

Congreso Internacional «Platform Work Directive, Digitalisation and
AI: Evaluation and national challenges»
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Artificial Intelligence and Employment Implications under EU Regulation 2024/1689

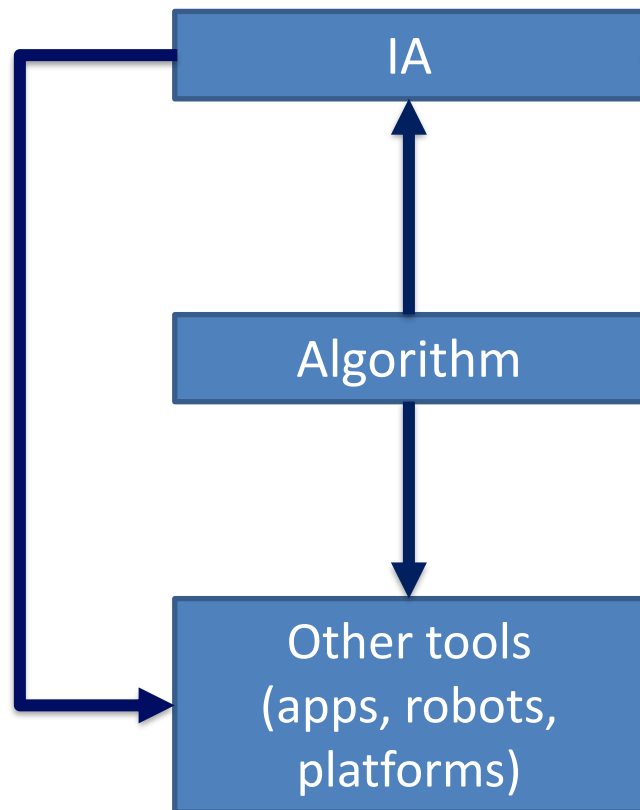
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1. The impact of AI

What is its impact?



The AIA (article 3) defines an "AI system" as "a machine-based system that is designed to operate at **different levels of autonomy** and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, **infers, from the input it receives, how to generate outputs** such as predictions, content, recommendations, or decisions that can influence physical or virtual environments".

According to the [ILO](#), algorithmic management at work "refers to algorithmic systems that use tracking data and other information to **organize, assign, control, monitor, and evaluate work**. While **some algorithmic systems use artificial intelligence** to learn and make predictions, algorithmic management can also rely on simple, rule-based systems that form the basis of management decisions in the workplace."

1. The impact of AI

What is its impact?

Keynes: "My conclusion is that, assuming that there are no wars or large increases in population, the economic problem can be solved or at least its solution can be seen within 100 years." [Keynes, J. M. «[The Economic Possibilities of Our Grandchildren](#)», 1930]

- **Techno-pessimists:** technological progress leads to the end of work, which does not have to be a bad result, since it leads us to a much freer society, capable of dedicating its time to other more profitable tasks (Rifkin, Arendt, etc.).
- **Techno-optimistic:** the impact of digitalisation on employment can generate positive effects, allowing the emergence of new activities and professions that would not only replace those that would disappear, but would be enough to more than compensate for them (Ortega, 2016, Valenfuc & Vendramin, 2016).
- **Techno-relativists:** a net impact is not clear, i.e. that approximately the same number of jobs can be destroyed and created (Acemoglu, D; Hazell, J; Restgrepo, P, 2020).



Deloitte,
[2024 Gen Z
& Millennial
Survey](#)

1. The impact of AI

What is its impact?

AI and AM affect all areas related to working conditions:

- Selection
- Professional promotion,
- Formation
- professional classification,
- Remuneration
- Working time,
- Adoption of substantial modifications (or within the mere ius variandi),
- Transfer of companies,
- Different forms of termination of the employment relationship or
- Risk prevention.

2. AI regulatory framework

➤ Council of Europe's Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law:

- The Convention focuses on ensuring the protection of human rights throughout the life cycle of artificial intelligence systems (Art. 4), paying particular attention to human dignity and individual autonomy (Art. 6), equality and non-discrimination (Art. 9), privacy and the protection of personal data (Art. 10) and health and the environment (Art. 11).
- In this regard, express mention is made of some instruments such as transparency and supervision (art. 7), without giving us an express definition of what is to be understood by it or how to achieve it; accountability and responsibility (art. 8); and the assurance of reliability and trust (art. 12).
- Judgements from the Supreme Court 19/12/2024 ([ECLI:ES:TS:2025:3387](#)) and 24/7/2025 ([ECLI:ES:TS:2025:3387](#))

➤ The **AIA: the Regulation 2024/1689** aims to ensure that artificial intelligence systems placed on the market and used in the EU are safe and respect fundamental rights, highlighting equal treatment and non-discrimination.

2. AI regulatory framework

- The IA Act follows a risk-based approach, which differentiates between uses of artificial intelligence that create unacceptable and therefore prohibited risk, high risk, and low or minimal risk:

Prohibited risks:

- 1) AI system that deploys **subliminal techniques** beyond a person's consciousness or purposefully manipulative or deceptive techniques, with the objective, or the effect of materially distorting the behaviour of a person or a group of persons;
- 2) AI system that exploits any of the **vulnerabilities of a natural person or a specific group of persons due to their age, disability or a specific social or economic situation**;
- 3) AI systems for the **evaluation or classification of natural persons or groups of persons** over a certain period of **time based on their social behaviour or known, inferred or predicted personal or personality characteristics**;
- 4) AI systems to **infer emotions** of a natural person in the areas of workplace and education institutions;
- 5) AI systems that categorise individually natural persons based on their **biometric data** to deduce or infer their race, political opinions, trade union membership, religious or philosophical beliefs, sex life or sexual orientation; this prohibition does not cover any labelling or filtering of lawfully acquired biometric datasets, such as images, based on biometric data or categorizing of biometric data in the area of law enforcement.

2. AI regulatory framework

- The AI Act follows a risk-based approach, which differentiates between uses of artificial intelligence that create unacceptable and therefore prohibited risk, high risk, and low or minimal risk:

High Risk:

- 1) AI systems intended to be used for **the recruitment or selection** of natural persons, in particular to place targeted job advertisements, to analyse and filter job applications, and to evaluate candidates;
- 2) AI systems intended to be used to make decisions affecting **terms of work-related relationships**, the promotion or termination of work-related contractual relationships, to allocate tasks based on individual behaviour or personal traits or characteristics or to monitor and evaluate the performance and behaviour of persons in such relationships..
- 3) **Biometrics**, in so far as their use is permitted under relevant Union or national law.

The fact that the data is considered high risk means that it must be subject to a series of **guarantees** regarding damage management (art. 9); appropriate data management and governance practices (art. 10); requirements for technical documentation (art. 11) and registration (art. 12); transparency and provision of information to users (art. 13); human supervision (art. 14); and precision, robustness and cybersecurity (art. 15).

2. AI regulatory framework

- **Article 2(11) AI Act:** this Regulation does not preclude the Union or Member States from maintaining or introducing laws, regulations or administrative provisions which **are more favourable to workers** in terms of protecting their rights in respect of the use of AI systems by employers, or from encouraging or allowing the application of collective agreements which are more favourable to workers.
- **Article 4 AI Act:** Providers and deployers of AI systems shall take measures to ensure, to their best extent, a sufficient level of **AI literacy** of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, education and training and the context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used.
- **Article 9 AI Act:** A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems (**algorithmic audit**).
- **Art. 26(7) AI Act:** before putting into service or using an AI system high risk at the workplace, **deployers who are employers shall inform workers' representatives and the affected workers that they will be subject to the use of the high-risk AI system.** This information shall be provided, where applicable, **in accordance with the rules and procedures laid down in Union and national law and practice on information of workers and their representatives + PARAGRAPH 92 of the PREAMBLE + Article 2(11) AI Act:** “minimis” rule.
- **Article 86:** Right to explanation of individual decision-making

2. AI regulatory framework

- **Art. 22(1) GDPR:** The data subject shall have the right **not to be subject to a decision based solely on automated processing**, including profiling. The exceptions are: a) if it is necessary for entering into, or the performance of, a contract between the data subject and a controller; b) it is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests (+ articles 13(2)(f)) and 15(1) (h)) GDPR).
- **Art. 88(1) GDPR:** Member States may, by law or **by collective agreements**, provide for more specific rules to ensure the protection of the rights and freedoms **in respect of the processing of employees' personal data in the employment context**, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, [...].
- **Draft directive on algorithmic management in the workplace**: applicable also to AI?

2. AI regulatory framework

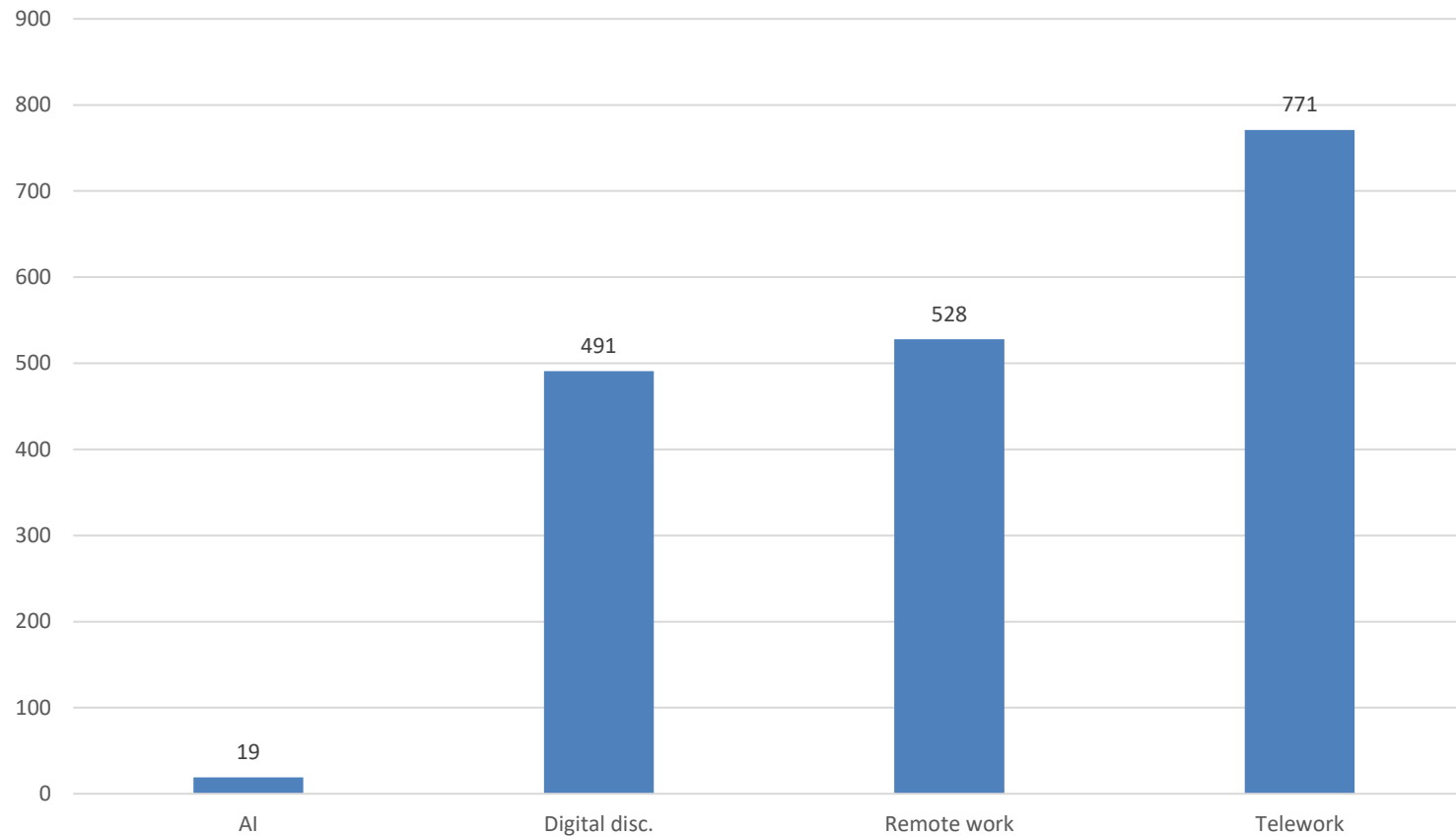
- **Art. 64(4) (d)) ET:** to be informed by the company of the parameters, rules and instructions on which the algorithms or artificial intelligence systems are based that affect decision-making that may impact working conditions, access to and maintenance of employment, including profiling.
- **Art. 64(5) ET:** to be informed and consulted about all company decisions that may cause relevant changes in terms of the organization of work and employment contracts in the company. Workers' representative will also have the right to be informed and consulted about the adoption of possible preventive measures, especially in the case of risk measures for employment.
- **Art. 85 ET:** within compliance with the law, collective agreements may regulate matters of an economic, labour, and union nature, and in general, any other matters that affect the conditions of employment and the scope of relations between workers and their representative organizations with the employer and business associations.
- **Galician Law on AI ([Law 2/2025](#))** and **national [draft law](#) on proper use and governance of AI:** the emerging issue of the crossed responsibilities on diligence and control.

2. AI regulatory framework

- Case “Skill Competence Matrix” (SCJ de 25 September 2018, [ECLI:ES:TS:2018:3463](#)): collective dismissal.
- Case Ericsson (SCJ 3 February 2021, [ECLI:ES:TS:2021:643](#)): right to strike.
- CJUE’s Judgment 27 February 2025, (Dun & Bradstreet Austria GmbH (C-203/22, [ECLI:EU:C:2025:117](#)): concept of transparency.
- NCJ de 4 de julio de 2025_ ([ECLI:ES:AN:2025:2867](#)): sobre derecho de información algorítmico.
- SCJ (administrative chamber) 11 September 2025 ([ECLI:ES:TS:2025:3826](#)): rige en este ámbito un “principio de transparencia algorítmica” en virtud del cual las Administraciones Públicas vienen obligadas a facilitar el acceso de los ciudadanos a las características fundamentales de los algoritmos empleados en la toma de decisiones y los códigos fuente.
- Mercader, “[Nuevos y relevantes pronunciamientos sobre transparencia algorítmica: seguimos pintando la caja Negra...](#)”
- SCJ 27 March 2026 (DHL Case, [ECLI:ES:TS:2026:1785](#)): algorithmic management and illegal transfer of workers

3. The role of collective bargaining

Number of collective agreements regulating each type of technology



Source: own elaboration based on REGCON

3. The role of collective bargaining

Fifth Agreement on Employment and Collective Bargaining

CHAPTER XVI. Technological, digital and ecological transition:

1. Technological and digital transition

In the development of this Framework Agreement, signed by the European social partners, the signatory parties of the V AENC consider that the collective agreements of the sector and the company must promote and drive the digital transformation in the workplace within the framework of participatory processes and we consider it appropriate that they establish **specific procedures for prior information to the legal representation of workers, of business digitalisation projects and their effects on employment, working conditions and training** and professional adaptation needs of staff, supporting continuous training to improve the digital skills of workers to facilitate this transition in the company.

Likewise, collective bargaining will promote a **equal opportunities policy to ensure that digital technology is beneficial for all workers, overcoming the age gap.**

Likewise, positive action measures will be promoted to prevent **digital gap between women and men**, particularly in advanced skills, guaranteeing the training processes necessary for adaptation to the changes in the workplace as a result of the company's digital transformations, with the criteria established by labour standards.

Among the priority issues in relation to digitalisation that must be developed through collective bargaining we have:

3. The role of collective bargaining

Fifth Agreement on Employment and Collective Bargaining

CHAPTER XVI. Technological, digital and ecological transition:

Among the priority issues in relation to digitalisation that must be developed through collective bargaining we have:

2. European Framework Agreement on Digitalisation

The signatory organisations of this Agreement consider it a priority to adapt the European Framework Agreement on digitalisation to each negotiating area, assuming the shared commitment between the European intersectoral social partners to face the common challenge of digital transformation in the world of work.

In order to adapt to their negotiating framework, collective agreements should:

*Promote collaboration between companies, workers and their representatives to **address issues such as skills, work organization and working conditions.***

*Promote the **investment in digital skills and their updating.***

*Promote a people-oriented approach, in particular, on their **training and capacity building, connection and disconnection modalities, the use of artificial intelligence systems safe and transparent, as well as the protection of privacy and dignity of working people.***

3. The role of collective bargaining

Fifth Agreement on Employment and Collective Bargaining

CHAPTER XVI. Technological, digital and ecological transition:

Among the priority issues in relation to digitalisation that must be developed through collective bargaining we have:

3. Artificial Intelligence (AI) and guarantee of the principle of human control and right to information on algorithms

*Collective bargaining must play a fundamental role **establishing criteria that guarantee an appropriate use of AI and on the development of the duty of periodic information to the workers' representatives.***

*The deployment of AI systems in the **public administrations** must also follow the principle of human control and be safe and transparent. Based on the above, the Confederations signing this Agreement. **We urge the Government to provide social partners, through institutional participation bodies, with sufficient information to guarantee digital and algorithmic transparency,** especially those formulas that configure the applications linked to labour relations and social protection.*

3. The role of collective bargaining

XXIV Collective Agreement for the Banking Sector

Article 80. Digital rights:

1. Right to digital and work disconnection.
2. Right to privacy and the use of digital devices in the workplace.
3. Right to privacy regarding the use of video surveillance devices, sound recording and geolocation in the workplace.
4. Right to digital education.
5. Right to artificial intelligence

*New algorithm-based tools can add value to more efficient management of companies, offering improvements in their management systems. However, the growing development of the contribution of technology requires careful implementation when applied to people. Therefore, **workers have the right not to be subject to decisions based solely and exclusively on automated variables.**, except in those cases provided for by law, **as well as the right to non-discrimination in relation to decisions and processes, when both are based solely on algorithms, being able to request, in these cases, the participation and intervention of the persons designated for this purpose by the Company, in case of discrepancy.***

*The Companies **will inform the workers' representatives about the use of data analytics or artificial intelligence systems when decision-making processes in human resources and labour relations are based exclusively on digital models without human intervention.** Such information will, at a minimum, cover the data that feeds the algorithms, the operating logic and the evaluation of the results.*

3. The role of collective bargaining

Collective agreement for financial credit institutions

Article 35. Digital rights:

1. Right to digital and work disconnection.
2. Right to privacy and the use of digital devices in the workplace.
3. Right to privacy regarding the use of video surveillance devices, sound recording and geolocation in the workplace.
4. Right to digital education.
5. Right to artificial intelligence

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3. The role of collective bargaining

Collective agreement for the food trade in A Coruña

Article 47. Digital Transition:

1. Express recognition of the **rights to information and periodic consultation** to the workers' representation (Art. 64 ET) **within relation to organizational or productive changes derived from digitalization** or the innovation applied to its processes, in addition to the impact on staff regarding the following issues:

- Hiring and firing for technological reasons.
- Affectation of matters related to the organization of work: working time; irregular distribution of the working day; flexibility and self-management; new forms and standards of control (access to equipment and communications, video surveillance, geolocation, etc.); conciliation; right to digital disconnection; mobility and professional classification; remuneration structure; workplace (indeterminate, teleworking, etc.).
- Continuing education: adaptation and acquisition of skills; age management and gender equality.
- Prevention of occupational risks: evaluation of new realities such as working with robots, artificial intelligence, technological stress, different workplaces, etc.
- Use of algorithms that affect equality and non-discrimination based on gender, age and technological adaptability, etc., with special attention to digital sales and gender wages.
- Subcontracting and outsourcing to digital platforms. Information prior to social representation.
- Collective and individual rights.
- Processing of personal data.
- Action protocols that regulate the implementation of digital tools or new forms of work management that include: prior and sufficient information prior to the RPLT, diagnosis of the impact, adaptation proposals, necessary specific training and requalification, as well as periodic monitoring and evaluation of said protocols.
- Express recognition of the rights to information and periodic consultation with the workers' representation in relation to organizational or productive changes arising from digitalization or innovation applied to its processes.

3. The role of collective bargaining

XXI Collective Agreement for the Chemical Industry

Article 10. New Technologies and Artificial Intelligence:

When in a company **introduce new technologies** which may involve a substantial change in working conditions for workers, or a period of training or technical adaptation of no less than one month, **these must be communicated in advance to the workers' representatives in sufficient time to be able to analyse and foresee their consequences** in relation to: employment, occupational health, training and work organisation. **These are aspects on which they should be consulted.** Likewise, affected workers will be provided with the **adequate and precise training** for the development of its new function.

3. The role of collective bargaining

XXI Collective Agreement for the Chemical Industry

Article 10. New Technologies and Artificial Intelligence:

In the event that the new technologies to be introduced are based on **artificial intelligence (AI) systems, the information to be provided to the legal representatives of the workers will refer**, at least, to the following questions:

- Specific AI system to be implemented.
- Objectives and reasons for the implementation of the AI system.
- **Assessing potential impacts** in employment, specifying the jobs that may be affected.
- Analysis of possible changes in working conditions.
- **Parameters, rules and instructions on which AI algorithms or systems are based** affecting decision-making that may impact on working conditions, access to and maintenance of employment, including profiling, in order to assess its impact on employment and working conditions.

3. The role of collective bargaining

XXI Collective Agreement for the Chemical Industry

Article 10. New Technologies and Artificial Intelligence:

For these purposes and in accordance with Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, AI systems are those based on a machine that are designed to operate with different levels of autonomy and that can show the capacity to adapt after deployment, and that, for explicit or implicit objectives, infer from the input information it receives how to generate output results, such as predictions, content, recommendations or decisions, which can influence physical or virtual environments.

The **workers' representatives will be able to issue a report with their observations and suggestions on the implementation of the new AI technology or system within a period of 10 days.**, which must be assessed by the company's management prior to proceeding with implementation.

The introduction of new technologies or AI systems **will involve, if applicable, updating the occupational risk assessment.**

AI systems will ensure that there is no bias or discrimination and that **the guiding principle of this should be human control.**

In any case, if there is a substantial change in working conditions as a result of the implementation of new technologies and AI systems, the procedure set out in article 41 of the Workers' Statute and article 28.5 of this Collective Agreement must be followed.

3. The role of collective bargaining

Collective Agreement of Acciona Mobility

Article 42. Digital rights:

[...]

C) Information on the use of algorithms or artificial intelligence systems.

The **Joint Committee** of the agreement will develop the procedure for providing the information related to the use of Artificial Intelligence and the algorithms used in the workplace, which must be submitted to the workers' representatives, as established in Article 64.4 of the LET. This **information must always be simple and understandable** for the workers' representatives. In addition, a working committee of six people will be created between the workers' representatives and the company to **provide information in a simple and understandable manner** on how algorithmic management and Artificial Intelligence are used. This Committee will be a **channel for participation and resolution of potential conflicts** regarding aspects generated in the digital environment that affect working conditions, but the source code for algorithmic management will never be discussed or provided..

3. The role of collective bargaining

Collective agreement of JustEat.

Article 68. Digital rights:

Workers have the following digital rights in the workplace: a) Right to digital and work disconnection

a) Right to digital and work disconnection Right to digital and work disconnection

b) Right to privacy and the use of digital devices in the workplace

c) Right to privacy against the use of videosurveillance devices and sound recording at the workplace.

d) Right to privacy in the use of geolocation systems in the workplace

e) Right to information in the face of algorithms and artificial intelligence systems and artificial intelligence

f) Information on digital work tools

3. The role of collective bargaining

Collective agreement of JustEat.

Article 68. Digital rights:

Right to information in the face of algorithms and artificial intelligence systems and artificial intelligence.

In order to guarantee the right to information regarding algorithms and artificial intelligence systems provided for in article 64.4.d) of the Workers' Statute, the following is established:

1st) The **Company will inform the legal representation of employees about the use of algorithms or artificial intelligence systems** for decision-making in matters of human resources and labour relations as long as such decisions **may affect working conditions, access to and maintenance of employment** of workers, including profiling.

2º) In the previous case, the Company **will provide information on both the parameters and data, as well as the rules and instructions that feed the algorithms and/or** artificial intelligence systems. In particular, and in relation to the activity of delivery personnel, the Company will provide the relevant information used by the algorithm and/or artificial intelligence systems for the purposes of organizing its activity, such as the type of contract, number of contractual hours, time preferences of the workers and prior days off. Information relating to the algorithm and/or artificial intelligence system that is protected by current regulations will not be provided.

3rd) The Company will guarantee that the algorithms and/or intelligence systems used **have a degree of human supervision**, while not taking into account data that may lead to the violation of fundamental rights such as, among others, the sex or nationality of workers.

4th) The parties agree to the creation of a joint committee through which the right to information provided for in this section will be channelled (the "**Algorithm Commission**").

3. The role of collective bargaining

Collective agreement of JustEat.

Article 68. Digital rights:

e) Right to information regarding algorithms and artificial intelligence systems and artificial intelligence In order to guarantee the right to information regarding algorithms and artificial intelligence systems provided for in article 64.4.d) of the Workers' Statute, the following is established: [...]

The aforementioned Algorithm Commission will be established within a maximum period of 90 days after the signing of the Agreement and will be composed of two members designated by the business party and two other members designated by the social party.

The information which, in accordance with the provisions of this section, must be provided by the Company **will be channelled through the Algorithm Commission**. This information will be provided once the Algorithm Commission has been established and, subsequently, any substantial changes made to the algorithms and/or artificial intelligence systems used will be reported. In order to complete this right to information, the social representation of the Algorithm Commission may request the appearance of the person responsible for supervising the algorithm and/or artificial intelligence system under review.

The information provided to the legal representation of the workers **may not be used for purposes other than those that motivated its delivery or for functions that exceed its scope of competence**.

3. The role of collective bargaining

Collective agreement of JustEat.

Article 68. Digital rights:

f) Information on digital work tools

In addition to the above, both the Algorithm Commission and **Each employee of the Company will be adequately informed of all the digital tools that exist in their work environment and the possible risks for health partners.**

Similarly, when workers establish a conversation, **they must be informed in advance if they are speaking with a chatbot or with a person.** All conversations will be recorded and accessible for a period of three months for employees and will subsequently be deleted. **Conversations conducted by a chatbot may not be used to sanction a person.**

4. Some conclusions

- **The use of AM and AI is becoming more and more common** in the daily reality of our companies and institutions and, therefore, **must be reflected in collective bargaining**.
- **There are already express mandates in the legal field that regulate its use**, as well as, **calls for collective bargaining to complete and complement it**.
- **The right to collective information** has a clear content (influenced by art. 64.4 e) ET), but there are others such as **individual right to information, consultation, training, adaptation to its use, supervision, control and review mechanisms, etc.**
- The provision of **technical support** is an issue in which **public administrations can play a very important role**.
- **Training is a key element in the adaptation of workers** with the incorporation of these technological advances.

Thank you

Gracias



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