday, Zendesk, and Zoom Communications Inc.

I. RECOMMENDATIONS

Rather than developing a new legislation in the matter, BSA suggests to focus on support workers and employers to manage the AI adoption and transition successfully—through skills, mobility, human oversight and evidence-based policymaking.

As it stands, the EU acquis already provides comprehensive protection against discrimination and safeguards employee well-being. It prohibits biased algorithmic decision-making and holds employers responsible for safeguarding workers against health risks, such as excessive workload, job isolation, reduced autonomy, stress, insecurity, depression, and anxiety - whether these arise from traditional or AI-and AM -enabled work environments. Moreover, the AI Act already specifically includes “employment, workers’ management, and access to self-employment” in its Annex III on high-risk AI systems to which stronger obligations apply (Annex III (4)), subject to the explicit derogations under Article 6(3) for tools that preform preparatory tasks or do not pose a significant risk of harm, particularly where effective human review is maintained. Moreover, the upcoming guidance on High-Risk AI Classification is expected by the end of the year and should provide additional implementation safeguards.

In that regard, we propose the following recommendations:

- **Make workforce enablement the central pillar of the Quality Jobs agenda.** To build a highly skilled and AI-ready workforce, the European Commission and Member States should support with adequate funding upskilling and reskilling initiatives to support lifelong learning, skills-based hiring, portable credentials, work-based learning and public-private training partnerships and build evidence base through voluntary and collaborative labour-market intelligence. In addition, AI needs to be embedded across all levels and parts of the education system – it should not be restricted to STEM courses but rather across curricula. The Commission should work with industry, social partners, researchers and statistical authorities to develop comparable evidence on how AI changes tasks, skills and occupations.
- **Focus on implementation and enforcement rather than on new legislation.** Given the strength and remit of the existing framework, policy efforts should focus on ensuring consistent implementation and effective enforcement across Member States rather than introducing new laws. This focus is especially critical given that the AI Act’s transparency obligations – particularly Article 50(1) - only recently entered into force on August 2, 2026 and the high-risk requirements, including those that will apply to the employment area (Annex III (4)), will only apply as from December 2, 2027. Sufficient time should be left for those to become applicable and for companies to assess and comply with them before introducing yet another legislation. Similarly, the Commission would have time to assess companies’ compliance and how the rules are applied in practice, before determining whether a new specific legislation is needed.
- **Avoid legal uncertainty and fragmentation.** Any binding rules on AI and AM in the workplace would likely be delivered via a Directive, which risks creating divergent national rules given the need for transposition. The resulting legal uncertainty, fragmentation and additional administrative burden would slow the adoption of trustworthy AI across European start-ups, SMEs, enterprises and EU subsidiaries of global firms, ultimately undermining the competitiveness of the bloc.
- **Ensure regulatory coherence.** If new legislative measures are introduced, all obligations must align seamlessly with the GDPR and the AI Act. Rules must remain strictly targeted and preserve the foundational, risk-based approach of the AI Act to avoid legal ambiguity and prevent low-risk or human-in-the-loop recruitment and administrative applications from being inadvertently caught in scope as high-risk AI systems. Any new measures should distinguish systems used to make employment decisions from general-purpose productivity and workflow tools that do not determine workers’ employment terms, performance, or access to work. Employment-specific obligations should

reflect each actor's role and control, including the employer's selection, configuration, and use of a system in workplace decisions.

- **Issue targeted regulatory guidance.** The European Commission should provide practical guidance to help stakeholders navigate the existing regulatory landscape, focusing specifically on the co-existence of current employment and labor laws within AI and AM-enabled workplaces.
- **Foster dialogue and best practices sharing.** Regular stakeholder exchange is crucial. The newly announced High-Level Group on the Impact of Artificial Intelligence in the Workplace provides an ideal forum for sharing best practices and driving effective solutions, provided its composition ensures balanced representation. We strongly encourage similar initiatives as Europe's competitiveness depends on scaling access to digital and AI skills through partnerships between governments, industry and education/academia.



II. POLICY CONSIDERATIONS

Based on the recommendations in the previous section, BSA offers some policy considerations to take into account for the future initiative in the matter.

- **Transparency and worker information:** The existing legislative framework, notably the AI Act, the GDPR, and the Information and Consultation of Employees Directive, already establishes robust safeguards for workers subject to AI and algorithmic management tools, including rights to information, explanations of automated decisions, access to personal data and risk assessments. In particular, Art. 50 AI Act requires providers to design AI systems intended to interact with humans to explicitly inform users they are interacting with an AI, unless it is obvious in that context. In addition, Art. 26(7) AI Act establishes that employees and their representatives must be informed if high-risk AI systems are used in their workplace.
- **Human-centric approach and oversight:** Human-centric AI should not be interpreted as requiring humans to perform every task that AI can support or automate. Rather, policy should preserve meaningful human agency, accountability and judgment while enabling workers to use increasingly capable AI tools and agents. The AI Act and the GDPR embed a human-centric approach, mandating strict safeguards regarding automated decision-making, human involvement, and meaningful oversight of high-risk AI systems that apply in workplace situations. Notably, the AI Act establishes a high-risk classification system that covers the use of AI systems in the workplace. These systems must meet strict pre-marketing requirements, including provisions for human oversight, to ensure they are not used in ways that discriminate against or harm workers. In addition, Art. 22 GDPR gives data subjects the right not to be subjected to solely automated decision-making, thereby guaranteeing that humans in-the-loop workflows, where human recruiters or managers retain final decision-making authority, remain the standard for workplace evaluations, recruitment screening, and contractual changes.
- **Workers' participation:** Meaningful workers involvement in the design and testing of AI tools for use in the workplace depends primarily on a trust-based relationship between management and employees, a strong culture of continuous learning, and an adaptable, engaged and motivated workforce. These interpersonal aspects should be actively promoted through awareness programs and education – but cannot be enforced through legislation.
- **Prohibited AI practices:** the AI Act prohibits, since February 2025, the development and usage of a wide range of AI systems, including but not limited to emotional recognition technologies (notably when used at work), real-time biometric identification systems, untargeted harvesting of facial recognition databases from the Internet or social scoring.
- **Additional safeguards:** for workers are provided by a wide range of existing EU labor legislation, including the Framework Directive on Safety and Health at Work, the Working Time Directive, the Directive on Transparent and Predictable Working Conditions, the Platform Work Directive, the Work-Life Balance Directive, the Employment Equality Directive, and the Equal Treatment Directive.

BSA thanks the European Commission for the opportunity to contribute to this Call for Evidence and look forward to continued dialogue as the initiative unfolds.

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