AIDIALOGUE
Strengthening Social Dialogue in the Age of AI and Algorithmic Management

GUIDELINES
FOR THE AINETWORK



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1. Introduction

More and more decisions at a workplace — who does what, how they are evaluated, how much they earn — are no longer decided solely by a manager, but increasingly with the help of algorithms. Algorithmic management (AM) refers to situations where algorithms take over or support functions traditionally carried out by a supervisor — allocating tasks, evaluating performance, and handing out rewards and sanctions (Lee et al., 2015).

This document has been written for workers' and employers' organisations, to help them jointly tackle the challenges that algorithmic management and artificial intelligence (AI) pose at work. It sets out what algorithmic management is and how it is used, alongside concrete legal and negotiating tools that can genuinely help shape the future role of AI and AM in our workplaces.

2. Applications and risks of AI and AM

In recent years, algorithmic management has spread well beyond platform work and the so-called "gig economy". Algorithmic systems are replacing managerial functions in transport and logistics, warehousing and e-commerce, call centres, manufacturing, finance, healthcare and other sectors. According to the European Parliamentary Research Service (EPRS), around 42.3% of workers in the EU are already subject to some form of AM, a figure forecast to rise to 55.5% within five years (Jančová et al., 2025). A separate, representative OECD survey of around 6,000 managers in six countries (Milanez et al., 2025) found even higher figures: on average, 79% of firms in the four European countries surveyed reported using at least one of 15 AM tools covered by the survey (81% in France, 78% in Germany, 76% in Italy, 78% in Spain).

Pay and bonus systems. Algorithms set pay and bonus rates differently from traditional management methods: instead of a fixed, predictable rate (e.g. a set amount per kilometre driven or per trip), pay fluctuates dynamically. In ride-hailing, high demand triggers higher rates, and vice versa; rates are also sometimes personalised based on a worker's profile, including rates they have accepted in the past. Other AM functions shape pay indirectly too: performance ratings determine access to better-paid jobs, while sanctions (deductions, temporary suspension from jobs, deactivation) can directly reduce income or cut it off entirely. Bonuses, in turn, depend on meeting specific targets (e.g. completing a given number of trips per hour) — a form of gamification designed to encourage people to work faster and longer.

These practices are used by around 90% of firms in the US, 35% in Europe and 11% in Japan (Milanez et al., 2025). This comes with specific risks: without a fixed rate, workers find it harder to plan their hours — not knowing how much they'll earn, they may end up working longer than necessary, and high variability risks pushing earnings below the minimum wage. This kind of profiling produces what legal scholar Veena Dubal (2023) calls "algorithmic wage discrimination": two people can receive completely different pay for the same work, based on

criteria they neither know nor can verify. In practice, this shifts business uncertainty, traditionally borne by the employer, onto the worker. Gamified bonus schemes can be addictive and increase the risk of accidents from rushing or overworking to hit a bonus threshold; they are also linked to wider psychosocial and health costs.

Wages sometimes go unpaid altogether, or are paid late — a problem in its own right. Two factors make this more likely: minimal HR staffing at platforms, which means workers rarely have anyone to turn to when problems arise, and dispute-resolution policies that favour the client — especially when the worker is self-employed and can be disconnected at almost no cost to the platform.

Organisation of working time and how work is performed. Algorithms organise working time — assigning shifts, rotas and tasks — and set out how and at what pace tasks should be carried out: they control not just when work happens, but how it happens. According to the OECD survey, as many as 90% of firms in the US use scheduling systems, compared with 43% in Europe and 20% in Japan (Milanez et al., 2025). A Joint Research Centre study, meanwhile, suggests that 24% of firms in the European Union automate scheduling in this way, and 21% assign tasks algorithmically (Gonzalez-Vazquez, 2025).

These solutions optimise company costs at workers' expense — maximising their task load, reducing autonomy and worsening work–life balance. For example, at a Swedish transport company, the algorithm optimising passenger pickups and journeys did not account for workers' basic needs — such as meal or toilet breaks (Milanez et al., 2025, p. 41).

Algorithms also keep tight control over how a task is carried out. In food delivery, GPS lets the platform track the courier constantly: straying from the route risks a sanction, and delivery times are timed to the second — too slow a pace can result in fewer jobs or deactivation. This reduces workers' scope for independent problem-solving, makes the work more monotonous, and increases the risk of accidents under constant time pressure — for instance, when a rider must decide in real time whether to avoid a dangerous junction. Account deactivation — an abrupt loss of income, usually without any right of appeal or human contact — is among the most severe and most frequently reported consequences of this kind of surveillance. It can also result from a low performance rating, or from being wrongly flagged as "fraud" — for instance following a failed facial-recognition check.

Technological surveillance and occupational safety. The use of algorithms in regards to occupational safety and health (OSH) is two-directional: on the one hand, it can reduce occupational risks — for example by taking over dangerous tasks or detecting hazards in real time — while on the other, it feeds into a trend of continuous monitoring, which may end up compelling particular patterns of behaviour. Achieving this requires tracking a worker's behaviour and location — a significant intrusion into their privacy (e.g. through wearable sensors). The OECD survey reveals a clear gap between monitoring in general and monitoring specifically tied to OSH:

Type of monitoring	USA	Europe	Japan
Any form of monitoring	90%	67%	31%
OSH-specific monitoring	33%	15%	7%
Fatigue / alertness	31%	5%	3%
Location	15%	12%	9%
Active time	88%	44%	19%
Work pace	72%	15%	7%

This gap suggests that monitoring is driven less by workers' wellbeing than by productivity gains and cost optimisation. This is linked to serious psychosocial risks: increasing work intensity, stress and burnout. According to an EU-OSHA survey (Bowdler et al., 2026), digital technologies set the pace of work for 48% of workers in the EU; 30% report isolation, 28% increased workload, 19% reduced use of their skills, 16% less freedom in how they carry out their work, and 9% the trivialisation of tasks. Digital surveillance — sometimes extending to activity outside working hours — also has a chilling effect: for fear of constant observation, workers self-censor and adjust to their employer's expectations, deepening the power imbalance against them. Monitoring data is also sometimes sold on to third parties as a commodity.

Job security and career paths. Algorithms today support almost all HR processes: identifying staffing needs, recruitment, evaluation, promotion and training. Without human oversight, this can lead to opaque decisions about someone's career — a blocked promotion, or a rejected job application.

Audits by the UK Information Commissioner's Office (2024) on AI in recruitment confirm this: even when aiming for impartiality, these systems pose risks to candidates' data security and to the transparency of the hiring process, hence the recommendation to ensure transparency and explainability, and to minimise the data used to further train the algorithm. Similar risks apply to other uses of AM in HR, such as selection for promotion.

The remedy lies in transparent procedures, prompt handling of requests, and human oversight of selection and decisions. Properly implemented AM can also support professional development — identifying skills gaps and suggesting training — rather than only raising concerns about job security.

3. Legal framework and gaps

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, GDPR) has been in force since May 2018 and remains one of the most influential regulations in the world when it comes to individuals' control over their own data. It covers all companies operating in the EU, regardless of where the data is processed, and applies to both employees and self-employed workers alike. In the context of algorithmic management, it is the basic mechanism through which workers can obtain information about the details of how their work is monitored.

The key provisions in the context of algorithmic management include:

Article	Right	What it covers
Art. 15	Right of access	Obtaining a copy of the data plus information on purposes, categories, recipients, retention period, source
Art. 16–18	Rectification, erasure, restriction of processing	Where data is disputed or processing is unlawful
Art. 20	Data portability	Obtaining a worker's history of ratings/metrics from digital systems, so it can be transferred elsewhere
Art. 21	Right to object	Particularly where processing is based on the employer's legitimate interest
Art. 22	Safeguards against automated decision-making and profiling	Limits AM's ability to make decisions with legal or similarly significant effects without human involvement; right to obtain human intervention, express a view and contest the decision

Together, these provisions allow a worker not only to see the "result" (e.g. a score), but also to find out which input data shaped it (e.g. logs, completion times, quality), who processes it and for what purpose, how long it is retained, and whether it is shared with third parties (e.g. an HR system provider).

In practice: a worker exercises these rights by submitting a GDPR request to the employer (the data controller) — most often a request for access (Art. 15), sometimes accompanied by a request for an explanation of a decision and "human review" (Art. 22), where that decision has a significant effect (e.g. denial of a bonus, restricted access to the schedule, a sanction following a negative rating). It helps to provide context — the name of the tool (if known), the period concerned (e.g. 6–12 months), the type of decision (rating, ranking, job allocation) — and requesting: a copy of the source data used to calculate the KPI, a history of changes to ratings/metrics, the processing logic, and information on whether the result affected HR decisions. A worker can also request rectification of incorrect data (e.g. wrongly logged times, cancelled tasks counted as not completed) or restriction of processing while the matter is verified. The employer must respond without undue delay, within one month at the latest (extendable in justified cases); if the employer refuses the request or gives an incomplete response, the worker can lodge a complaint with the national data protection authority. Where the consequences for employment are significant, it is also worth requesting a written justification of the "algorithmic" decision and formal human review through internal procedures (HR/appeals committee), and, in the event of a dispute, using the data gathered as evidence in discussions with the trade union or in court proceedings.

Legal gaps: It is bad practice to give incomplete responses to workers' requests, sometimes justified on the grounds that disclosing the data "would adversely affect the rights and freedoms of others" (Art. 15(4)) or would breach trade secrets. In practice, national data protection authorities have limited resources to enforce compliance, and going to court is costly and slow.

Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work entered into force in December 2024. It is the first piece of EU law to explicitly regulate algorithmic management, with the whole of Chapter III devoted to the subject. Member States have until December 2026 to transpose it.

The Platform Work Directive establishes new rights for workers in the platform economy. These rights fall into two parts. The first concerns employment status: the EU will introduce a legal presumption, across all Member States, that people performing platform work are in an employment relationship (Art. 5(2)), based on the principle that the facts of how work is performed take precedence over the wording of the contract (Art. 4). This is, however, a procedure that makes it easier to assert one's rights, not an automatic change of employment status, and the precise details of how this mechanism operates will be left to individual Member States.

While the chapter on employment status relies on the traditional distinction between employees and the self-employed, the provisions on algorithmic management and data-related rights have a broader personal scope — most of them apply to all persons performing platform work, regardless of their contractual status. The key provisions here include:

Article	**What it regulates**	**Who it applies to**
Art. 7	Prohibits the use of systems to process particularly sensitive data (mental state, private communications, trade union membership), to collect data outside working time, and to profile workers in order to predict whether they will exercise fundamental rights (freedom of association, collective bargaining)	Everyone
Art. 8	Presumption of "high risk" within the meaning of the GDPR — obligation to carry out a data protection impact assessment (DPIA) with the involvement of workers and their representatives, and to share the results with them	Everyone
Art. 9	Transparency obligations: information on the use of systems, the data/activities monitored, the decisions taken or supported, the key parameters, and the reasons for decisions with significant effects (e.g. account suspension, denial of payment). Representatives are entitled to comprehensive information before a system is deployed and whenever it is changed.	Everyone
Art. 10	Requires human oversight and regular assessment of the impact of decisions (including on equal treatment), and requires competent staff to be able to overturn decisions. Decisions with an effect equivalent to account deletion must be taken by a human.	Employees
Art. 11	Right to an explanation and review of decisions, and an obligation to promptly correct errors or provide compensation for breaches	Everyone

Art. 12	Link to OSH — prohibits the use of systems that place undue pressure on workers, and requires an assessment of psychosocial risks	Employees
Art. 13	Right of workers' representatives to information and consultation when systems are introduced or significantly changed	Employees

In practice: Workers' representatives can request full information about a system before it is deployed (not only after the fact), as well as access to the DPIA results. A worker affected by a "significant" decision (account suspension, denial of payment, a change to working conditions) can request a written explanation of its basis, contact with a competent person authorised to explain it (the so-called "human interface", Art. 11), and a formal review and correction of the decision — similar to the procedure under the GDPR, but without the "contractual necessity" exception that the GDPR allows employers to rely on for fully automated decisions.

Legal gaps: The Directive's scope covers only people performing work through digital platforms — it does not cover algorithmic management in other sectors. Even within Chapter III, not all rights are available to the self-employed on an equal footing with employees: oversight of the impact of individual decisions (Art. 10(1)), involvement in OSH risk assessment (Art. 12(2)), protection against undue pressure from automated systems (Art. 12(3)), and consultation on the deployment or modification of systems (Art. 13) remain reserved solely for employees. This deepens the already high fragmentation of labour protection systems. A second significant gap is the wide margin of discretion left to national legislators — an inevitable consequence of the Directive's minimum-harmonisation approach, although the "more favourable provisions" clause (Art. 26) allows national legislators to go further and extend the full scope of rights to the self-employed (Rainone & Aloisi, 2024).

Other relevant regulations

Before the EU Platform Work Directive was adopted, some Member States had already regulated algorithmic management on their own. Spain was the first in the EU to adopt the so-called "Riders' Law" in May 2021, which introduced a collective right to algorithmic transparency. Malta, meanwhile, introduced the Digital Platform Delivery Wages Order in 2022, which establishes a presumption of employment for platform couriers, along with requirements on transparency and human oversight, and restrictions on how algorithmic systems process data.

Further protection for workers comes from Directive 2002/14/EC (information and consultation, I&C), Directive (EU) 2025/2450 (European Works Councils), Directive 2019/2121 (cross-border conversions, mergers and divisions), Directive 89/391/EEC (occupational safety and health), and

Directive 98/59/EC (collective redundancies). In June 2026, ILO Convention No. 193 on decent work in the platform economy was also adopted; its Chapter X (Arts. 13–15) requires platforms to inform workers about automated systems and grants workers the right to an explanation and human review of algorithmic decisions.

4. Positions of the social partners

The five organisations' positions described below all share a common starting point: the European Social Partners' Framework Agreement on Digitalisation, signed in June 2020 by the ETUC (together with the Eurocadres/CEC liaison committee), BusinessEurope, SMEunited and CEEP (now SGI Europe). Member organisations implement the agreement directly at national, sectoral and company level, bypassing EU legislation. It covered four equally weighted issues: digital skills; the "right to disconnect"; artificial intelligence and guaranteeing the "human-in-control" principle; and respect for dignity and protection against excessive surveillance. All five organisations discussed below thus share the same, jointly negotiated starting point. The overview below, however, aims to show not only these common points but, above all, how interpretations of this shared commitment have evolved in different directions since the agreement was signed.

In its position statement of March 2025, the **ETUC** stresses that AI's impact on workers depends on regulation, how well it is enforced, and who controls the technology. Its central demand is a dedicated directive on algorithmic systems in the workplace, extending protection from platform work to all workers — with the right to challenge AI decisions, mandatory union involvement in AI deployment decisions, and constant human oversight. The ETUC also calls for work to resume on the withdrawn draft AI Liability Directive. It further calls for fair conditions in global data supply chains, copyright protection, limits on AI's environmental footprint, and investment in sovereign European digital infrastructure.

Eurocadres has not published a separate position on AI/AM — its stance is reconstructed here from its response to the consultation on the Quality Jobs Act (January 2026). Like the ETUC, it calls for a directive on algorithmic management modelled on the Platform Work Directive and extended to all workers — a demand it justifies on single-market grounds: fragmented national rules harm companies operating across borders. The AI Act regulates an AI system as a product (similar to rules on the safety of machinery or medicines), not the way it is used at work — so it covers only high-risk systems, without requiring enough transparency around workplace use. A new regulation would strengthen the right to information and consultation without creating parallel regimes, at minimal cost thanks to overlap with existing requirements.

CEC European Managers (representing around 10 million European managers) set out its position in the document "Leadership and partnerships for purposeful AI" (January 2024). CEC does not call for a new directive — it supports the EU's existing risk-based approach (the AI Act, the draft AI Liability Directive), complemented by voluntary social partnership and soft standards,

such as agreeing worker-monitoring arrangements with trade unions. Its central, concrete demand is a "right to a human manager": access to a person who is accountable and available to handle requests related to an AI system — a concrete expression of the EU's "human-in-control" principle. CEC calls for the development of a European AI industry ("made in Europe") as a response to market monopolisation by global platforms and the weakening of SME-based economic structures. It also supports resource-efficient AI solutions and shared innovation infrastructure for smaller firms.

BusinessEurope set out its position in the document "Algorithmic management at work" (December 2023) — more extensive than the others, as it contains an analysis of definitions, opportunities and risks, not just a list of demands. Its starting point: outside platforms, AM is still at an early stage of deployment, and the evidence on its effects is inconsistent — so new EU regulation would be premature. BusinessEurope explicitly rejects the need for a new directive, arguing that existing rules (the GDPR, the AI Act, the I&C Directive, the OSH Framework Directive, anti-discrimination law) adequately address the risks. It also opposes treating the AM chapter of the Platform Work Directive as a template for the whole labour market: it should remain a special rule (lex specialis), not a general one (lex generalis). This is the exact opposite of the trade unions' demand. Instead of hard law, it proposes a voluntary code of ethical principles; it formally supports the "human-in-control" principle (as a signatory of the 2020 agreement), while stipulating that the principle must not block the deployment of technology.

SMEunited set out its position in the document "Algorithmic management at work: balancing productivity and competitiveness from an SME perspective" (June 2026) — the most recent of the five documents. Like BusinessEurope, it firmly rejects the need for new EU regulation, going even further: it catalogues a total of 11 EU legal instruments that it argues fully cover the risks of AM. In addition to those cited by BusinessEurope, it points, among others, to the directives on working time, equal treatment, and protection against unfair dismissal. What sets it apart is the SME perspective: complex rules place a disproportionate burden on smaller firms without dedicated HR or data-analytics departments. Instead of new law, it calls for the "Think Small First" principle (simplified rules, guidance, financial support and training for SMEs) and for the "AI literacy" obligation to be eased as part of the AI Omnibus. Like CEC, it values the role of social dialogue at national level — citing the Italian collective agreement for craft trades as a good practice.

5. Collective bargaining in the context of AI/AM

Collective bargaining is a fundamental right under international and EU law (ILO Convention No. 98, Article 28 of the EU Charter of Fundamental Rights, the European Pillar of Social Rights), and a core part of the institutional fabric of a democratic market economy, limiting the power asymmetry between the parties to an employment relationship. This is especially significant for AM, where working conditions are determined not only by a supervisor's instructions or company rules, but also by undisclosed system parameters.

The above standards are general in nature. The Platform Work Directive (2024/2831) provides a more detailed response to the challenges of platform work. Its Recital 14 — a non-binding statement explaining the purpose of the provisions — indicates that the rights granted are meant to protect workers precisely by strengthening collective bargaining. The Directive gives effect to this goal in Article 25, which requires Member States to promote the role of the social partners and facilitate the exercise of the Chapter III rights concerning algorithmic management. The concrete mechanism is set out in Article 28: it allows Member States to permit the social partners to establish, through collective agreements, rules that differ from Article 12 (OSH) and Article 13 (information and consultation) — precisely the two provisions the Directive reserves solely for employees — provided the overall level of protection is maintained. For Articles 9–11, bargaining may only make the EU standard more specific, not replace it.

This EU framework is, however, a minimum one — at key points the Directive refers back to national legislation, which is the proper starting point for concrete bargaining in practice.

What can be the subject of bargaining?

Pay. Dynamic pricing and profiling create risks of unpredictable income and "algorithmic wage discrimination". Bargaining should cover: disclosure of the criteria affecting rates, limits on their variability or a guaranteed hourly minimum rate, a ban on the use of undisclosed profiling variables — or, in its most ambitious form, advocated by Worker Info Exchange, an outright ban on non-transparent dynamic pricing. An example is the French agreement signed by Uber Eats and Deliveroo with the unions Union-Indépendants and FNAE, raising couriers' guaranteed minimum income from €11.75 to €19 gross per hour; not all unions signed it, however, and even the signatories called it a "step, not a destination" (Wray, 2026).

Scheduling and control over how work is carried out. Algorithmic scheduling and control of pace/route intensify time pressure and reduce autonomy. Bargaining should cover: adequate advance notice of schedules, limits on last-minute changes, respect for daily and weekly rest requirements, and limits on the collection of geolocation data to what is strictly necessary to carry out the task. The US union SEIU, for example, has negotiated concrete requirements: schedules published 20 days in advance, with any later change requiring a further 14 days' notice or the worker's consent (UC Berkeley Labor Center, n.d.). In Europe, the legal basis is Directive (EU) 2019/1152 on transparent and predictable working conditions, which guarantees workers with an

unpredictable work pattern the right to reasonable advance notice before a task is assigned; collective bargaining can extend these guarantees beyond the established minimum.

Technological surveillance and occupational safety. Continuous monitoring intensifies psychosocial risks and has a chilling effect on workers' willingness to push back. Subjects for bargaining: limits on the scope and granularity of monitoring, confined to functions genuinely related to OSH rather than general performance control; and a ban on collecting data outside working time. Italian trade unions negotiated exactly this with Just Eat (2021): the app that tracks a courier's location is switched off and stops recording any data immediately after the end of a shift, with no access to the worker's private phone memory.

Job security and career paths. AM supports, or itself makes, decisions on recruitment, evaluation, promotion and, in extreme cases, termination of employment, often with little transparency. Subjects for bargaining: mandatory human oversight of such decisions, and the right to have them explained and reviewed. The Danish union 3F negotiated the latter with the platform Hilfr (2024) — before the company had even begun using AI: the absence of a comprehensive explanation of a decision automatically invalidates it, allowing it to be challenged within the Danish labour dispute-resolution system.

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