ETUC Reply to Second-phase consultation of social partners under Article 154 TFEU on possible EU action to improve working conditions, health and safety at work and implementation of workers' rights – Quality Jobs Act

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1. Introduction

The European Trade Union Confederation (ETUC) welcomes the opportunity to contribute to this second-stage consultation of the social partners on the Quality Jobs Act, launched by the European Commission under Article 154 TFEU.

The social partners consultation must constitute the stepping stone to urgently introduce the necessary EU binding legislation to tackle quality jobs deficits head on that the ETUC has consistently called for.

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 consultation document correctly identifies several of the structural deficits and challenges to quality jobs across the Union, from the risks associated with AI and algorithmic management at work, to psychosocial risks, climate-related risks, musculoskeletal disorders and gender-based violence and harassment in the workplace, insecurity and absence of just transition and of accessible and high-quality training, abusive subcontracting and labour intermediation arrangements, lack of respect for the right to disconnect and unfair working conditions for workers that telework, precarious working conditions, gaps in enforcement, etc. This shared diagnosis is a necessary starting point.

It is not, however, sufficient. Taken as a whole, the proposed options and avenues for action set out in the consultation document do not match the scale and urgency of the problems they are meant to address. More ambition is needed: workers across Europe expect that the Quality Jobs Act will deliver quality jobs, enforceable rights and guaranteed protection wherever they work in the Union. The Quality Jobs Act must close the quality job deficits that still shape labour markets across the EU and ensure that rights are effectively enforced in practice, not only recognised in principle. Every job must be a quality job - in every region and in every sector.

To close the existing quality jobs deficits, the ETUC calls for the adoption of legally binding EU legislation based on Article 153 TFEU in the following areas:

– **Artificial intelligence and algorithmic management at work**

- **Occupational safety and health at work, in particular to prevent psychosocial risks, climate-related risks, musculoskeletal disorders and gender-based violence and harassment in the workplace**
- **Protection of workers' rights in subcontracting chains and labour intermediation**
- **Just transition**
- **Enforcement and the role of social partners**
- **Right to disconnect and telework**

Only a binding EU-wide legislation will secure quality jobs, better working conditions and strong worker protections across all Member States. Non-binding measures, such as guidance or recommendations, cannot deliver the protection that workers need and a level-playing field, nor can they support a competitive European economy.

Only binding legislation will contribute to delivering the European Union objective of upward social convergence, as well as to achieving the EU headline target of lifting at least 15 million people out of poverty or social exclusion by 2030. A Quality Jobs Act that fails to establish effective minimum requirements to ensure quality jobs cannot claim to deliver on these commitments.

The Quality Jobs Act must also reinforce the role of trade unions and promote collective bargaining while safeguarding well-functioning collective bargaining systems. It must respect the principles of non-regression and more favourable provisions. Strong trade unions and strong social dialogue and collective bargaining are key to ensuring quality jobs and anticipation and management of change.

A strong Quality Jobs Act is not only about improving working lives, it is essential to delivering Europe's social and economic objectives. It is a key building block to ensure a full implementation of the European Pillar of Social Rights, and to contribute to reach the objective of eradicating poverty in the EU as outlined in the European Union's Anti-Poverty Strategy.
Also, sustainable competitiveness cannot be built on the erosion of labour standards. The EU cannot deliver a competitive, resilient and socially just economy without quality jobs, without jobs that are secure, fairly paid, safe, and compatible with workers' health, family life and long-term skills development.

In the same vein, the ETUC calls on the Commission to mainstream more extensively the issue of gender equality across all sections of the upcoming Quality Jobs Act, to address structural barriers to quality jobs for women.

The ETUC considers essential that the EU pursues quality jobs and high social standards in all its actions. 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. The ETUC notes with serious concern the questions on simplification introduced in this second-stage consultation. Simplification should aim at improving clarity, accessibility and enforcement of existing rules and must not serve as a vehicle for the erosion of workers' rights and employment standards. The Quality Jobs Act

must introduce binding legislation to reinforce employment rights and standards and not include any deregulation measures.

The ETUC calls on the Commission to bring forward as a matter of urgency and by the end of 2026, a Quality Jobs Act that matches the ambition of its stated objectives with legally binding measures capable of delivering real and lasting improvements for workers across Europe.

Every job must be a quality job, in every region and in every sector!

2. QUESTION 1: What are your views on the objectives of possible EU action set out in the consultation document?

2.1 Artificial Intelligence and Algorithmic Management at work

The ETUC welcomes the Commission's diagnostic of the challenges posed by artificial intelligence (AI) and algorithmic management (AM) in the world of work. The consultation document correctly identifies key structural risks, including excessive monitoring, the lack of transparency of automated decisions, and the need for human-centred technology and worker access to information. In this respect, the Commission confirms the analysis consistently put forward by the ETUC.

However, this diagnosis must translate into ambitious, legally binding, and enforceable objectives, rather than remaining a diagnostic exercise.

Importantly, the Commission's analysis fails to capture the severe, disruptive impact that the introduction and deployment of AI and AM have on sectors like industry and manufacturing. It further overlooks the growing evidence demonstrating that the negative repercussions of AI on the labour market can no longer be framed as merely limited to job reallocation or "destructive creation" of jobs. While the European Commission initiative announced in July 2026, to set up a High Level Expert Group on the impact of AI on the labour market is a step in the right direction, provided European social partners are meaningfully involved, it is not enough on its own. Evidence from international[1], European[2] and national sources – ranging from the ILO to Eurofound – have already highlighted the need to address the issue within the EU Quality Jobs Act. A legislative mandate is even more urgent given the risks posed to vulnerable worker groups, particularly young workers facing the degradation of entry-level positions and women concentrated in highly exposed occupational roles.

The primary objective of EU action must remain the protection of workers and the prevention of the disruptive consequences of AI deployment at work. Furthermore, EU action should build upon the European Framework Agreement on Digitalisation, concluded by the social partners in Central Government Administrations in October 2022. This agreement demonstrates a shared interest between employers and trade unions in EU-level legislative action, while providing established, concrete solutions to many of the challenges identified in the consultation. The first objective should be explicit "human-in control" principle that must become a legally enforceable standard, guaranteeing meaningful human review prior to decisions on hiring, discipline, scheduling, promotion and dismissal. To be effective, meaningful human in control requires more than formal human approval. It demands that the responsible decision-maker possesses the necessary information, competence, time and authority to understand, contest and, where appropriate, disregard the system's output, without fear of adverse consequences. The employer must remain fully accountable for both the decision and the use of the system. Furthermore, the "human-in-control" principle must

[1] Global Employment Trends for Youth 2026: Back to the future, ILO, 11 August 2026

[2] Implications of AI for work, employment and social dialogue: Literature review, Eurofound, 26 September 2025

be anchored by the right for workers and their trade unions to challenge such decisions. This is especially important in sectors and countries where internal appeal mechanisms are weak or under-used and where individual bargaining power is low, as illustrated by the experience of the outsourced services and logistics sectors.

With specific regard to authority, employers increasingly deploy a large array of algorithmic management tools, ranging from basic management tools to advanced applications designed to optimise workflows and generate strategic insights. While these tools significantly enhance employers' authority, through deep, data-driven insights into employees' behaviours, performance, and productivity, they also alter the nature of managerial control. By relying increasingly on external service providers, employers effectively outsource how and who organises and supervises work. This structural shift toward the third-party delegation of managerial power demonstrates that a standard 'human in control' principle can prove to be insufficient on its own. Regulating AM requires addressing this emerging model of outsourced employers' authority, ensuring that accountability cannot be fragmented.

The objectives set out in Sections 1 to 7 should move beyond an individual right to be informed, towards a genuine and enforceable collective right to be informed and consulted before AI and AM systems are introduced or materially changed/updated, in accordance with Union and national law and practice. In this regard, Cedefop's survey demonstrates that AI take-up and training are higher in organisations with established trade union or other worker representation bodies[3] . To be effective, an information right should require an employer to inform workers and their representatives of the intent/plan to introduce an AI / AM system; in addition, the right to consultation should ensure meaningful exchange with management prior to any decision, granting workers and their representatives timely information and a genuine opportunity to negotiate the consequences while alternative choices remain viable. This coupling creates a clear link between the provisions on workplace AI and the broader framework for anticipating and managing change. Moreover, this distinction is important because the technologies concerned reshape the organisation and execution of work itself, rather than just automating its administration and objectives. Furthermore, the objectives should recognise that discrimination and psychosocial risk, while central, do not capture everything that determines job quality. AI and digitalisation can hollow out the substance of a job even in the absence of a breach of data protection or non-discrimination rules. Technological advancements have altered the nature of work, impacting working time patterns, worker autonomy, and the needed skills to perform tasks, thereby adding important dimensions to job quality considerations. The objectives should therefore also address the erosion of job content and meaning, not only the more easily measurable risks. Deskilling should further be recognised as a distinct risk to be assessed and mitigated before deployment, without prejudice to national co-determination legislation, and coupled with an obligation to maintain and develop workers' skills. In this regard, Cedefop's survey revealed that

[3] CEDEFOP (2025), Skills empower workers in the AI revolution POLICY BRIEF First findings from Cedefop's AI skills survey, p.23

61% of European workers anticipate needing new skills to keep pace with AI by 2029, while only 15% have received any training to date[4].

The scope of the objectives should not be confined to algorithmic management narrowly defined, i.e. systems that directly exercise the employer's power to direct and control staff. A great deal of AI is now used to support daily tasks without formally directing workers, yet it still reshapes how work is organised and performed. and opens the possibility of surveillance. Objectives limited to the classic AM functions (task allocation, evaluation, dismissal) risk leaving a significant and growing share of workplace AI outside any information or consultation duty.

The objectives should also explicitly address two structural issues that are underdeveloped in the current consultation document. The first is the fragmentation of corporate agency and accountability that AI and AM enable. These technologies increasingly allow a dominant firm to coordinate and closely monitor work carried out by subcontractors or intermediaries, while capturing most of the resulting economic value, and, in sectors such as media and the arts, to keep extracting value from synthetic reproductions of workers' past performances long after the original work was done. Any credible objective on accountability must look beyond the contractual employer to the corporate actors that actually control the technology and benefit from the value it generates.

The second structural issue is the growing imbalance of economic and bargaining power that AI and AM produce, and the absence of mechanisms to redistribute the gains they generate. These systems rely on the large-scale extraction of workers' data and often deliver productivity and capital gains derived from an increased capacity to extract value from labour. An explicit objective of EU action should therefore be to ensure that productivity and revenue gains generated through AI translate into tangible benefits for workers: reduced working time without loss of pay, higher wages and stronger collective bargaining, including redistributive mechanisms that specifically compensate workers for the value generated through their data.

Finally, the objectives should aim to close the existing protection gap between platform workers, who benefit from the safeguards of the Platform Work Directive, and workers in the conventional economy, who do not, even though the same AM technologies are increasingly used well beyond platform work. Objectives confined to updating guidance or interpretative tools around the GDPR and the AI Act will not close this gap, since both instruments were not designed to capture the specific employment dimension of AI and AM. The overriding objective of this initiative must be to establish, for the whole labour market, a coherent and enforceable floor of protection built on, and improving, the standards already achieved in the Platform Work Directive.

[4] European Commission Communication on the European Pillar of Social Rights, COM/2026/650 final, p.8]

2.2. Occupational safety and health at work

ETUC agrees with the Commission's assessment of the objectives and the necessity of EU-level intervention. The EU OSH acquis should updated in line with Principle 10 of the European Pillar of Social Rights, which aims to secure healthy, safe and well-adapted work environments. Risks to workers' health and safety - particularly psychosocial, ergonomic, and risks associated to heat and other extreme weather events at work - are systemic across all Member States. Leaving these challenges to uncoordinated national responses results in a fragmented landscape of worker protection and a race to the bottom. In this context, greater emphasis must be placed on ensuring the effective implementation and enforcement of existing OSH legislation, notably through providing adequate resources for national authorities and labour inspectorates.

The current Workplace and Display Screen Equipment Directives are increasingly outdated given the rapid pace of technological change, algorithmic management, and the extended use of telework. Moreover, their scope leaves significant gaps, as entire sectors remain uncovered by these pieces of legislation. Updating these minimum requirements is not merely a technical exercise; it represents a key opportunity to expand coverage, bridge national legislative gaps, and better prevent both emerging and long-neglected occupational risks, while ensuring that legal frameworks reflect modern work realities. It is important to mention that while updating the Workplace and Display Screen Equipment Directives is necessary, relying solely on these pre-existing legislative plans would fail to provide the Quality Jobs Act with the genuinely new, binding OSH measures it requires.

The consultation document refers to how growing surveillance and monitoring technologies have become more intrusive in the last decades, and this is presented like a regulatory gap in the Display Screen Directive is not clear. Worker monitoring and surveillance are important OSH issues, but they are not necessarily DSE-specific issues that can be adequately addressed through a revised DSE Directive.

Furthermore, while health and safety is fundamentally a matter of fundamental workers' rights, we fully agree with the economic argument put forward by the European Commission: investing in risk prevention - including psychosocial risks - is highly cost-effective for businesses, as OSH protection enhance productivity, reduce sick leave and burnout, and support long-term economic stability. In this regard, UNI Europa's survey revealed that 91% of participating trade unions and all responding employer organisations supported an EU Directive on psychosocial risks, highlighting cross-industry alignment on the necessity of European legislative standards. ETUC would however like to emphasise that the Staff Working Document relies on an unbalanced cost calculation methodology regarding the implementation of policy options. The economic impact analysis (3.6.2. Economic impacts) focuses mainly on the costs of implementing the policy options for individual employers, while giving insufficient attention to the costs that could be avoided through better OSH prevention and protection. This is a significant gap, particularly as the Commission itself identifies potential benefits such as fewer accidents and diseases, reduced absenteeism and lower rates of psychosocial and musculoskeletal disorders. Elsewhere in the text, the costs attributed to workers as a

result of work-related ill-health are also framed very narrowly at the level of the individual, limited to "...driving up personal medical expenses" .

The consequences of work-related ill-health are much broader than individual costs. A full assessment should consider the potential costs and savings for workers, individual employers (and employers collectively), social-security and healthcare systems, and the economy and society as a whole. These include sickness absence, staff shortages and replacement costs, productivity losses, healthcare and social-security expenditure, disability, reduced income and reduced labour-market participation.

Only by considering both the costs of implementing the different policy options and the costs that could be avoided through improved OSH outcomes can their overall economic impact be properly assessed and compared. This broader perspective is also supported by EU-OSHA's estimate that the societal cost of work-related accidents and illnesses amounted to around €476 billion, or 3.3% of European GDP. This illustrates the substantial economic and societal costs associated with inadequate prevention and the potential importance of considering these costs when assessing the overall impact of the policy options.

A separate issue is the inclusion of litigation and fines among the costs borne by employers. Potential litigation and fines result from non-compliance with legal requirements, which is a different issue from implementation costs and the costs arising from work-related ill-health. Non-compliance can have various causes and can, in principle, be prevented by complying with the applicable legislation.

The Commission presents only one side of the SME argument: that regulation creates a relatively higher burden for SMEs. It overlooks the possibility that clearer and more specific rules can reduce compliance costs, particularly for SMEs that lack specialised OSH staff.

The preventive principles of the Framework Directive are not fully reflected in the analysis. We disagree with narrowing the employer's general duty to protect through the undefined concept of "means of influence" (for example, by using phrases such as "proportionate to the means of influence of the employer"). Under Article 5(1) of the OSH Framework Directive, this duty is deliberately broad, requiring safety and health protections "in every aspect related to the work"—irrespective of location. The employer remains fully responsible for occupational safety and health at all times, and we cannot accept a "second-class" level of protection for teleworkers, mobile workers, or those affected by weather-related risks. Introducing vague limits creates severe legal uncertainty on what is arguably the most critical risk raised by the Commission's proposals. Given the widespread adoption of flexible working arrangements such as telework, establishing clear, uncompromised responsibilities on this matter is more essential than ever.

In particular, saying that the Directive requires employers "in particular" to adapt work to the individual risks giving too much weight to one of the nine general principles of prevention in Article 6(2) of the Framework Directive.

The treatment of ISO and CEN standards under "broader legislative developments" on p. 58 of the staff working document needs clarification. Standards are part of the wider

standardisation environment and are not equivalent to EU legislation; many are voluntary unless they are given legal effect or used through contracts, procurement or other mechanisms. The reference to "increased standardisation" is also unclear: it is not specified whether this refers to the development of new standards, their uptake by establishments, certification, or their use in procurement and other market practices.

More importantly, the existence or possible increased use of OSH standards does not in itself demonstrate improved OSH conditions or outcomes. The analysis should distinguish clearly between voluntary standards and legislative requirements and explain how developments in standardisation are relevant to the "Context in which the Workplace and Display Screen Equipment Directives currently operate" rather than implicitly suggesting that increased standardisation has improved OSH without providing evidence for such a conclusion.

The Quality Jobs Act must establish a more comprehensive framework to ensure physical and psychosocial health protection for all workers across all sectors and employment status, echoing the priorities identified in the European Economic and Social Committee opinion on the Quality Jobs Roadmap.

Psychosocial risks are frequently rooted in chronic understaffing, work intensification, and unrealistic productivity targets. A clear primary objective of EU action must be increased prevention of psychosocial risks by addressing their root structural causes anchored in work organisation, including, but not limited to, excessive workloads, lack of worker autonomy and control, job insecurity, algorithmic management, constant connectivity, isolation, and poor work-life balance. Beyond risk management, legislation must explicitly aim to eliminate work-related stress, burnout, harassment, violence, and cyberbullying at their source.

There is however a tendency in the staff working document to suggest that psychosocial risks, ergonomic risks and musculoskeletal disorders are issues that can be appropriately addressed through the DSE and Workplace Directives. While the scope of the WPD and DSE Directives could be expanded to deal technological/technical obsolescence, these Directives have inherent limits in addressing risks that arise from much broader aspects of work organisation and working conditions. The analysis should therefore consider whether such horizontal risks would be better addressed through a broader, dedicated regulatory approach, rather than implicitly treating an expanded WPD/DSE scope as the main or sufficient response.

Although the consultation briefly identifies labour shortages as a reason why good working conditions are necessary to attract and retain workers, it fails to address staff shortages in either its objectives or proposed measures. Chronic understaffing is a structural quality-of-jobs problem and a major cause of excessive workloads, work intensification, psychosocial and musculoskeletal risks, burnout and deteriorating service quality, particularly in public services and female-dominated sectors. Adequate staffing levels must therefore be recognised as an essential element of occupational risk prevention.

Working time arrangements must be explicitly recognised as a core occupational safety and health concern—given that long shifts, night work, irregular schedules, and

insufficient recovery periods directly drive occupational accidents and ill health—while accident rates themselves must serve as a key metric of job quality and working conditions across the EU.

Protection rights must cover all workers, regardless of their employment status, migration status, contract type, or sector of activity, or place of work. The protection framework must be extended to domestic workers, bringing an end to their current exclusion from the OSH Framework Directive 89/391/EEC and all relevant individual OSH directives. Such exclusion is not justified as domestic workers are exposed to many hazards including exposure to chemical, musculoskeletal and ergonomic risks and psychosocial risks. Addressing an ageing workforce requires dedicated policies that reconcile sustainable work with robust health and safety protections.

OSH policies and legislation must adopt a life-course perspective across the entire working life, preventing physical and psychological strain and mitigating the cumulative effects of exposure by adapting work organization and working conditions, without age-based discrimination.

The analysis rightly points out that some occupational risks are unevenly distributed across the labour force. For instance, climate change has a major impact across certain sectors like agriculture or hospitality, affecting both health and safety as well as income and job security (e.g. desertification, or lack of snow in mountain regions).

EU measures must ensure the full participation of trade unions and worker representatives in risk assessment, design, and implementation of preventive OSH strategies. Trade unions make workplaces safer. Pressure from trade unions is an important major factor in driving prevention measures and guaranteeing the employers' duty to ensure the health and safety of their employees. The role and rights of workers' safety representatives must, in line with national industrial systems, be strengthened rather than merely consulted by ensuring their mandatory and meaningful involvement in every stage of the planning, implementation and management of occupational safety and health policies. Also, Workers and their representatives should have a strong and meaningful role in the identification, assessment and prevention of occupational risks.

Furthermore, the initiative must safeguard the professional independence of occupational physicians, prevention advisers, and internal and external prevention services, ensuring they can identify risks, report shortcomings, and recommend preventive measures without interference or retaliation. Their findings must be made available in an appropriate form to workers' representatives, while fully respecting medical confidentiality and personal data protection, supported by sufficient resources, expertise, and full access to all workplaces—including telework, subcontracted settings, and multi-employer environments.

As the ETUC highlighted during the first stage of the consultation, protection against exposure to hazardous substances must remain a core occupational safety and health priority that requires dedicated legislative action. ETUC welcomes the ongoing and forthcoming revisions of the Carcinogens, Mutagens and Reprotoxic Substances Directive and firmly rejects the Chemicals Omnibus presented by the Commission,

which threatens to deregulate democratically agreed protections and increase worker exposure - particularly for factory workers, farmers, and hairdressers - by facilitating the use of hazardous substances in products such as cosmetics and fertilisers.

2.2.a Gender Equality in Health and Safety

The ETUC welcomes the Commission's recognition in the second-stage consultation that gender-based violence and harassment (GBVH) should be addressed as psychosocial risks - a key priority the ETUC highlighted in its first-stage response. However, the ETUC recalls that framing GBVH strictly as physical sexual harassment is far too restrictive and fails to encompass the full spectrum of gender-based violence and harassment in the workplace as a psychosocial risk, including risks for physical safety. Also, the objectives set out in Section 3 fall well short of what is needed to make occupational safety and health genuinely fit for purpose from a gender perspective, and several of them risk entrenching existing gaps rather than closing them.

It is important to stress that in addition to gender-based violence and harassment, defined as physical and psychosocial risks, women's safety, health and dignity at work continue to be undermined by broader structural gendered inequalities, such as unequal distribution of care responsibilities resulting in fragmented career trajectories, unequal uptake in parental leave, as well as undeclared work where women are heavily concentrated, blocking their access to social protection, as well as problems linked to joint household taxation structurally penalising women as they are usually the secondary earners and incentivising labour market inactivity. The consultation continues to frame gender-based violence and harassment far too narrowly. By treating it as synonymous with "sexual harassment", and placing it alongside heat stress, weather-related risks and ergonomic risks as one more item on a list of psychosocial risks, the Commission fails to reflect the full spectrum of GBVH recognised in ILO Convention 190 and Recommendation 206, in Principles 2 and 3 of the European Pillar of Social Rights (EPSR), and anchored in relevant discussions within the European Semester and the EU Council[5].

Economic violence, cyberviolence and the spillover effects of domestic violence into the workplace are absent from the objectives, even though these are precisely the dimensions of GBVH that the ETUC flagged as priorities in its first stage reply. An objective that reduces GBVH to sexual harassment is not ambitious enough nor effective to respond to the realities of today's world of work. The ETUC takes note of the attention given to third-party violence exerted by customers, patients or pupils. Still, the dots are not connected between sexual harassment and third-party violence, their common denominator being that women workers are disproportionality affected by both of these forms of GBVH.

[5] 'Key Messages from the Employment Committee on gender-related aspects of job quality', https://data.consilium.europa.eu/doc/document/ST-10320-2026-INIT/en/pdf, p.4

Furthermore, the objectives lack gender mainstreaming across the wider scope of the Quality Jobs Act. The consultation envisages extending the scope of application of the Workplace Directive, including to cover telework and digital workspaces, yet it fails to draw the obvious link to GBVH occurring in these same environments. This omission comes despite the ETUC's explanation of spill-over effects of domestic violence, such as a worker being exposed to intimate partner violence during working from home. In line with the Roadmap for Women's Rights[6] and the Gender Equality Strategy, cyberviolence and online harassment should be explicit objectives wherever the Commission proposes to extend protection to telework or platform-based work; omitting this link is a missed opportunity that the ETUC already highlighted at the first stage.

The concept of work-related violence should explicitly cover violence and threats from third parties, including patients, service users, customers, pupils, passengers, and members of the public. Employers should be required to conduct systematic risk assessments covering violence, threats and harassment and implement preventive measures in consultation with workers and their representatives.

Moreover, female domestic workers and migrant women workers, among the most exposed to precarious conditions, invisibility and abuse, are conspicuously absent from the scope-extension objectives elsewhere in the Commission's 2nd stage documents, despite being explicitly recognised as vulnerable groups in other parts of EU social policy. An objective on inclusive OSH that does not name and address the situation of domestic and migrant women workers cannot be considered complete nor effective.

Along with this, the ETUC welcomes the stated objective of working towards inclusive occupational safety and health. ETUC stresses that inclusive workplaces are, first of all, workplaces free from gender-based violence and harassment, and workplaces that cater to the needs of workers with disabilities, chronic diseases and other vulnerabilities following an intersectional approach. Inclusive occupational safety and health must meaningfully deliver on sexual and reproductive health and rights, bodily autonomy and a gender-responsive approach towards health and safety in the world of work through the lifecycle. This includes workplaces adapting to menstruation and menopause, pregnancy, reproductive needs such as fertility treatment, post-partum recovery or gender-affirming care. Furthermore, a gender perspective must be systematically integrated into risk assessment, data collection, research and the design of preventive measures, taking into account the tasks actually performed, differences in exposure, and the suitability of equipment and personal protective equipment.

Regrettably, the objectives are silent on the structural and labour-market drivers that make women's exposure to psychosocial risk and precariousness worse. The consultation document does not address the impact of demographic decline on the labour market and, in particular, on women workers, who are disproportionately affected

[6] Commission's 2025 Roadmap for Women's Rights acknowledges that women are 'particularly targeted by new forms of violence specific to the digital sphere' [European Institute for Gender Equality. Reference: 7 COM(2025) 97 final, p.3]

by informal caring responsibilities and are often pushed into undervalued, precarious or part-time work as a result. Nor does it address the continued reluctance and obstruction by employers' associations over pay transparency and equal pay for equal work or work of equal value, even though unequal pay and unequal recognition of women's work are root causes of the psychosocial and economic pressures and violence that women workers face. An EU strategy for "quality jobs" cannot credibly claim to serve gender equality objectives while remaining silent on the need for concrete ambitious concrete actions to effectively fight GBVH, on the undervaluation of sectors where women are over-represented, such as domestic work and care work.

Equally important, the objectives should explicitly address the risk that women workers are disproportionately affected by job displacement linked to AI and automation (AI/AM), and by the risk of being channelled into the most precarious, algorithmically managed segments of the labour market.

Retaining women in quality, secure employment, rather than pushing them towards precariousness, should be an explicit, stand-alone objective of the Quality Jobs Act, not an implicit by-product of general OSH provisions.

In the continuation of the European Gender Equality Strategy 2026-20307, gender equality needs to be mainstreamed more extensively across all sections of the upcoming Quality Jobs Act, from AI to the green transition. The step towards a more inclusive OSH is in the right direction but it remains insufficient to address the need to remediate and mitigate the structural barriers to quality jobs for women, from the predominance of women in unvoluntary part-time jobs to gender based violence.

In sum, the ETUC's view is that the objectives set out in Section 3, while rightly identifying psychosocial risk and inclusive OSH as relevant themes, are too narrow, too declaratory and too disconnected from the structural drivers of gender inequality at work to deliver real progress. The Commission should broaden the objectives to comprehensively address all forms of GBVH, explicitly mainstream gender across all scope extensions (including telework and digital workspaces) and include domestic and migrant women workers.

2.3. Protection of workers' rights in subcontracting chains and labour intermediation

The ETUC notes that while the second-stage consultation document echoes the trade union diagnosis of subcontracting and labour intermediation, the Commission fails to identify adequate and legally binding measures to effectively address the challenges experienced by workers. Abusive subcontracting and labour intermediation has a negative impact on job quality, to which the Quality Job Act must respond.

Whereas the Commission recognises clear risks of fraud, abuse, accidents and non-compliance with labour, health and safety rules, its main emphasis remains on subcontracting and intermediation as a legitimate business practice. According to the Commission, these practices may be used to bring in specialised expertise, adapt

[7] Communication on the Gender Equality Strategy 2026-2030, {SWD(2026) 82 final}, 05.03.2026

quickly, focus on core competencies and remain competitive. This is far from a reality where unregulated intermediation together with long, opaque and complex subcontracting chains (vertically as well as horizontally) is used to cut labour costs, subcontract core business activities, avoid direct employment and employer responsibilities, instead engaging in artificial arrangements and circumvention of applicable rules and collective agreements.

These negative social impacts are further exacerbated by challenges experienced by enforcers. As recognised by the Commission, the lack of transparency, accountability and blurred employer responsibilities add complexity to oversight and enforcement. Inspections become time-consuming, reactive rather than preventive, with sanctions being difficult to impose, even more so in cross-border situations and cases involving artificial arrangements. Workers struggle to access redress, with mobile and migrant workers facing particular challenges, including when it comes to fair recruitment, risk of dependency and decent housing. Also trade unions and workers' representatives struggle to effectively exercise their rights and prerogatives.

Evidence leaves no basis for treating subcontracting as an efficient market practice with manageable side effects. It negatively impacts the labour market and the entire economy. Abusive subcontracting and intermediation cannot be equated to a legitimate business model, when it feeds unfair competition and precarious working conditions, lacking equal treatment, access to training, information, and redress for workers. These forms of fraud and abuse are well documented and range from labour law infringements up to human trafficking and labour crime. Mobile and migrant workers indeed remain among the most vulnerable, but these practices have a negative impact also on local labour markets and workers, eroding job quality and attractiveness of a wide range of sectors.

While the negative impacts of abusive contracting, subcontracting and fraudulent labour intermediation are visible across the economy, the Commission recognises the particular challenges faced by workers in labour-intensive and fraud-sensitive sectors such as construction, agriculture, food and meat processing, logistics and transport, hospitality, cleaning and care. Still, the Commission also points to flexibility and efficiency for companies in these

sectors, without any reflection on whether these gains stand in proportion to the harms caused. Clearly, these contracting practices do not simply serve to quickly access skilled labour beyond the companies' core activities, but have become part of their business model. Endless unconditional subcontracting and intermediation is no sustainable answer to labour shortages and competitivity. Fair competition requires a level playing-field based on decent working conditions, where direct employment remains the norm.

The Commission seems to partly be mixing up some of the issues and concepts at stake. Subcontracting and intermediation can indeed be lawful, but the conditions under which they take place must be regulated, and their abusive forms must be tackled. Moreover, subcontracting, as a multiparty performance of work forming an integral part of another company's activity, is separate and distinct from the purchasing of goods and services from independent suppliers in supply chains, including global ones. Likewise, labour intermediation is not limited only to temporary agency work. Even though the

Commission notes that there may be other forms of intermediaries without a formal employment relationship to the workers, this issue is not properly explored. The lack of regulation of these forms of intermediaries is not problematised. Instead, the analysis remains blurred by constant references to agency work, which is indeed already regulated in EU law.

The ETUC contests the deliberately narrow reading put forward by the Commission on the EU's legislative competences under the Treaties. Claiming that measures such as restrictions on subcontracting, requirements of direct employment, regulation of intermediation and registers for subcontractors and intermediaries fall outside the scope of the EU social policy chapter is not credible. By simultaneously referring to possibilities of introducing obligations to register subcontractors and certification requirements for labour intermediaries, the Commission is even contradicting itself. While internal market legislation such as the Posting Directives may indeed put conditions on the use of labour beyond employment relationships, this is equally possible under Article 153 TFEU, as evidenced e.g. by the European Works Council Directive, the Platform Worker Directive, the Temporary Agency Work Directive, and the EU social acquis on occupational safety and health. As demonstrated also in academic research, Article 153 TFEU is the appropriate legal base since the primary objective for such legislative action is to protect the rights and interests of workers, an area which is explicitly excluded from the remit of Article 114 TFEU. Citing subcontracting and intermediation as lawful practices between contractors under civil law does not mean they can be without limitations under labour law. Contractual and economic freedoms are in no way absolute, but can be conditional and restricted to the general interest. The rights and protections of workers as the weaker parties cannot be waived by contract. Article 16 of the EU Charter of Fundamental Rights simply recognises the freedom to conduct a business, whereas Article 31 explicitly protects the right of every worker to working conditions which respect his or her health, safety and dignity.

The Commission refers to the need to limit its actions to what is strictly necessary, while respecting freedom to provide services and freedom of establishment. However, it must be recalled that proportionality assessments are to be done with consideration the effective achievement of the policy objectives in question, in this case the protection of workers and the promotion of quality jobs. Regulating subcontracting and labour intermediation does not encroach on the core of any economic freedom, but the actions required remain proportionate in relation to the scale of existing abuse. As held by the EU Court in its landmark ruling AGET Iraklis (C-201/15, §73-77) and its longstanding case law:

"the overriding reasons in the public interest that are recognised by the Court include the protection of workers [...] The same is true of the encouragement of employment and recruitment which, being designed in particular to reduce unemployment, constitutes a legitimate aim of social policy [...] The Court has thus, in particular, already acknowledged that considerations connected with the maintenance of employment may, under certain circumstances and conditions, be acceptable justifications for national legislation that has the effect of impeding freedom of establishment. [...] as is apparent from Article 3(3) TEU, the European Union is not only to establish an internal market but is also to work for the sustainable development of Europe, which is based, in particular, on a highly competitive social market economy aiming at full employment and

social progress, and it is to promote, inter alia, social protection. [...] Since the European Union thus has not only an economic but also a social purpose, the rights under the provisions of the Treaty on the free movement of goods, persons, services and capital must be balanced against the objectives pursued by social policy, which include, as is clear from the first paragraph of Article 151 TFEU, the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion."

The ETUC recognises the three policy objectives identified by the Commission for subcontracting and labour intermediation under the Quality Jobs Act, namely to improve the protection of workers, to ensure the responsibility of employers, and to strengthen enforcement. However, ETUC does not see these aims translated into concrete action with a level of ambition sufficiently high to effectively respond to the scale of the today's problems in the labour market.

As correctly noted by the Commission, the aspect of worker protection in subcontracting chains has been discussed for more than a quarter of a century. It was first addressed in the field of occupational health and safety, as part of the OSH Framework Directive 89/391/EEC. According to the Commission, however, there is still a lack of awareness and proper application and enforcement of existing OSH obligations. The Commission goes on to explain that several other directives have reinforced the protection of workers in subcontracting chains, including the Posting Enforcement Directive, the Employers' Sanctions Directive, the Seasonal Workers Directive and the Platform Work Directive. However, these remain very limited in terms of personal scope (mobile, migrant, and platform workers), and do not introduce any comprehensive liability scheme, be it in terms of compensation claims, liabilities or levels of the chain.

Despite all these legislative instruments, the Commission recognises that subcontracting may result in workers performing similar tasks while being covered by different collective agreements than workers employed directly by a main contractor. Evidence shows this results in wage gaps, heavier workloads, unpaid overtime and higher physical strain of workers performing the same tasks as directly employed staff. Still, the Commission remains silent on the need to ensure equal treatment of all workers working side by side in a subcontracting chain. Non-discrimination is a general principle of EU law, as also enshrined in relevant pieces of secondary legislation. The Posting Directives and the Temporary Agency Work Directive already today provide for equal treatment of workers not only in relation to their employers but in relation to their user undertakings. Still, the Commission does not explore how to extend this same kind of protection of equal pay for equal work to all workers regardless of their legal status or position in the chain.

In summary, the existing EU legal framework rests on a piecemeal approach without any minimum standards protecting all workers in subcontracting chains, regardless of their employment, mobility or migration status. Whereas some Member States have introduced more stringent measures to protect workers, national measures remain fragmented and in many cases insufficient, resulting in a lack of a level playing-field. To

this should be added that labour intermediaries remain completely unregulated at EU level, with the exception of the Temporary Agency Work Directive.

In this currently fragmented legal landscape, abusive subcontracting and intermediation is allowed to persist. As stated by the Commission, available evidence points not only towards precarious working conditions but also shows that contracting and subcontracting is a constantly growing business practice across almost all sectors of the economy. This makes the need to regulate subcontracting and intermediation even more acute. As stated by the Commission, the current evidence suggests that, in the absence of EU action bringing systemic change, workers' challenges are likely to persist, with companies continuing to face low-cost competition and labour inspectorate unable to monitor these business practices effectively. The Commission clearly recognises the opportunity of enhancing competitiveness for compliant business by shifting competition toward innovation, quality, and efficiency rather than cost-reduction through precarious labour practices. This could be enshrined as a guiding principle in the Quality Jobs Act similarly to the revised Posting Directive, stating: "In a truly integrated and competitive internal market, undertakings compete on the basis of factors such as productivity, efficiency, and the education and skill level of the labour force, as well as the quality of their goods and services and the degree of innovation thereof."

Against this background, the ETUC calls on the Commission to propose binding legislation on subcontracting and labour intermediation as part of the Quality Jobs Act.

2.4 Just transition

Some of the objectives identified for achieving a just transition towards green and digital economies are welcomed, in particular anticipating and managing change through social dialogue and collective bargaining, protecting and creating quality jobs, reducing the negative effects of restructuring, and addressing upskilling and reskilling needs, alongside the Commission's establishment of the European Fair Transition Observatory to strengthen evidence and monitoring of transition impacts. However, there is a significant gap between these stated objectives and the approach developed in the rest of the text. The creation of quality jobs cannot be achieved solely by relying on existing instruments and encouraging good practice when experience shows these have not delivered consistently across the EU.

The objective of a just transition in response to both climate and digital impacts must be broader than mitigating the negative consequences of restructuring once it has become unavoidable. As stated in the ETUC response to the first-stage consultation, anticipation and management of change should mean early intervention to prevent avoidable job losses, retain qualified workers and productive capacity and enable companies to manage transformation internally through investment, job transformation and training. It should mean the development of long-term innovation strategies rather than merely reactive measures.

The absence of company-level transition plans is a remarkable omission. There is no meaningful engagement in either the second social partner consultation text (henceforth "the text") or the Staff Working Document ("SWD") on plant, company or enterprise-level transition plans, despite their central importance to effective anticipation of change. This

omission is particularly difficult to understand given that the SWD itself records the trade union call for companies to develop enterprise-level transition plans and that these are also central to the much-discussed Just Transition Directive legislative initiative adopted by the Parliament in 2026.

Company-level transition planning is precisely how anticipation of change can be made operational. Workers and their representatives need to be informed and consulted before decisions have effectively been taken, when choices can still be made. Transition plans should identify expected changes to employment and skills, anticipate training needs, transform existing jobs and consider alternatives to redundancies. It is noteworthy that under the current Commission Industrial Accelerator Act proposal, "corporate climate transition plans" are expressly included among the considerations that Member States must take into account. Their absence from the possible objectives and avenues presented by the Commission in the text and SWD, and the lack of assessment of their legal feasibility, therefore requires explanation.

The scale of employment risks is underestimated. The SWD emphasises that net restructuring job losses represented only 0.05% and 0.04% of total EU employment in 2024 and 2025, while also acknowledging that these losses are concentrated in particular industries, countries and regions, creating significant local economic and social strain. The situation has deteriorated since then due to the "second China shock" and further geopolitical and energy instability. The SWD's framing is too narrow when it states that restructuring linked to the green transition is "primarily due to companies integrating clean energy technologies". The problem is not the integration of clean technologies itself, but whether companies and regions can invest and adapt quickly enough in a changing international competitive environment, including in the face of shifting comparative advantages, infrastructure constraints and stronger global competition. In June 2026, the European Commission warned in the European Semester Spring Package that up to 1.3 million European jobs are at risk, with energy-intensive manufacturing and industrial sectors particularly exposed. EU action must therefore intervene before these risks become redundancies, closures and permanent losses of productive capacity.

Employment risks during the transition are not limited to net job losses. Even when the transition results in no net employment loss, or creates jobs overall, the jobs created are more often of lower quality. The OECD finds that workers displaced from high-emission industries experience average earnings losses of 36% over the following six years, compared with 29% for workers displaced from low-emission industries, with the longer-term difference reflecting transitions into less well-paid and less stable jobs. Demographic change and an ageing workforce further increase the urgency of retaining workers and developing the skills necessary for the transition.

The Commission text underestimates the urgent need for workforce training, and the need for additional legal measures to ensure effective access to training for all workers. Funding and soft-law initiatives are not sufficient. The Commission's July 2026 Communication on the aims of the EPSR found that only 39.5% of people participate in training, against the target of 60%, while the Council Recommendations on Human

Capital of March 2026 found that 77% of surveyed companies identify skills shortages as a primary barrier to investment.

It is also necessary to examine what training workers actually receive. Cedefop's 2026 analysis shows that employer expenditure on continuing vocational training courses fell from 1.7% of labour costs in 2015 to 1.5% in 2020, while training intensity fell to only six hours for every 1,000 hours worked. Eurostat also finds that, among companies that do provide training, the most frequently cited constraint on providing more was lack of time for staff to participate, reported by 36.8% of companies. A 2026 study by Eurofound finds that workers experiencing multiple dimensions of employment vulnerability have "limited access to training and development opportunities", alongside poorer job prospects and lower workplace participation.

The 2025 OECD evidence also raises serious questions about whether existing training is sufficient for transformations on the scale now envisaged. It finds that 42% of non-formal job-related training lasts no more than one day and a further 40% between one day and one week, with health and safety and compliance topics (such as GDPR) the most common training category. In other words, 82% of worker training lasts less than six days, and much of it is not directly aimed at equipping workers with new skills for the twin transitions. Such training has value, but it cannot by itself deliver the deeper reskilling required by AI, decarbonisation and structural economic change such as the end of the "job for life". Crucially, the OECD identifies lack of time and cost as the most significant barriers to adult learning and identifies paid training leave as a means of addressing the market failure that leads companies to underinvest in transferable skills. Article 13 of the Directive on transparent and predictable working conditions already requires training to be free of cost, count as working time and, where possible, take place during working hours where an employer is required by Union or national law or collective agreements to provide it. However, this protection only applies where such an obligation already exists, and therefore does not create a general entitlement to training for workers whose employers are not otherwise required to provide it.

BusinessEurope's response to the first-stage consultation sets out no opposition to the idea of, or substantive solutions to the challenges of reskilling, upskilling or workers' access to training. Its only reference to addressing skills needs is through the Just Transition Fund, which will end in 2027. This reinforces why access to paid, cost-free training during working time must be a central objective of EU action, as outlined in the 2026 Just Transition Directive INL.

The funding available for just transition referenced by the text and SWD does not nearly match the stated ambition. As highlighted in our first-stage response, by 2027, three of the four principal EU transition funds identified will disappear in their present form. Many measures cited by the Commission are too small-scale, temporary or only proposals. The pilot Skills Guarantee will, according to the Commission itself, help "almost 1,000" workers; the "revised EGF" is not included in the upcoming MFF proposal; the ESF will no longer be a standalone fund and faces reductions of around 45% in real terms under the proposed MFF. The disappearance of the Just Transition Fund in its current form is particularly concerning: it is a crucial source of support for retraining, economic diversification and job creation in the regions most affected by transformation, and is

currently the only EU fund making access to its dedicated support conditional on the preparation of Territorial Just Transition Plans. The "proposed" European Competitiveness Fund is not yet operational and the possible 3% skills allocation guarantee was not in the Cyprus Presidency negotiation text, while the ETUC had requested 14% skills allocation to partially compensate for the loss of the ESF. This comes precisely when restructuring pressures are accelerating.

Furthermore, the absence of any reference to social conditionality is another notable omission. The ETUC reiterates its call for public funding for economic operators to be conditional upon respect for collective and individual workers' rights, quality jobs and any funding relating to decarbonisation or competitiveness should negotiate an employment and skills transition plan with workers' representatives.

Voluntary approaches may sometimes work. Workers covered by strong collective bargaining institutions may be able to translate recommendations into meaningful agreements; workers with weaker representation may not. A framework whose effectiveness depends upon workers already benefitting from strong institutions will therefore protect least effectively those who most need protection[8].

The failure of the voluntary European social partner Just Transition Agreement in the gas sector in 2024 – which would have constituted a legally binding, continent-wide agreement focused on decarbonisation for 220,000 workers – further demonstrates the limits of relying on voluntarism alone.

No single transition plan can fit every company, industry or region. Different sectors face different technologies, employment structures and adjustment pressures. But this speaks in favour of flexibility in implementation, not voluntarism in entitlement. Common European objectives and minimum rights can coexist with substantial freedom for social partners to negotiate solutions appropriate to individual sectors and companies. Many existing EU legal frameworks in the social field are designed to ensure such flexibility and adaptability to context and national practice.

The objectives should also recognise the central role of adequately staffed and funded public services in planning and delivering just transitions, including through employment support, training, social protection and essential infrastructure. EU action should also support quality jobs and resilient public services in regions facing labour shortages, depopulation and growing climate impacts, so that workers are not forced to leave their communities because decent work, services or climate resilience are lacking. This should also connect with the Commission's work on the Right to Stay.

Ultimately, the objective of just transitions must be more ambitious than mitigating the social consequences of restructuring. It must give workers security and agency in a period of profound economic transformation: protecting and transforming existing quality jobs wherever possible, creating new quality jobs, ensuring access to training and enabling workers and their trade unions via strengthened collective bargaining measures

[8] See e.g. Giorgos Galanis, 'A Just Transition Needs More Than Good Intentions', Queen Mary University of London, 6 August 2026 (A Just Transition Needs More Than Good Intentions).

to influence the decisions that determine their future. Properly managed, the green and digital transitions can provide major opportunities for workers, companies and regions. The purpose of EU action must thus be to ensure that workers can experience these transitions as an opportunity rather than as a permanent source of insecurity, and that they are agents of change rather than passive recipients. This is crucial for the legitimacy, political acceptability and ultimate success of the twin transitions.

2.5 Enforcement and the role of social partners

The ETUC shares the European Commission's assessment of the vital need for stronger enforcement, effective implementation of EU labour rights, and a reinforced role for social partners. However, to fully realise the ambitions of the Quality Jobs Act, the initiative's scope must be broadened to address the root causes and consequences of enforcement deficits and effectively safeguard the most vulnerable workers.

To this end, the ETUC proposes expanding and strengthening the draft's core objectives to explicitly recognise the right to a direct stable contract as a fundamental element of job quality, and to reinforce collective bargaining and collective rights, building on Member States' obligations under the Adequate Minimum Wages Directive and their commitments under the Council Recommendation on strengthening social dialogue.

Enforcement provisions should strengthen collective enforcement by trade unions and workers' representatives and ensure that infringements of information, consultation and other collective rights carry sanctions capable of changing employer behaviour in practice.

At the same time, EU legislation on collective enforcement should recognise that the role and legal powers of trade unions and labour inspectorates differ between national systems and should therefore establish effective minimum standards while allowing national systems to determine the appropriate division of responsibilities.

Beyond the new rights created through the Quality Jobs Act, ETUC calls on the Commission to identify areas where national implementation does not provide for effective, proportionate and dissuasive sanctions, and propose stronger requirements where necessary.

2.5.1. Labour inspectorates:

ETUC shares the view with the Commission on the crucial role labour inspectorates and other supervisory authorities bodies (can) play in enforcing those and more importantly that this requires that these authorities have the necessary and sufficient resources (human, digital, financial) at their disposal and can rely on risk-based inspection strategies, effective powers and cross-border cooperation[9]. However, more effective risk

[9] European Commission (2023), Report Expert Group Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the European Union, Chapter 2.3, pages 42-43 and Commission's July 2026 SWD review of the 2021 EPSR Action Plan, SWD(2026) 650 final, p.21 and ILO C81 and its recommendations on Labour Inspections)

assessments and better targeted inspections also require improved data collection, cross-reference and exchange, underpinned by comprehensive reporting requirements, digital enforcement tools and interoperability frameworks. In addition, the enforceability of OSH law depends substantially on clear and specific requirements, rather than on vague formulations or the mere mention of aspects of risk assessment.

2.5.2. Preventing Non-Standard forms of Employment and Misclassification of workers:

The document overlooks how non-standard forms of employment and resulting precarity stem directly from worker misclassification, disguised employment relationships, non-direct employment, weak enforcement, and gaps in regulatory frameworks. Stable contracts and effective access to labour and social rights are core determinants of Quality Jobs. To achieve its core objective of guaranteeing rights and quality employment, the Quality Jobs Act must tackle worker misclassification, limit successive fixed-term contracts, and establish conversion pathways into secure employment.

In this sense, it must also recognise and address the situation of the most vulnerable groups in the labour market, including young people. As echoed in the European Youth Goals defined at the highest level in the EU Youth Strategy 2019-2027[10] and shared within the EU Youth Dialogue, there is a clear call from young people across Europe to ensure quality jobs for all. It has recently been put again at the forefront of the European Youth Forum's advocacy in May 2026[11], in the continuation of the ongoing initiative to ensure quality traineeships within a dedicated directive. The aspiration of young workers to break the cycle of precariousness and to protect their future, through quality jobs, is unequivocal and should be addressed more extensively in the upcoming initiative of the European Commission on the EU Quality Jobs Act. While the European Commission's analytical and consultation documents accurately identify that structural shifts and precarious employment undermine job quality, these findings are not translated into concrete legislative objectives. This omission diverges from the June 2026 Council Decision on Member State Employment Policy Guidelines, which explicitly signalled that precarious employment contracts must be prevented[12].

Recent Eurofound data from 2026 on Constrained Flexibility shows that atypical work in Europe is predominantly forced upon workers, not chosen[13]. In 2024, the Involuntary Non-Standard Employment (INE) rate stood at 8.8% for the EU as a whole, meaning nearly 1 in 11 employees across the Union worked under non-standard conditions against their explicit preference. Even more strikingly, the proportion of involuntary temporary employment reached 51% in 2024 proving that more than half of

[10] Resolution of the Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field: The European Union Youth Strategy 2019-2027 (2018/C 456/01)
[11] Motion of the European Youth Forum, "Ending Precarity – Towards Quality Employment and Strong Protection for Young People in Europe" – 08.05.2026
[12] COUNCIL DECISION on guidelines for the employment policies of the Member States, June 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52026PC0510
[13] Eurofound (2026), Constrained flexibility: Involuntary non-standard employment in the European Union, Eurofound research paper, Publications Office of the European Union, Luxembourg.

all temporary workers in the EU hold fixed-term contracts simply because they could not find a permanent job. These numbers confirm that temporary and atypical work across Europe remains a constrained arrangement forced upon workers, rather than a preferred lifestyle choice.

Furthermore, empirical evidence from Eurofound's longitudinal research confirms that temporary work acts as a "dead-end trap" rather than a stepping stone[14]. Across the EU population, 63.4% of individuals who start in temporary employment remain trapped in that status in the following period, while only a small minority – 21.5% – manage to transition into permanent employment. Meanwhile, 10.7% drop into unemployment and 4.5% exit the labour force entirely. These figures demonstrate that market dynamics alone will not resolve this crisis. Without strong, binding legal constraints at the EU level – such as strict caps on successive fixed-term contracts and mandatory conversion mechanisms – market incentives will continue to lead employers to cycle workers through temporary, agency, and on-call arrangements rather than offering direct, stable, open-ended, full-time jobs.

Workers in non-standard forms of 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 vulnerable groups, such as younger workers, women, migrants, lower-skilled workers and other marginalised groups, reinforcing structural inequalities in the labour market.

This dimension is closely linked to the debate on demographic transitions, which the consultation addresses only in passing: as the workforce ages, the sustainability of social protection depends on the quality of jobs that finance it, an issue felt most acutely by women and other vulnerable groups. Ensuring quality jobs is therefore not only a matter of fairness today, but a precondition for sustainable social protection in the context of demographic change which is particularly acute in Member States and regions experiencing sustained population decline and large-scale outward labour migration of (young) workers due to lack of good working conditions.

In those regions, insecure contracts, low wages, involuntary part-time work, and limited opportunities for career development contribute to the outward migration of workers and aggravate existing labour shortages. Ensuring and investing in stable and secure employment, should therefore be recognised as integral elements of the Union's demographic, economic and social resilience. Improving job quality in these regions should therefore also be prioritised also in Quality Jobs Act for retaining workers, addressing labour shortages and supporting territorial cohesion.

The Commission's own analysis supports this reading. Its November 2025 draft Joint Employment Report acknowledged that non-standard forms of work are associated with

[14] Eurofound (2026), Examining temporary employment in EU member states: A longitudinal perspective. https://www.eurofound.europa.eu/en/publications/all/examining-temporary-employment-in-eu-member-states-a-longitudinal-perspective#catalogue

poor working conditions, lower earnings and limited access to social protection, training and representation.

Against this backdrop, the Quality Jobs Act rightly stresses that "quality jobs should be ensured for any type of contract, across sectors and subcontracting chains." However, it fails to identify the scale and nature of the problem linked to non-standard forms of employment, and it does not propose concrete measures to guarantee such quality, or to improve it where it is currently lacking. Without effective legislative proposals to address this, the Quality Jobs Act will fail to deliver for those who need it most – women, young workers, migrants and lower-skilled workers – who are most exposed to poor quality jobs and non-standard employment.

The objectives of any future EU initiative must be revised to tackle this reality head-on.

2.5.3. The role of social partners and collective bargaining:

The ETUC welcomes the fact that the European Commission correctly identifies enforcement and the involvement of social partners as critical components in ensuring quality jobs across the Union. Effective enforcement and the active participation of trade unions are essential to bridge the gap between statutory rights and workplace reality. Strong social dialogue and collective bargaining help improve working conditions, health and safety at work. In addition, the ETUC supports the view that collective agreements can ensure good working conditions and allow flexibility for the social partners.

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 striving 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 the EU must acknowledging the importance for the social partners of having room for negotiating and collective bargaining. Negative impact and misuse by employers or 'yellow' unions must be prevented.

The Quality Jobs Act must reinforce the role of trade unions and promote social dialogue and collective bargaining which must fully include public services and public administrations. Public-service workers and their trade unions must be able to negotiate effectively over the matters that determine job quality. Legal, administrative or economic restrictions that prevent meaningful collective bargaining in public services should be addressed.

Fair and adequate wages must be explicitly recognised as a core dimension of job quality. Collective bargaining is the key mechanism for securing fair and adequate wages, improving working conditions and preventing downward competition based on labour costs. The Quality Jobs Act should therefore contribute to upward convergence in wages and working conditions, while fully respecting the autonomy of national industrial

relations systems and the right of social partners to negotiate, conclude and enforce collective agreements.

The Commission's consultation risks underestimating structural gaps by relying excessively on administrative oversight while failing to establish binding EU-level legal guarantees that protect and empower trade unions as primary enforcement actors. The objective of EU action must not be limited to procedural coordination but rather it must ensure effective enforcement frameworks which respect national industrial and administrative systems.

EU action should address the need for full recognition, protection, and promotion of trade union rights, including freedom of association, the right to organise, and the right to collective bargaining and the right to collective action (including strike action). Weak enforcement of labour standards correlates directly with declining collective bargaining coverage and obstacles to trade union action. EU action must explicitly aim to dismantle barriers to union organising, eliminate anti-union discrimination, and safeguard trade union representatives and workers from retaliation or adverse treatment when asserting collective rights.

The Commission correctly recognises the changing nature of work, but action is needed to address the isolation of workers in digitalised, remote, or subcontracted environments. EU action must set a clear objective to guarantee unhindered physical and digital access for trade unions to all workers. Trade unions must have communication rights to inform, consult, and represent workers regardless of where or how work is organised, including direct access to internal enterprise communications, intranets, and digital bulletin boards.

The Commission acknowledges the crucial role of social dialogue and collective bargaining in implementing the social acquis in Member States, as well as the importance of capacity building of social partners to ensuring that the measures in the Quality Jobs Act are fully realised. In many countries there is a lack of concrete mechanisms to address the growing resource and structural gaps among social partners across Member States. Capacity building of social partners is a prerequisite for effective social dialogue, collective bargaining and enforcement, in particular in sectors with low coverage, complex subcontracting chains, or rapid deployment of AI and algorithmic management tools.

A horizontal collective bargaining safeguard should apply to all elements of the Quality Jobs Act. The initiative must not prevent Member States or social partners from maintaining or introducing more favourable provisions through legislation or collective agreements. It must not replace collective rights with individual consent mechanisms, particularly in areas characterised by an inherent imbalance of power, such as workplace surveillance, algorithmic management, telework and occupational health and safety.

Quality jobs also cannot be achieved solely through legislative standards. They also depend on workers and their representatives' ability to collectively defend and improve their working conditions through effective social dialogue and collective bargaining.

In this regard, the right to strike plays a fundamental role. It is an essential component of freedom of association and a key instrument enabling workers and their trade unions to

advance and defend their economic and social interests. International and European human rights (case) law have long recognised that the right to strike is intrinsically linked to workers' collective representation and to the effectiveness of collective bargaining.

The relationship between the right to strike and job quality is clear. Workers and their representatives are better able to secure fair wages, safer workplaces, improved work-life balance, greater employment security and fair treatment when they have access to effective collective action. The right to strike is therefore not only a fundamental right in itself; it is also an enabling right that contributes directly to the creation and preservation of quality jobs. Without effective protection of this right, collective bargaining risks becoming unbalanced, undermining workers' capacity to influence the conditions that determine the quality of their employment.

The Quality Jobs Act should therefore address this as an objective as well.

2.6 Simplification

EU law must protect the rights and interests of workers

In a Union founded on the rule of law, human rights and democracy, EU labour law exists to grant rights and protections to workers that they can effectively trust and enjoy. Workers across the Union must be able to know and exercise their individual and collective rights in practice. Any efforts to make EU law clearer, more effective and more accessible must deliver in the interest of workers and the general public, not for the sake of reducing costs and obligations for business. Quality legislation is needed to make sure every job is a quality job.

Simplification as currently practised is deregulation

The ETUC has serious and well-founded concerns that simplification, as currently operated by the Commission across its wider Better Regulation and omnibus agenda, is in fact a vehicle for deregulation. The track record of the omnibus packages tabled since early 2025 shows a consistent pattern. Proposals are framed as administrative streamlining in full respect of established policy goals, but in practice they serve to reduce and delay binding obligations, weaken enforcement, and lower the level of protection afforded to people and planet, all in the interest of businesses. New and arbitrary forms of consultation have been introduced, such as citizen panels, implementation dialogues and reality checks, raising questions about their representativity. The European Ombudsman has determined that the approach taken by the Commission constitutes serious maladministration, with procedural shortcomings including the bypassing of mandatory impact assessments, untransparent and unbalanced consultations, the misuse of urgency procedures, and the lack of external scrutiny. Furthermore, the EU Agency for Fundamental Rights has warned that the Commission's approach to competitiveness clearly risks weakening the rights of workers, consumers and the environment.

Against this background, the ETUC contests the premise that simplification is a neutral or inherently beneficial objective. Improving the quality of legislation should always be the starting point, ensuring it is clear, coherent, accessible and enforceable, underpinned by transparent and accountable procedures. This is what is needed to

guarantee social progress and enable workers to effectively enjoy and claim their rights and protections under EU law. Therefore, the ETUC does not support proposals in which the removal of obligations is a goal in itself, in particular bearing in mind that the Commission's horizontal burden reduction targets of a 25-35% have been set without any proper evidence base.

Measures that weaken substantive rights, reduce reporting and documentation obligations, shift risks onto workers, limit enforcement capacity, or lower existing standards simply amount to deregulation. It should also be noted that the outright resistance by employers to improving workers' rights and protections is itself often what contributes to regulatory complexity. As a result, inadequate and fragmented legal frameworks become part of the difficulties workers, trade unions and enforcers experience every day. Similarly, employers' arguments about a lack of data or the need for more risk-based enforcement are not credible when they are simultaneously resisting reporting requirements that could effectively make the necessary data available.

Labour protection is key to sustainable competitiveness

The ETUC does not agree with the Commission's framing of EU labour law primarily as a cost and a burden rather than as a foundation for quality jobs, productivity and social cohesion. The narrative, echoed in both the Draghi and Letta reports, that regulatory restraint is a precondition for European competitiveness, is one the ETUC rejects. Good working conditions, fair wages, safe workplaces and strong collective bargaining are not a drag on the economy. Together with strong public services and administration, they prevent unfair competition based on the erosion of labour standards, support productivity and retention, and underpin the level playing field that responsible employers need to compete fairly. Bad working conditions, poor wages and abusive employment practices are root causes of unfair competition, labour shortages and extractive business models.

Even when social measures may result in new legal obligations or administrative requirements, that cannot in itself be an argument for refraining from taking action. Their merit should be assessed in terms of their long-term beneficial social impacts with the same rigour as currently reserved for economic and competitiveness impacts. This also includes the potential social costs for workers and society as a result of inaction or weak enforcement, and not only short-term compliance costs claimed by business. Quality law-making must serve to improve people's living and working conditions, strengthen communities and public services, and protect health, well-being and nature. For this purpose, the ETUC has long called for a social progress test to be implemented in EU policy making, especially when it comes to impact assessments, to ensure all new Union legislation is socially responsible, promotes social dialogue and collective bargaining. Labour and social rights initiatives must not be made conditional on passing a competitiveness test. Social progress is a prerequisite under the Treaties

The social objectives of the EU are firmly grounded in the Treaties. The Preamble affirms the commitment to constant improvement of living and working conditions, while Article 3 TEU sets out the EU social market economy as a driver for social progress. The horizontal social clause in Article 9 TFEU as well as the EU Charter of Fundamental Rights are binding on the EU across all its policies and activities. Article 151 TFEU further

emphasises the objectives of promoting employment and improving living and working conditions, so as to make possible their harmonisation while the improvement is being maintained. With a view to achieving these objectives, Article 153 TFEU provides that the Union shall support and complement the activities of Member States through directives setting minimum requirements, and explicitly confirms that this shall not prevent Member States and social partners from maintaining or introducing more favourable measures. To this end, it should be also recalled that the EU Court clearly recognises the protection of workers as part of the overriding reasons of public interest that justify social measures in the internal market.

EU social policy is fundamentally different from internal market policy, however. Member States have a constitutional right to maintain higher standards or go beyond EU minimum standards, and the EU recognises and promotes the right of social partners to bargain collectively. Any initiative in the social field must be fully compatible with these Treaty obligations and cannot be used to circumvent or downgrade them. Objectives that imply harmonisation around maximum standards, or that treat national provisions exceeding EU minimum requirements as gold-plating are incompatible with the Treaty-based principle that EU social directives set floors, not ceilings. Given the significant diversity of social systems across Member States, and the division of competences in the social field whereby employment and social policies remain primarily a national responsibility, directives are the appropriate and Treaty-consistent instrument for EU social policy. Regulations and maximum harmonisation would in effect freeze standards at their current level, blocking the upward social convergence that is the core objective of the European Pillar of Social Rights.

2.7 Right to Disconnect and Telework

Due to the consultation on the right to disconnect and telework finalised in October 2025 and given the urgent need for binding legislation to protect workers in these areas ETUC reiterates its call on the Commission to deliver binding legislation on telework and the right to disconnect without further delay.

The European Framework Agreement on Digitalisation concluded by the social partners in Central Government Administrations in October 2022 provides a concrete example of EU-level solutions on telework and the right to disconnect supported by both unions and employers.

The European Commission identifies the risks associated with an "always-on" work culture, such as work intensification, blurred boundaries between personal and professional life, and elevated psychosocial risks. In order to fully and effectively address these risks, binding European legislation is needed on telework and the right to disconnect as part of the Quality Jobs Act.

The EU legal framework must ensure that the right to disconnect that is respected for all workers, regardless of employment status or sector, and is not limited strictly to telework. Employers have no claim on a worker's time beyond agreed working hours. The right to disconnect already exists, but binding legislation is needed to clarify, enforce, and strengthen it, guaranteeing that workers can disconnect outside agreed contractual

working hours without facing negative consequences. The ETUC reiterates that the Working Time Directive must not be reopened.

Effective disconnection requires healthy work organisation that addresses excessive cognitive load and work intensification. Effectively enforcing the right to disconnect requires employers to tackle excessive workloads and staffing shortages, which otherwise compel workers to remain connected outside normal working hours or work through mandatory breaks.

Telework must remain a flexible arrangement and must not be used to create a separate category of worker or justify lower employment standards. EU action must ensure telework is strictly voluntary and reversible, guaranteeing workers the right to return to a workplace on the employer's premises. Teleworkers must receive equal treatment regarding pay, working conditions, career development, training, OSH standards, and trade union rights.

The objective of EU action must be to establish full employer responsibility for all costs associated with telework, providing, and maintaining equipment, internet connections, software, data protection tools, and energy costs associated with telework, as well as providing required training.

Telework must not lead to invasive surveillance. The objective must be to strictly ensure that surveillance and monitoring comply with GDPR, is proportionate, transparent, and involves workers and their representatives. Trade unions must be guaranteed digital access to workers and secure digital communication channels to maintain access to teleworking staff.

3. QUESTION 2: What are your views on the possible avenues for EU action set out in the consultation document (Sections 1 to 7)?

3.1 Artificial Intelligence and Algorithmic Management at work

The ETUC calls for binding legislation as part of the Quality Jobs Act to ensure workers and their trade unions are involved in the workplace governance of digital technology - particularly regarding the introduction and management of AI and algorithmic systems. This must include human-in-control principle, transparency of algorithms, an enforceable right to employer-funded AI literacy and skills training delivered during paid working time, the enforceability of information and consultation rights, as well as clear limits on surveillance and data collection that prohibit excessive or intrusive monitoring. Any training provisions should consider Members States competences and diversity of national systems on adult education and collective bargaining solutions.

The ETUC's position is unambiguous: the only appropriate avenue for EU action on AI and algorithmic management is binding legislation, based on Article 153 TFEU, if necessary combined with Article 16(2) TFEU for the data-protection-related elements. The consultation document leaves open a range of non-legislative avenues, including Commission guidance on applying the GDPR, the AI Act and information-consultation rules, EDPB-coordinated guidance, or a Council or Commission recommendation. The ETUC opposes this approach. Voluntary guidance produces a fragmented landscape

across Member States and sectors, undermines fair competition between employers, and does not provide the legal certainty that both workers and responsible employers need. This position is reinforced by the direction the Commission has taken with the digital omnibus on the AI Act and the data omnibus on the GDPR, where a stated simplification exercise has in practice become a deregulatory one. Against that background, relying on soft-law instruments in this file would compound rather than correct the erosion of existing protections.

Within this legislative avenue, the ETUC identifies several specific building blocks that EU action should pursue. The starting point should be the Platform Work Directive, in particular the safeguards on automated monitoring and automated decision-making in its Article 9, which should be treated as the floor to build on and extended to reach all workers, not only those in platform work. Building on this, the material scope of the information duty must explicitly cover all systems used in the workplace, including those that are not fully automated and those an employer might otherwise seek to shield behind a trade-secret claim; leaving either loophole open would let employers escape the duty through purely nominal human involvement or a confidentiality argument.

EU action should ensure that workers and their representatives can exercise their rights to collective information, consultation, and explanation prior to the introduction or material modification of algorithmic systems. These rights should be explicitly strengthened into genuine and enforceable collective information and consultation rights, guaranteeing the involvement of trade unions and workers representatives in the governance of digital technologies within companies, in particular concerning the introduction and management of AI and algorithmic systems. To this end, the ETUC calls for trade unions and workers' representatives to have a recognised role in the governance of digital technology at company level.

Prior to deployment and whenever substantial changes occur, employers must, regardless of company size, carry out an algorithmic impact assessment for changes in working conditions, including a fundamental rights and equal opportunities impact assessment. This process requires the full involvement of trade unions and workers' representatives before any system is implemented and should be repeated periodically after implementation. These assessments should go beyond discrimination and psychosocial risk to include indicators of job quality such as worker autonomy, task variety and skills management, as well as deskilling risk.

Furthermore, mandatory independent audits should complement these assessments wherever AI is used in recruitment or staff evaluation. These audits must include explicit non-discrimination checks and accessible, independent complaint mechanisms, together with a clear prohibition on fully automated decision-making in critical employment matters such as recruitment, promotion, dismissal and discipline. To facilitate compliance, the Commission and Member States should provide effective and accessible online templates and tools for algorithmic impact assessments, taking into account the practical needs of SMEs.

The introduction or material modification of an AI or algorithmic management system should be suspended where the employer has failed to satisfy information obligations, conduct the mandatory impact assessment, or meaningfully consult workers'

representatives. In such circumstances, workers' representatives should be entitled to request interim measures from the competent authority or court until the applicable information and consultation obligations have been fulfilled. Consultation must take place at a time when different options remain genuinely open and before any contractual commitment makes the deployment of the system effectively irreversible.

Finally, where a worker or trade union presents facts giving rise to a reasonable presumption that an automated monitoring or decision-making system has adversely affected a worker or group of workers, the burden of proof should shift to the employer.

A further key avenue concerns accountability across corporate structures. Binding rules are needed to clarify which corporate actor is responsible where the entity that controls the AI or AM technology, the contractual employer, and the entity that ultimately extracts economic value from the work performed do not coincide, as is increasingly the case in subcontracting chains and multi-actor digital ecosystems. Without this clarification, transparency requirements, information and consultation procedures and collective bargaining rights will not reach the corporate actors that actually shape working conditions through technology.

EU action should also establish an enforceable right to employer-funded AI literacy and skills training, delivered during paid working time. Any training provisions should consider Members States competences and diversity of national systems on adult education and collective bargaining solutions. The Commission's Union of Skills initiative does not meet this objective, since it does not create an enforceable training right for workers and is weighted more towards employers' needs than towards empowering the workforce; the Quality Jobs Act should correct this imbalance. In this regard, the European Parliament's Legislative Initiative procedure of December 2025 'Digitalisation, artificial intelligence and algorithmic management in the workplace: Shaping the future of work' called on the Commission to 'ensure that the expected Quality Jobs roadmap fully reflects the need for continuous upskilling, reskilling, and in-work training including on AI and algorithmic management through an individual right to training for all workers' ((2025/2080 (INL), p.6). Measures implementing this right should give particular attention to workers who face greater barriers to participation in training or a higher risk of labour-market exclusion, including older workers, workers with lower qualifications, workers with disabilities and workers in regions undergoing industrial restructuring. Training must provide genuine opportunities for career development, redeployment, reskilling and qualification enhancement and must not be limited to the skills immediately required by the employer.

Finally, the legislative avenue should set clear limits on surveillance and data collection, prohibiting excessive or intrusive monitoring and ensuring consistency with data-protection and AI rules, while emphasising the importance of redistributive mechanisms, ideally anchored in collective bargaining, so that the productivity and data-driven gains generated by AI translate into shorter working time without loss of pay, higher wages and stronger bargaining rights for workers. To make collective bargaining over productivity gains effective, employers should be required to provide workers' representatives with relevant and timely information on the expected and realised impact of AI and algorithmic systems on productivity, employment levels, workload, working time, skills, job

classifications and remuneration. This information must be sufficiently detailed to allow meaningful collective bargaining.

3.2. Occupational safety and health at work

ETUC calls for binding legislation on occupational safety and health as part of the Quality Jobs Act, including, but not limited to, the prevention of psychosocial risks and musculoskeletal disorders, as well as protections against exposure to heat and extreme weather events. The ETUC also reiterates its call for a binding and integrated instrument that comprehensively tackles gender-based violence and harassment.

All measures must comply with the hierarchy of prevention, prioritising the elimination of risks at source and collective measures over individual ones, with the full involvement of workers, trade unions and workers' health and safety representatives.

ETUC supports the overall direction of the envisaged EU action to modernise existing health and safety standards and provide new protections. However, ETUC insists on the need to safeguard key existing workers' rights. ETUC opposes merging the Workplace and DSE Directives, demands the full integration of both ACSH opinions, stressing that revisions must focus on clear, specific minimum requirements rather than vague references to risk assessments, and that employer obligations for off-premises work should be clearly defined as proportionate to their means of influence. ETUC also insists that gender-based violence be addressed in all its forms rather than limited to sexual harassment, calls for the explicit inclusion of domestic workers within the scope of EU OSH protection, and demands clear limits on surveillance and intrusive data collection to ensure alignment with data protection and AI rules.

Furthermore, while updating the minimum requirements of the Workplace Directive to tackle heat and climate hazards is essential, it is insufficient on its own. Modernising the Workplace Directive and introducing dedicated, binding legislation on heat and extreme weather – including also cold weather - events must be treated as complementary actions. Finally, all current sector exclusions must be brought in line with the ACSH positions to guarantee equal protection for off-premises workers, mobile workers, and workers with disabilities or chronic conditions.

Also, ETUC firmly opposes non-legislative measures as standalone solutions. While we support the targeted revision of the Workplace and Display Screen Equipment Directives in line with the two adopted consensual opinions of the Advisory Committee on Safety and Health, we reject any other legislative modifications, notably to the Framework Directive (89/391/EEC).

The European Union must lead the effort to strengthen and harmonise systems for reporting, registration, recognition, and compensation of occupational injuries and diseases. Reliable and comparable data collection on workplace violence, occupational injuries, and occupational diseases must be established at the EU level to ensure consistency across all Member States.

3.2.1 Psychosocial risks, ergonomic risks, and the revision of the Workplace and the Screen Display Directive

Building on the Framework Directive, the Quality Jobs Act should establish binding legislation to prevent and address psychosocial risks, requiring employers to evaluate and mitigate these factors in direct consultation with workers and their representatives. Furthermore, updating and introducing specific minimum requirements in the Workplace and Display Screen Equipment Directives must be prioritised over relying merely on general risk assessment obligations. Employers must establish tailored preventive controls, including at least workload management, work-life balance policies, and protection against workplace harassment, supported by regular training, awareness programs, and dedicated support services. To be effective, risk prevention must target work organization at its source by establishing binding duties on structural causes, rather than relying solely on retrospective risk assessment and mapping.

To ensure comprehensive protection, the legislation must integrate gender-sensitive measures and targeted safeguards for vulnerable groups to prevent violence and harassment, backed by strong anti-retaliation protections and accessible complaint and redress mechanisms. Third-party violence and harassment must also be addressed not only as a gender-equality issue, but as a major psychosocial risk across all sectors. Furthermore, enforcement must be guaranteed through properly equipped and adequately staffed labour inspectorates with sufficient numbers of skilled personnel, including expertise on emerging risks such as psychosocial hazards, artificial intelligence, and algorithmic management. Member States should also periodically assess whether sanctions remain effective and dissuasive, particularly in light of inflation since relevant legislation was adopted.

Additionally, the European List of Occupational Diseases (Recommendation EU 2022/2337) should be updated to formally include work-related mental health conditions and musculoskeletal disorders linked to psychosocial and ergonomic factors. Where a worker has been exposed to a recognised occupational risk and develops a corresponding condition, Member States should provide for appropriate presumptions of occupational causation, ensuring workers do not bear an impossible evidentiary burden when exposure data and risk assessments are controlled by the employer.

The Quality Jobs Act should strengthen the prevention, recognition, and reporting of occupational diseases, including occupational cancers, respiratory diseases, biological exposures, excessive noise and vibration.

Finally, the revisions of the Workplace and Display Screen Equipment Directives must deliver comprehensive and enforceable minimum requirements for the prevention of musculoskeletal disorders, going beyond technical updates or non-binding guidance. The Commission must assess any remaining protection gaps and bring forward further binding measures where needed, ensuring that addressing MSDs alongside psychosocial and heat-related risks does not dilute the distinct need for binding action in each individual area.

Regarding musculoskeletal disorders, there is an equally pressing need for targeted EU action. The ETUC supports addressing these risks through the framework established by

the two opinions on the revision of the Workplace Directive and the Display Screen Equipment Directive, both adopted by consensus within the Advisory Committee on Safety and Health. These opinions reflect a balanced, comprehensive tripartite approach grounded in evidence, expertise, and the shared commitment of governments, employers, and trade unions. The proposed revisions represent a major step forward by modernising ergonomic standards that have remained largely unchanged since the early 1990s and embedding them into reinforced risk assessment obligations.

In relation to the Workplace Directive, the scope should be extended to cover off-premises work and telework, including the respective obligations and rights for employers and workers, while ensuring that any related obligations are proportionate, respect workers' privacy and personal integrity, and take due account of the distinction between an employer-controlled workplace and a worker's home environment.

In line with the ACSH opinion, the current exemptions under Article 1(2) concerning agricultural or forestry land situated away from the undertaking's buildings, as well as means of transport, must be eliminated. For other currently exempted sectors - such as temporary or mobile work sites, extractive industries, and fishing vessels - the relevant sectoral directives must be updated to guarantee the same high level of protection as the revised Workplace Directive.

Furthermore, EU OSH legislation must remove the explicit exclusion of "domestic servants" and ensure that domestic workers benefit from OSH protection on an equal basis with other workers. There is also a need to provide for inclusive safeguards by reinforcing explicit employer obligations to address the specific needs of women and vulnerable workers, including persons with disabilities and chronic conditions. Finally, on upgraded minimum requirements, it must be explicitly established that DSE workstations can be located in on-premises, off-premises, and teleworking/homeworking environments.

Within the Workplace Directive, and as indicated in the relevant ACSH opinion, a new explicit section on workplace ergonomics should be introduced to mandate that dimensions, furniture, and equipment are strictly adapted to workers' anatomical and physiological characteristics, as well as the specific nature of their tasks. This includes strengthening obligations to identify and mitigate physical risks linked to posture and movement through enhanced risk assessments that explicitly extend to telework, off-premises sites, and private households where domestic work is carried out, with appropriate implementation and enforcement mechanisms adapted to the specific characteristics of domestic work.

Furthermore, in line with the ACSH opinion, the provisions on ergonomics should clearly distinguish between three distinct elements: environmental conditions – such as lighting, layout, temperature, humidity, and noise – must be updated to ensure overall physical well-being and safe working environments; requirements concerning posture, movement, and physical strain must be directly addressed; and inclusive workplace design must be embedded to accommodate workers with disabilities and chronic diseases.

The Display Screen Equipment Directive – and again following the provisions included in the ACSH opinion – must be modernised by updating definitions to cover modern devices like laptops and tablets while removing obsolete references such as typewriters, as well as introducing an updated, comprehensive definition to ensure all display-screen workers are explicitly covered. The revision should deliver comprehensive ergonomic improvements tailored to modern digital work environments. Upgraded minimum requirements for workstation and equipment design should include the mandatory provision of external monitors, keyboards, and mice when laptops or tablets are used, along with adaptable chairs, sit-stand desks, and screens tailored to individual workers. For telework, any deviations from the level of protection required for display-screen workplaces must be strictly limited to genuinely temporary or incidental work settings in order to preserve adequate ergonomic conditions.

Environmental factors such as heat, humidity, and noise should also be modernised, alongside new provisions governing ergonomic software design to prevent excessive cognitive load. Furthermore, the initiative must safeguard the professional independence of occupational physicians, prevention advisers, and internal and external prevention services, ensuring they can identify risks, report shortcomings, and recommend preventive measures without interference or retaliation. Their findings must be made available in an appropriate form to workers' representatives, while fully respecting medical confidentiality and personal data protection, supported by sufficient resources, expertise, and full access to all workplaces – including telework, subcontracted settings, and multi-employer environments. Finally, the ETUC stresses that the Commission must fully integrate and implement both ACSH opinions in their entirety, rather than cherry-picking selected elements.

To tackle extreme temperatures, weather events, and climate-related risks – including vector-borne diseases – the Quality Jobs Act must establish dedicated, binding legislation covering all sectors. Merely updating provisions on room temperature or outdoor workplaces within the Workplace Directive is strictly insufficient, as it would leave critical sectors such as construction unprotected. The ETUC recalls the joint demand of EPSU, EFFAT, and EFBWW for binding EU legislation, noting that many public-service and sectoral workers (including firefighters, waste collectors, green-space staff, home-care workers, ambulance drivers, and construction workers) face severe hazards working outdoors or inside vehicles in extreme temperatures.

Binding legislation must mandate clear employer obligations and precise protection thresholds, formally incorporating the definition of heat stress agreed upon in the ACSH Opinion of 27 November 2024 (by the Working Party on Climate Change and OSH) to recognize it as the dangerous accumulation of excess body heat that threatens worker health and productivity. Under this binding framework, risk assessment protocols must align with international standards like the Wet Bulb Globe Temperature (WBGT) index to evaluate conditions based on work intensity. In line with the ACSH Opinion of 10 December 2025 ('Heat at work'), employers must perform climate-related risk assessments and implement regularly updated prevention and adaptation plans in direct consultation with workers and their trade unions.

The legislation must set binding minimum and maximum temperature limits tailored to physical effort, indoor or outdoor settings, and protective gear usage, backed by explicit obligations to modify work-rest arrangements, provide access to shade, or halt work altogether when safety thresholds are breached. Furthermore, the legislation must explicitly guarantee the right of workers to withdraw their labour in the event of an immediate health and safety risk without any repercussion for their employment or income. Finally, it must close critical legislative gaps by mandating hydration arrangements appropriate to heat exposure and work intensity, as well as specific acclimatisation protocols for new or returning workers after an absence to ensure progressive adaptation tailored to the sector and task.

Heat exposure should not be addressed only in the context of extreme weather events such as heatwaves. Heatwave alerts and general public-health advice are useful but insufficient for occupational protection, as harmful workplace heat exposure occurs well beyond officially declared heatwaves. If the regulatory response is limited to extreme weather events, workers exposed to harmful heat under less exceptional but still hazardous conditions may remain without adequate protection. The scope of the legal requirements is therefore critical: protection should be based on actual occupational heat exposure and risk, rather than on whether a heatwave has officially been declared. In the interest of consistency and effectiveness, occupational heat ("high temperatures") needs to be tackled by a dedicated binding legislation, and scientific evidence does support this policy option.

Operational and preventive measures must include mandatory work-rest cycles, additional breaks, reduced working hours, shift adjustments, and guaranteed access to drinking water, shade, and cooled rest areas. Furthermore, the framework must provide targeted safeguards and medical monitoring for vulnerable populations-such as older, pregnant, or chronically ill workers, as well as those in precarious employment who face greater difficulty refusing unsafe conditions. The mechanism for recognising occupational diseases in the context of climate change – particularly exposure to heat – should be reviewed.

Such measures must also take into account work intensity and the use of protective equipment or clothing, giving priority to collective, organisational, and technical measures, while avoiding any form of exclusion or discrimination.

3.2.3 Gender Equality in Health and Safety

The ETUC reiterates the core requirements it set out at the first stage for a fit-for-purpose Quality Jobs Act: a binding, modern and integrated legislation that (i) comprehensively tackles GBVH, including binding measures to prevent and address all forms of online and offline gender based violence at work through an intersectional lens that takes into account the interaction between gender, age, health conditions, the tasks actually performed, contractual status, and cumulative occupational exposures; (ii) mainstreams GBVH as a psychosocial risk by mandating gender-responsive risk assessments and systemic prevention strategies for employers; and (iii) broadens workplace risk recognition to explicitly cover third-party violence, domestic violence spillover, cyberviolence and online harassment as actionable workplace risks. None of these three

requirements is adequately reflected in the avenues currently proposed. The ETUC's central concern with the avenues for EU action proposed in the Commission's 2nd stage consultation is that they rely overwhelmingly on non-binding guidance and on extending existing obligations, in particular under the Framework Directive 89/391/EEC, rather than on creating new binding obligations or a standalone instrument on gender-based violence and harassment. The Commission's preferred avenue appears to be to add minimum provisions to existing legislation rather than to legislate afresh. This is insufficient, as the approach taken is unlikely to capture the scale and complexity of gender-based violence and harassment in the world of work. As the ETUC already stated in its first stage reply, the existing EU legal framework combining OSH and equality legislation is reactive rather than preventive; simply layering additional provisions onto that framework will not resolve its structural weaknesses. That said, the ETUC notes one positive development at this second stage: the Commission appears open to combining minimum requirements to prevent psychosocial risks, including sexual harassment, with measures on workplace design intended to protect against third-party violence. This opens the door to explicitly linking sexual harassment and third-party violence as connected risks requiring a combined preventive approach, a link the ETUC has consistently called for. This opening should be built upon and strengthened, not left as an optional "combination… that could also be envisaged", but developed into a clear, mandatory avenue for action.

The ETUC supports action on inclusive and gender-responsive OSH throughout the lifecycle, that must include menstruation and menopause, pregnancy, reproductive needs such as fertility treatment, post-partum recovery or gender-affirming care, provided such action creates genuinely binding employer obligations rather than merely reiterating existing duties. Employers should be required to consider and address the specific occupational health needs of women, not simply "reminded" to do so through non-binding language.

The ETUC also calls for the role of workers' safety representatives to be strengthened as part of any avenue for EU action, through mandatory and meaningful involvement at every stage of the planning, implementation and management of OSH policies, including those specifically addressing gender-based violence and harassment and psychosocial risks.

Finally, the ETUC underlines that any avenue chosen must be accompanied by measures to secure quality, stable jobs for women, so as to keep them in the labour market, prevent precariousness, and address the systemic undervaluation of sectors where women predominate, such as domestic work, care, education to name but a few, alongside safeguards against displacement through AI and automation. Avenues confined to OSH risk-assessment mechanisms alone will not address these broader labour-market drivers of women's exposure to precarious and unsafe work.

3.3. Protection of workers' rights in subcontracting chains and labour intermediation

The ETUC calls on the Commission to propose binding legislation on subcontracting and labour intermediation as part of the Quality Jobs Act. As rightly stated by the Commission, challenges in subcontracting chains and labour intermediation may not be adequately addressed by Member States' individual actions alone. Value chains in the EU

internal market are often cross-border, and may also impact local labour markets. The ETUC agrees that minimum levels of protection for workers' rights would enhance job quality and fairer labour practices across the EU, while ensuring full respect of national competences and the diversity of national industrial relations systems, including the autonomy of the social partners and their right to negotiate, conclude and enforce collective bargaining agreements.

Comprehensive action must be taken at EU level to urgently tackle abuses of individual and collective labour rights in subcontracting chains and intermediation, promoting direct and stable employment as the norm, equipping enforcers with the mechanisms they need to effectively carry out monitoring and controls, improving workers' access to justice and holding companies to account. Such a comprehensive EU legal framework on subcontracting and intermediation should apply horizontally across all sectors, while also addressing sectoral specificities to ensure a robust protection against exploitation. Whereas subcontracting structures and the use of intermediaries may differ between sectors, the ETUC disagrees with the Commission's statement that the instrument should not apply to all sectors. This said, there is also a clear need for dedicated measures in fraud-sensitive industries, in addition to a general floor of protection across the entire labour market.

Only a legally binding instrument on subcontracting and labour intermediation can address the challenges documented by the Commission and deliver the protection, liability, transparency and enforcement that workers need. To establish clear and enforceable obligations ensuring that workers' rights and protections do not diminish at any point along the chain, the Quality Jobs Act must comprehensively introduce: (i) full joint and several liability across the entire subcontracting chain; (ii) limitations on contracting and subcontracting in fraud-sensitive sectors, including on the chain length and activities that may be subcontracted; (iii) mandatory requirements and quality standards for labour market intermediaries, including decent accommodation and elimination of worker-paid fees; (iv) equal treatment of workers, regardless of legal status or position in the chain; and (v) enhanced transparency and enforcement of rights and obligations.

In reaction to the five avenues (Options A–E) set out by the Commission in its consultation document, the ETUC makes the following observations.

As regards liability provisions (Option C), the ETUC calls for the introduction of joint and several liability across the full subcontracting chain. As recognised by the Commission, evidence shows that full chain liability has proved to be particularly efficient as a preventive, deterrent and protective measure, as it provides workers with additional options beyond the direct employer to enforce their rights, while also creating stronger incentives for companies to carefully monitor their business partners. The Commission keeps repeating that EU labour law applies to all workers and employers in subcontracting chains, but also acknowledges that where complex subcontracting arrangements or labour intermediaries are involved, it is difficult for workers and enforcers to identify the responsible employer. To effectively tackle these challenges, full chain liability and accountability also of user undertakings have proven important.

Whereas existing liability mechanisms in EU law remain fragmented with a limited personal and material scope covering only claims relating to unpaid minimum rates of pay and social contributions, such a full chain liability must comprehensively cover wages (including supplements, overtime, holiday pay and bonuses, allowances, compensation for travel, board and lodging), social contributions (including social security and paritarian funds), taxes, violation of OSH standards and other obligations under labour law and collective agreements. Workers must be able to hold not only their employers but also user undertakings, including the main contractor/client liable regardless of the type of commercial or legal contract governing the relationship, and without having to pursue claims chain link by chain link.

Due diligence obligations may be useful as a complementary mechanism next to joint and several liability, but should never result in a blanket exoneration allowing a company to escape from its chain liability. Moreover, ETUC completely rejects measures whereby the existence of a collective agreement would allow a company to be exempted from such liability. Statutory liability mechanisms aimed at protecting the rights and interests of workers may not be made dependent on the existence of a collective agreement. More importantly, liability mechanism should facilitate the enforcement of collectively bargained wages and not only minimum wages.

As part of liability provisions in subcontracting chains, equal treatment must be ensured for all workers performing the same activity in the same workplace, in particular when it comes 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 applicable collective agreements, health and safety requirements, professional qualifications, social security and relevant tax obligations. Respect for collective bargaining and collective agreements must be ensured throughout the chain. Circumvention through agreements by yellow unions or less favourable agreements must be prevented. When it comes specifically to the protection of workers' health and safety in subcontracting chains (Option D), the Commission places particular emphasis on the existence of sector-specific cooperation and coordination obligations under e.g. the Construction Site Directive 92/57/EEC. At the same time, the Commission acknowledges that both fatal (24%) and non-fatal (12%) accidents remain particularly high in the construction industry, with subcontractors on average reporting higher rates of accidents than general contractors.

The ETUC recognises that enhanced coordination on shared worksites can be an important complement to ensure better compliance with applicable health and safety standards. However, experiences from the construction sector clearly show that this model alone does not suffice. Therefore, the range of options explored by the Commission, from mere guidance to an expansion of safety coordinators to additional sectors, fall short of what is needed. Importantly, mechanisms whereby the user undertaking also shares responsibility for the health and safety of workers on their worksite should be considered, as is the case e.g. under Directive 91/383 on OSH for Temporary Workers. Against this background, the ETUC therefore recalls its demand for joint and several liability throughout the entire subcontracting chain to also cover health and safety obligations, as outlined above (Option C). Similarly, limitations on

subcontracting have proven particularly efficient to prevent workplace accidents, as described below (Option A).

When it comes to high-risk sectors (Option A), the ETUC reiterates its call for limitations on subcontracting in fraud-sensitive sectors. Subcontracting chains must be limited to one or, in the case of exceptionally justified cases a maximum of two sub-levels, 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, whereby financial and labour-only subcontracting should be prohibited. Long and opaque chains are the single greatest driver of the risks identified by the Commission. They blur accountability, make it nearly impossible to identify the liable employer, and create the conditions in which letterbox companies, fake postings and bogus self-employment can flourish, circumventing collective bargaining and undermining workers' rights.

Having established a causal link between longer chains associated with greater risks of fraud and abuse, the Commission cannot deny the need to restrict the use of subcontracting. Evidence shows that banning the contracting and subcontracting of core activities in the German meat processing industry has led to the direct employment of around 35,000 workers overall, improved OSH compliance and stronger worker representation. As also recognised by the Commission, data cited from the construction sector show subcontracting chains average 2.2 levels, with 75% of chains having only a single tier of subcontractors. Clearly a cap at one, exceptionally two, tiers would not disrupt the ordinary functioning of the sector. Such a cap would also not negatively affect SMEs but allow them a fairer share, since the commercial pressure tend to increase with the length of the chain. This makes it difficult for undertakings at the end of the chain to make ends meet. As explained by the Commission, purchasing below the cost of sustainable production leads to unfair trading practices.

Strict limitations on contracting and subcontracting is crucial to prevent exploitation, unequal treatment and unfair competition. This is particularly urgent in labour-intensive industries, since these sectors are more prone to abusive working conditions and exploitation, often disproportionally affecting low-paid, low-skilled workers with precarious contracts. As correctly identified by the Commission, these notably include key sectors such as construction, agriculture, food and meat processing, logistics and transport, hospitality, cleaning and care, but also fishing, seafaring, shipbuilding, textile and manufacturing present such risks.

These should all be recognised as fraud-sensitive sectors under the Quality Jobs Act, while also allowing Member States to add additional ones in consultation with social partners based on set out criteria. However, the ETUC does not find the suggested criteria of the Commission to be appropriate, in particular when it comes to the incidence of wage arrears and degree of coverage of collective agreements. Wage arrears may be difficult to measure, and the existence of a collective agreement does not rule out the existence of abuse, also bearing in mind the diversity of national industrial relation systems whereby a fraud-sensitive sector may well be covered by a universally applicable collective agreement. Instead, the ETUC considers that more appropriate criteria should build on e.g. the prevalence of subcontracting and labour intermediation, estimates on

undeclared work, accidents rates and incidence of labour law violations, the presence of vulnerable workforce including mobile and migrant workers, the economic relevance of the sector, as well as evidence of criminal infiltration. Labour crime must be understood as all infractions regarding employment, workplace safety, salary, benefits, taxes and duties, including also labour exploitation, forced labour and human trafficking, as well as other criminal activities that may be related to or indicative of such crimes, for instance benefit fraud, tax evasion and money laundering. When it comes to risk assessments and enforcement targets (Option B), the ETUC supports the introduction of binding targets for authorities on controls and inspections, in particular in fraud-sensitive sectors and in consultation with social partners. Such numerical targets should be enshrined in law, similarly to the Road Transport Enforcement Directive 2006/22/EC. Given their limited resources, labour inspectorates also need to be strengthened with additional funding to improve the investigation of cases, imposition of sanctions, and collection of unpaid wages and social contributions, while respecting the roles of trade unions at national level and strengthening their cooperation.

The ETUC reiterates its rejections of any logic put forward by the Commission framing the existence of a collective agreement as a reason for wavers of liability, fewer risk assessments or laxer enforcement. Bearing in mind the evidence described by the Commission on how subcontracting and labour intermediation complicates inspections, however, efforts for enhanced enforcement will only be efficient if combined with legally binding liability mechanisms (Option C), limitations on the use of subcontracting (Option A), and regulation of labour intermediation (Option E).

Other EU initiatives may also prove helpful to improve risk assessments and enforcement, such as the revision of the mandate of the European Labour Authority, as well as better data collection and exchange via the European Social Security Pass. A legislative initiative is also needed to establish a European framework supporting social partners in the development, digitalisation and interoperability of social ID cards. However, these remain complementary to the Quality Jobs Act, which must put forward a dedicated EU legal framework on subcontracting and labour intermediation.

To facilitate enforcement, the Quality Jobs Act should also introduce specific transparency requirements for subcontracting chains and labour intermediation. Main contractors should be obliged to 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. 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.

Finally, although the ETUC welcomes the increased focus on labour intermediaries in this second-stage consultation, it is regrettable that this need for EU action is merely treated as an 'other avenue' (Option E) without much elaboration. As recognised by the Commission, many of the risks concern mobile and migrant workers recruited by or through, often regarding non-compliance with labour law requirements, risks of exploitation, and complex enforcement. However, as the Commission rightly points out, problems with intermediaries do not exclusively occur in subcontracting chains. Also,

they do not only concern cross-border situations. In other words, labour intermediation necessitates dedicated regulation.

As previously explained, EU law currently only regulates temporary work agencies, whereas other forms of labour intermediation remain completely unregulated at EU level. As noted by the Commission, specific challenges emerge when the intermediary is not a party to the employment relationships, but merely a middleman between the worker and the formal employer. Evidence shows these challenges may relate to working conditions, absence of quality standards, abusive fees paid by workers, and worker dependency on the intermediary, leaving individuals in a vulnerable position, with situations ranging from unfair recruitment up to gangmaster practices.

Against this background, the ETUC is calling for dedicated regulation of labour intermediation as part of the Quality Jobs Act, ensuring that intermediaries are regulated, registered and certified in the EU, subject to clear quality standards and obligations, including applicable labour law and collective agreements. Intermediaries must demonstrate absence of convictions for labour or criminal offences, and not impose any fee on workers for recruitment, travel, training or accommodation. In the construction sector, labour intermediation should be completely prohibited.

Similarly, where provided by employers or intermediaries, decent accommodation must be guaranteed to workers. It 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.

To conclude, specifically as regards temporary work agencies, better enforcement of Directive 2008/104/EC is needed to ensure the genuineness of agency work. Pursuant to the EU Court's ruling in *Team Power Europe* (C-784/19, §54-62), temporary work agencies must be required to have substantial activities in the Member State of establishment beyond the mere recruitment of workers, i.e. also carrying out a significant part of its activities of assigning workers for user undertakings established and carrying out activities in the territory of that Member State. Similarly, national registration and certification requirements on temporary work agencies must not be circumvented by artificial arrangements involving bogus postings or labour-only subcontracting. To this end, agency postings should also be prohibited.

3.4 Just transition

The ETUC is calling for binding legislation on just transition as part of the Quality Jobs Act, that establishes a comprehensive framework to anticipate and manage change through social dialogue and collective bargaining that at its core guarantees a right to training that is cost-free for workers and during working hours, and obligates Member States to implement national and regional just transition plans with social partners. These frameworks should be underpinned by greater enforcement of existing systems, enhanced public services, rigorous socio-economic impact assessments and by strong social conditionalities.

The practical need for such an obligation is also reinforced by the Commission's own monitoring. As the ETUC noted in its response to the first-stage consultation, the 2023 EMCO and SPC review found that "only one country has put in place a dedicated strategic and institutional framework for a fair transition". The 2025 Full Progress Review, published by the Commission in July 2026, does not update that indicator directly, but provides little evidence that the underlying gap has been overcome: it finds that "almost half of the Member States (13) lack both a new national strategy and stakeholder initiatives since 2023", while noting that, amid rapidly changing labour-market developments, "frequently updated strategies may be needed". This reinforces the case for a binding obligation to establish and regularly update national just transition strategies with the meaningful involvement of social partners.

This is necessary based on the answer provided in 2.4 in relation to just transitions in this section and in the ETUC response to the first consultation. It is also in line with the Just Transition Directive own-initiative report adopted by the European Parliament in January 2026. This builds on the Parliament's earlier call, in its 2021 resolution on democracy at work, for "a new framework directive" to "establish minimum standards on issues such as anticipating change, including with regard to measures concerning climate change, digital transformation and restructuring, in particular at company level". What is proposed currently in the second stage consultation text is remarkably different from what is needed. In particular, the text does not seem to envisage any legally binding provisions.

The Commission argues in the second stage consultation text and the Staff Working Document (SWD) that the existing Directives on information and consultation, collective redundancies and transfer of undertakings are "fit for purpose" in the context of the green and digital transitions. However, the SWD does not provide a sufficient basis for this conclusion. The analysis focuses narrowly on three Directives and moves quickly to selective examples of national transposition, without adequately examining whether the design and scope of the Directives themselves leave significant gaps. ETUC therefore does not accept the premise that these three information and consultation Directives are suitable for the transitions and that the shortcomings identified are simply problems of awareness or enforcement. While the Commission's 2026 Full Progress Review of the implementation of the 2022 Council Recommendation on ensuring a fair transition towards climate neutrality does not assess those three Directives, its findings on worker involvement sit uneasily with the QJA SWD's conclusion that the existing information and consultation framework is "fit for purpose". The Full Progress Review itself stresses that the extent of worker involvement "crucially depends on the legal and institutional framework for social dialogue and collective bargaining".

The Commission texts do acknowledge that workers are often not, in fact, involved in cases of restructuring. As already stated in response to the first consultation, most of these instruments were adopted over two decades ago, when the large-scale challenges and long-term strategic planning that the twin transitions entail were not anticipated. As the SWD notes, the European Works Council Directive was revised in 2025. However, it applies only to transnational matters in large multinational companies and is therefore not a substitute for obligations to anticipate and manage change that are needed across all affected companies. Moreover, EWCs and other forms of transnational information

and consultation represent only around 16.6 million or roughly 8% EU employees, leaving the vast majority of European workers outside their scope.

The limitations of existing instruments were already highlighted in the context of the Eurozone crisis by a European Parliament report ('Cercas report') in 2013. The Commission then opted for a non-binding Quality framework for anticipation of change and restructuring, which it now admits[15] is not sufficiently known and applied by stakeholders. The Framework has been in place for 13 years, with a review in 2018 that already stressed the lack of implementation and the need for more awareness. Further guidance and awareness-raising of the Framework or additional non-binding instruments are unlikely to achieve the needed results for the scale outlined in relation to the answer given to the first question in regard to just transitions. Experience shows that Member States are slow to implement such instruments – the Council Recommendation on fair transition being a good example – and that implementation vastly diverges across Member States. The Commission's own 2026 review confirms this: "only a minority of Member States" have taken steps to strengthen worker involvement in the anticipation and management of change, while "only a few new measures" aim to ensure workers' representatives are involved in designing, implementing and monitoring transition policies. It further finds that, for more than half of the measures concerning worker involvement, change management and restructuring, "no monitoring and evaluation mechanisms were in place, nor planned". The need to protect and involve workers across the whole EU – particularly in more vulnerable Member States and regions – is urgent, and action needs to be immediate and legally binding. New legislation would not displace or weaken existing protections; rather, it would strengthen and supplement the existing acquis. Such legislation can be carefully drafted in a way that avoids uncertainty and conflict with existing rules on information and consultation.

The SWD (p. 122, fn. 273) cites a 2025 "screening" of the implementation of the above-mentioned instruments conducted by the European Labour Law Network in support of its arguments that the existing legislation is 'fit for purpose'. It is described by the SWD as a screening of implementation; the SWD does not demonstrate that it assessed whether the design and scope of these Directives are adequate to respond to the challenges posed by the green and digital transitions.

The SWD (pp. 123-124) states that this mapping found that in a minority of Member States, the transposition of information and consultation requirements goes above the minimum required by EU directives and, in some cases, reflects areas linked to green and digital transitions. However, these are eight isolated examples and very few refer to countries in Central and Eastern Europe – the regions most affected by the green transition and, in particular, where worker participation structures are least developed. The SWD synthesis explicitly identifies countries where consultation continues to have a largely formal character (Bulgaria, Cyprus, Lithuania and Romania) and countries with an awareness deficit concerning information and consultation rights (Bulgaria, Cyprus,

[15] On page 25 of the text and in the SWD it states: "A stocktaking report published in 2018 stressed the need for improving **awareness** of the Quality Framework across **all** categories of stakeholders at national level, which will contribute to further promote of application of good practices, including target support to SMEs in the area of anticipation of restructuring". (*emphasis added*). This was done eight years ago, before the green and AI transitions were central to the changing world of work.

Malta, Slovenia and Slovakia). An EU legal framework is needed to establish a level-playing field and minimum floor of rights across all Member States. The 2025 mapping therefore appears to confirm several of the problems already identified in the 2013 Fitness Check of the same legislation. That earlier evaluation found that many workplaces covered by the directives did not have information and consultation bodies, consultation could be formal or limited during restructuring, enforcement was deficient, and awareness of rights was insufficient. It is also worth noting that the Commission says its results were "presented and discussed with stakeholders" at a March 2026 annual conference. It does not say that stakeholders endorsed the conclusions or that the conference validated a finding that the legislation was fit for purpose.

The Commission excludes legislative action on a right to training, arguing that it falls within the scope of Article 166 TFEU, which excludes harmonisation of the laws and regulations of Member States. It is, however, debatable whether a right to training does fall within the scope of that Article. Article 166 concerns Union action with respect to vocational training policy, making clear that such action fully respects 'the responsibility of the Member States for the content and organisation of vocational training.' The proposed right to training does not concern harmonisation of vocational training policy, nor the content and organisation of vocational training across Member States. Rather, it seeks to ensure that every worker is able to receive training, without prescribing the form and content of this training.

In any event, a right to training for workers also clearly falls within the Union's competence to act under Article 153(1)(b) TFEU ('working conditions'). Possibilities for skills development and adequate training – including to improve career prospects – are among the key indicators of job quality[16], and an essential aspect of working conditions. The CJEU interprets 'working conditions' in a broad manner. Most recently, it confirmed again that 'working conditions' include aspects of pay – even though Article 153(5) excludes 'pay' from the EU's legislative competence (Case C-19/23 Denmark v Parliament and Council). Harmonising measures on a right to training are therefore possible on the basis of Article 153(1)(b), whether or not such a right also falls within the scope of Article 166.

This point is supported by the opinion adopted by the Committee on Legal Affairs in relation to the European Parliament's legislative initiative on a Just Transition Directive. It states clearly that: *"with regard to Article 153(1)(b) TFEU, which allows for Union action (pursuant to Article 153(2)(b) TFEU) on matters related to "working conditions", it should be reminded that this field has a particularly wide scope, as it can cover any measure broadly falling under this umbrella term of "working conditions". Point (c) of Recommendation No 3 refers to the establishment of an individual right to training for workers during working hours, which, broadly, corresponds to the improvement of working conditions"*.

[16] See e.g. Eurofound Job Quality Index and its Working Conditions Survey (https://www.eurofound.europa.eu/en/topics/job-quality); OECD Job Quality Framework (https://www.oecd.org/en/publications/measuring-and-assessing-job-quality_5jrp02kjw1mr-en.html); European Job Quality Index (see A Piasna, 'Job quality in turbulent times: An update of the European Job Quality Index', Working Paper No 2023.05, ETUI - https://www.etui.org/publications/job-quality-turbulent-times).

Anyway, a right to training is only one aspect of a possible legislative framework on the anticipation and management of change linked to green and digital transitions and/or a broader framework on quality jobs. According to settled CJEU case-law, the correct legal basis for a legislative measure is established by reference to its 'main or predominant purpose' and not by reference to every single measure contained in it (known as the 'centre of gravity test'). The main purpose of a just transition legislative framework, or a single quality jobs act, can clearly be linked to improving working conditions, health and safety at work, and worker participation – not the regulation of vocational training. That a legal basis exists for such a just transition framework was confirmed by the European Parliament and its legal service. As stated above, 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.[17] A right to training is here ancillary to the main purpose of the proposed legislation, and a separate legal basis is not required.

There are, furthermore, many pieces of EU legislation that establish employer obligations to provide training – including in the field of occupational health and safety and environmental protection[18]. While these are not general rights to training, they demonstrate that legally binding provisions on training are possible when they are ancillary to the overall purpose of the legislation. The requirement in the Transparent and Predictable Working Conditions Directive to ensure that training is provided during working hours, counts as working time and is free of cost also shows that training is considered as an aspect of working conditions, or in any event ancillary to it.

The SWD also argues (p. 131) that measures requiring the setup of just transition strategies at national, regional or sectoral level would not constitute measures regulating working conditions under Article 153(1)(b) TFEU. However, this depends on the purpose and content of these strategies. For example, a major challenge at national and regional level has been the lack of attractive, quality job alternatives to which workers in carbon-intensive industries can and are willing to transition[19]. A just transition strategy could seek to address this issue through various measures to improve working conditions within emerging industries; it could also address issues related to skills and training that, as argued above, constitute aspects of working conditions. Furthermore, measures relating to just transition strategies can be based on Article 153(1)(b) together with Article 175 TFEU, which provides for measures to be adopted by the European Parliament and the

[17] It should also be noted that The European Added Value Assessment of the Just Transition Directive of the adopted EMPL text also found that "Article 153 of the Treaty on the Functioning of the European Union could serve as the legal basis for EU action addressing working conditions, protection of workers, information and consultation of workers." That a valid legal basis exists for a Just Transition Directive is also confirmed by two reports by legal experts: see L Carré and P Tomassetti, 'Towards a Directive on Just Transition within the European Union? A Draft Proposal Exercise,' European University Institute Working Paper LAW 2025/10 <https://cadmus.eui.eu/server/api/core/bitstreams/c522ca54-8a62-4220-b51a-d42f7d6c7a32/content> and also S Picard, 'Proposal for a European Just Transitions Directive: Improving working conditions for just transitions through the anticipation and management of change', June 2025, Friedrich-Ebert-Stiftung <https://library.fes.de/pdf-files/bueros/bruessel/22125.pdf>.

[18] E.g. Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work; Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances; Directive 2008/98/EC on waste; Directive 2006/21/EC on the management of waste from extractive industries; Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme.

[19] The Commission and Council's November 2025 Proposal for a Joint Employment report 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.

Council acting in accordance with the ordinary legislative procedure to promote social, economic and territorial cohesion.

There is a substantial and increasingly consistent institutional basis for binding EU action. When the Commission established the 2013 EU Quality Framework for Anticipation of Change and Restructuring, it expressly left open further action "including a legislative proposal"; more broadly, the Commission has itself recognised the limitations of soft law in the employment field, with its 2021 impact assessment for the Pay Transparency Directive concluding that fragmented implementation "raises doubts on the effectiveness of non-binding measures" and that another recommendation would leave implementation uneven without ensuring a minimum level of worker protection. In the field of just transition itself, the 2022 Council Recommendation on ensuring a fair transition towards climate neutrality already called for the "full and meaningful involvement, including information and consultation, of workers at all levels", yet subsequent implementation has remained uneven. Parliament therefore called in its 2023 resolution on Job creation – the just transition and impact investments for "a new framework directive on the anticipation and management of the transition". The Commission's own experience with information and consultation points in the same direction: its 2024 impact assessment for the revision of the European Works Councils Directive recorded that, after financial support, guidance and dialogue had been tried, "these actions did not resolve the above-mentioned challenges", following which binding amendments were brought forward and subsequently adopted. The 2024 EESC opinion *Towards a just transition legislative proposal and EU policy tools that enable a more social European Green Deal* concludes that the existing "non-binding recommendation does not offer the comprehensive policy platform that the EU needs". The evidence since then reinforces that assessment: the 2025 EMCO and SPC review of implementation of the Council Recommendation (ST 14891/25) finds that "further efforts are required to reinforce participation mechanisms", worker involvement in SME greening strategies "remains limited in most countries" and concludes that "ultimately, a fundamental paradigm shift remains needed and is not yet universally visible", while the Commission's 2025 Full Progress Review on implementation of the Recommendation, published in 2026 similarly concludes that "progress is uneven" and records that only seven Member States reported new measures since the 2023 review to strengthen workers' involvement in the anticipation and management of change (p. 32). The 2025 European Parliamentary Research Service European Added Value Assessment on a Just Transition Directive accordingly concludes that the just transition requires "a comprehensive approach combining investment and legislative measures". This institutional trajectory culminated in Parliament's adopted January 2026 resolution on a Just Transition Directive in the world of work, which states that "a legislative framework ... is essential to ensure adequate minimum standards" and whose annex expressly calls for a European Directive based, inter alia, on "mandatory and timely information and consultation" and an individual right to training during working hours. Finally, the Commission's own 2026 QJA Staff Working Document, SWD(2026) 239 accepts elsewhere that the underlying principle of instrument choice: measures establishing "new legal rights and obligations" "would need to be pursued by means of binding instruments", and a Directive can provide legal certainty while leaving Member States discretion over the form and methods of

implementation. The cumulative evidence therefore points not to another cycle of recommendations, guidance and awareness-raising, but to the need for binding EU minimum rights.

For these reasons, the ETUC reiterates its call for the Commission to bring forward legally binding legislation on just transition as part of the Quality Jobs Act. This can be done while fully respecting the autonomy of social partners and different national practices. After more than a decade of voluntary frameworks, recommendations, guidance and awareness-raising, the evidence is clear: voluntary measures have not delivered the consistent rights, anticipation or worker involvement that the scale of the green and digital transitions requires. Repeating this approach, despite the shortcomings identified by the Commission itself, would again fall far short of what workers have a right to expect from the European Union. Across Europe, workers and their families are already living with profound uncertainty about whether their jobs will exist, what jobs will replace them and whether they will have the rights, training and support needed to navigate these transitions. Against that reality, offering further non-binding guidance is simply not an adequate response. The Quality Jobs Act must mark a change of approach: it must translate the commitment to just transitions into enforceable rights and obligations, through ambitious and legally binding EU legislation.

3.5 Enforcement and the role of social partners

The ETUC is calling for binding EU legislation that establishes obligations and targets for labour inspectorates, rules on proportionate, effective and dissuasive sanctions, guarantees a legal right to permanent contracts and full-time work, bans precarious zero-hours contracts, and secures trade union and collective rights to ensure robust enforcement.

These binding standards must be accompanied by adequate and sustainable national funding, recruitment and specialised training of labour inspectors. Labour inspectorates should have the capacity to investigate undeclared work, bogus self-employment, complex subcontracting arrangements, algorithmic management, cross-border employment and the recruitment of third-country nationals. Targeted EU financial and technical support should be available to member states facing significant capacity constraints, without replacing the responsibility of national authorities to provide adequate staffing and resources. Risk-based inspection methods must complement, and not replace, a sufficient overall level of workplace inspections. The criteria, data and algorithmic systems used to identify high-risk workplaces must be transparent, subject to human oversight and developed in consultation with representative social partners.

3.5.1. Labor inspectorates: ETUC supports establishing specific obligations and targets for labour inspections. The European Commission, together with the EU-level social partners, the social partners in Central Government Administrations and the Senior Labour Inspectors Committee, should undertake a comprehensive investigation into the staffing, funding and inspection capacity of national labour inspectorates. This should establish whether Member States have at least one inspector per 10,000 workers and meet the proposed target of inspecting at least 8% of employers in each sector annually.

It should identify gaps and lead to concrete measures in Member States that do not meet these levels. Cuts and staff shortages in public administrations must be recognised as directly weakening enforcement capacity.

While fully respecting the roles of social partners and the enforcement prerogatives of trade unions at national level, Inspectorates must be granted full powers in accordance with ILO Convention 81, including unannounced workplace access, worker/employer interviews, and full documentation access. These powers shall apply to both national and cross-border contexts, further reinforcing the role of the European Labour Authority.

Furthermore, we agree with Commissions assessment and believe Member States shall invest necessary resources in digital tools and using digital data to detect and combat labour abuses.

Member States must ensure cross-authority coordination (labour, tax, social security, market surveillance, CAP, data protection authorities and equality bodies, etc.), interconnected registries and better data exchange between inspectorates, and other control bodies, including with the support of the European Labour Authority.

Together with the crossing of digital data, the use of risk indicators and labour requirement indicators would support authorities in better identifying potential workers' rights violations and where to concentrate controls efforts.

Where applicable, Labour inspectorates should also be trained to detecting abuse of workers' rights, especially detecting misclassification, abuses in non-standards forms of employment, bogus self-employment and bogus traineeships.

Sanctions: The QJA should set out the rules on proportionate, effective and dissuasive sanctions. Those should not be limited only to "any new rights established under the Quality Jobs Act", but should apply a guidance for all labour legislation.

Member States should also review whether the sanctions remain effective and dissuasive with respect to the level of penalties—particularly in light of inflation since the introduction of the framework directive.

3.5.2. Preventing Non-Standard forms of Employment and Misclassification of workers

If the upcoming Quality Jobs Act is to fulfil its mandate and align with the June 2026 Council Decision explicitly calling for the prevention of precarious employment contracts, the avenues for EU action must deliver the following measures:

Targeted EU action is needed to address the abusive use of non-standard forms of employment, which can undermine job security, wage stability, access to training, and social protection. This can be done by introducing a legal presumption of an employment relationship in situations where the facts indicate misuse of fixed-term, temporary, involuntary part-time, on-call or bogus self-employment arrangements, with the burden shifting to the employer to demonstrate that the arrangement is objectively justified.

Ban on zero-hours contracts and other exploitative arrangements: Banning zero-hours and unpredictable on-call contracts across the Union, replacing them with mandatory baseline paid hours and predictable scheduling. Currently zero-hour contracts are not prevented by the Transparent and predictable working conditions directive, making a legal loophole that allows abuses and exploitation. 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. The ETUC views the avenues for EU action outlined in the consultation document as fundamentally incomplete because they fail to address the primary driver of low job quality in Europe: the structural crisis of contractual precarity.

To build a genuinely competitive European economy, the avenues for EU action must be realigned with the core economic reality outlined in Mario Draghi's report on the future of European competitiveness. The Draghi report explicitly demonstrates that sustainable, long-term competitiveness cannot be built on a race to the bottom. High productivity, innovation, and technological leadership go hand-in-hand with job quality, employment security, and investment in human capital.

Furthermore, as the Commission's own analytical document notes, binding EU measures that eliminate precarious arrangements enhance competitiveness for compliant, high-standard businesses by shifting market competition toward innovation, efficiency, and quality—rather than social dumping and cost-cutting through unstable contracts.

3.5.3. Role of social partners and collective rights

The Quality Jobs Act must establish an explicit legal obligation requiring employers to grant trade unions physical and digital access to workers. Employers must be required to provide trade unions with secure access to official internal communication tools (such as enterprise email networks, internal messaging channels, intranets, virtual bulletin boards) to allow union-worker communication, virtual union meetings, and union elections. This includes facilitating trade union access to subcontracted, agency, franchised and platform workers operating within their production networks or premises.

The initiative must address legal protections to prevent victimisation of workers and their representatives asserting labour rights. Legally binding prohibitions against retaliation, dismissals, disciplinary measures and any adverse treatment or adverse consequences, such as a demotions, unfavourable task allocations, or algorithmic penalisation resulting from trade union activity or the assertion of statutory rights.

In disputes concerning alleged adverse treatment following trade union activity or rights enforcement, the legal burden of proof must lie with the employer to prove that the measure was entirely unrelated to the exercise of collective or statutory rights.

Trade unions must be granted explicit legal standing to enforce labour standards and collective agreements before judicial and administrative bodies. This includes legal standing for trade unions to bring collective litigation and request targeted labour inspections without disclosing individual worker identities where retaliation risks exist.

The Quality Jobs Act must also promote collective bargaining and collective agreements, including as a means of providing protections for workers. This must strengthen the position also for self-employed workers, as set out in the European Commission Guidelines on the application of EU competition law to collective agreements.

EU action must leverage public spending by making access to tax payers' money strictly conditional upon full respect of labour and trade union rights, including compliance with collective agreements, guarantees of trade union access, and the right to collective bargaining. Non-compliant entities must be excluded from EU funding, State aid and public procurement opportunities. In the award of public contracts, tenderers whose workers are covered by collective agreements should be given an advantage.

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.

Rights-based enforcement with 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.

The Quality Jobs Act should ensure that workers can pursue claims after leaving the Member State in which the work was performed. Limitation periods should be suspended while an inspection, administrative investigation, mediation or collective procedure is ongoing and should not begin before the worker could reasonably have become aware of the violation.

Member States must provide accessible mechanisms for cross-border service of documents, representation and enforcement of judgments and administrative decisions. Workers should not be required to return physically to the host Member State in order to pursue a claim.

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.

Member States, in close cooperation with national trade union confederations, should establish structured capacity-building programs. These initiatives must be supported by dedicated EU funding streams (such as ESF+) to enhance union capacity in collective bargaining, legal enforcement, and assessing complex workplace technologies like algorithmic management.

The implementation of the Quality Jobs Act should be monitored through the European Semester and the Social Scoreboard, with the full involvement of European and national social partners. Where persistent job-quality or enforcement deficits are identified, these should be addressed through country-specific recommendations developed in consultation with the social partners. Such monitoring must complement, and not replace, binding legislation, collective bargaining and effective national enforcement.

European and national social partners should be involved throughout the whole process, not only in monitoring the implementation of the Quality Jobs Act. This is necessary to ensure that the framework reflects the actual quality of work and working conditions and does not reduce job quality to labour-market participation or economic-performance indicators.

We agree with the EC's proposal of establishing an obligation on Member States to ensure that information on the rights and obligations relating to national provisions transposing the Quality Jobs Act initiative, including information in a language the worker understands on complaint and redress mechanisms and enforcement support, is made publicly available in a clear, comprehensive and easily accessible way, including for persons with disabilities. The same accessibility to information should apply for the whole labour and social legislation, national and European.

To protect and strengthen the right to strike, ETUC calls on the European Commission to explicitly recognise the contribution of the right to collective action (including strike action) to the quality jobs agenda. Any comprehensive European strategy on quality jobs should acknowledge that the voice of workers and their representatives, collective bargaining and the right to take collective action are indispensable dimensions of job quality.

The Quality Jobs Act must therefore strengthen the protection of the right to strike across the European Union. This includes ensuring that EU policies, economic governance mechanisms and internal market rules fully respect the exercise of this fundamental right, as well as promoting an enabling environment for trade union action and collective bargaining. Such an approach would be fully consistent with the European Pillar of Social Rights and with international labour standards recognising the central role of collective freedoms in achieving decent work and social progress.

A genuine commitment to quality jobs requires more than improving outcomes for workers; it also requires protecting the rights and institutions that allow workers to shape those outcomes. The right to strike is one of those essential institutions and should be recognised and protected accordingly.

3.6 Simplification

The ETUC assesses the question of simplification under the Quality Jobs Act consultation in relation to the concerns expressed under point 2.6. Any objective of EU action on labour law must start from the purpose a given rule serves, not from a pre-set reduction figure to be met. Quality legislation is needed to deliver quality jobs, based on clear, coherent, accessible and enforceable rights and protections for workers. The ETUC cannot support any objective framed, explicitly or implicitly, around reduction of regulatory or administrative burdens on business. The horizontal burden reduction targets cannot mechanically be applied to EU labour law, where Member States and social partners enjoy a wide margin of discretion, given the diversity of national labour market models, social systems and industrial relations.

In particular, the ETUC rejects the fallacy that there would be less of a need for worker protection and enforcement where collective agreements are in place. Limiting or exonerating employer liability or enforcement measures on the basis of collective agreement coverage cannot be equated with promotion of collective bargaining. Instead, it risks fundamentally undermining the proper functioning of industrial relations systems and the very notion of EU minimum standards. Violations occur also in workplaces covered by collective agreements. Collective agreement coverage does not automatically guarantee compliance, and does not as such replace proper monitoring and enforcement. Any such mechanism would only reduce compliance pressure for employers, while leaving workers exposed.

The objective for the Quality Jobs Act must be to close existing protection gaps, not create new ones. As the ETUC makes clear across all sections of this reply to the second stage consultation, clear and enforceable rights are what will genuinely improve the conditions of workers. This included e.g. the need for a presumption of employment and a prohibition on zero-hour contracts. Likewise, strengthened liability and strict limitations on the use of subcontracting and labour intermediaries will better protect workers and facilitate the task of enforcers. Social ID cards can indeed improve transparency and controls on worksites but require a dedicated EU legislative initiative on interoperability to reach their full potential.

In summary, the ETUC expects the Quality Jobs Act to deliver clear, coherent and enforceable rights and protections for workers. The ETUC can only support an initiative that protects and strengthens the EU social acquis, explicitly anchored in the principles of non-regression, social progress and more favourable provisions.

Detailed comments on OSH: On the Commission proposal of extending the reporting period for Member States to submit to the Commission on the practical implementation of the EU OSH Directives

The European Commission's reliance on the comprehensive 5-year OSH evaluation framework is a welcome and essential practice, as its tripartite procedure - engaging Member States, social partners, and advisory bodies like the ACSH and SLIC - provides a reliable monitoring exercise on the effectiveness of the European OSH acquis. This review process is vital for identifying critical enforcement and implementation bottlenecks, such as - as included in the exercise published in 2026 - the reported decline in labour inspectorate staffing across several Member States, falling inspection rates, and persistent compliance barriers among micro- and small enterprises. More

importantly, these regular cycles reveal clear legislative gaps where current frameworks fail to keep pace with modern work realities, such as the need to review the Display Screen Equipment and the Workplace Directive in light of the technological outdate. Regular assessments explicitly demonstrate the urgent need for binding legislative updates to address these gaps alongside emerging hazards. The 2026 report refers to the need to tackle climate-related heat risks, psychosocial risks, and scope exclusions affecting self-employed and domestic workers.

Conversely, any proposal by the Commission to extend the timeframe of this assessment cycle would directly counter the core objective of the exercise. The primary purpose of periodic reporting is to monitor regularly whether OSH legislation remains fit for purpose in an evolving labour market characterized by swift technological change, demographic shifts, and new forms of work. Widening the evaluation window would severely dilute the framework's effectiveness. The longer the interval between reviews, the wider the disconnect becomes between regulatory provisions and workplace realities, leaving workers exposed to unaddressed hazards for extended periods. To maintain a responsive and protective EU OSH acquis, the 5-year monitoring cycle must be preserved to ensure regulatory updates to align with the pace of workplace transformation.

On the merging of the Workplace and Display Screen Directives

While the European Commission suggests that merging the Workplace and Display Screen Equipment (DSE) Directives would "streamline provisions and simplify requirements for employers"—arguing they would only need to demonstrate compliance with a single instrument to labour inspectorates—this rationale fundamentally misinterprets how EU OSH legislation operates on the ground.

Employers do not comply directly with EU Directives on a directive-by-directive basis. Directives are transposed into national legal systems, meaning employers are bound by, and accountable to, national labour laws and regulations. In many Member States, national legislation already consolidates various OSH rules into a single national framework or code, rendering the Commission's argument of administrative simplification for employers redundant and legally inaccurate. It is also important to bear in mind that Member States already possess full discretion to decide to merge these frameworks when implementing them into national legislation if they deem it appropriate, making an EU-level merger unnecessary.

Furthermore, a merged directive would result in an overly complex legal instrument that is far less future-proof, ultimately leading to a decrease in regulatory efficiency. Attempting to combine two distinct frameworks creates a serious danger that essential provisions will be shortened or simplified away under the pressure to consolidate, directly threatening existing OSH standards.

Therefore, in line with the consensus reached within the Advisory Committee on Safety and Health at Work, we firmly oppose any merger of the two Directives. Instead, the focus must remain on modernising and updating their outdated minimum requirements - introducing additional, substantive OSH protections where necessary – strictly in accordance with the established ACSH opinions. Merging the texts risks diluting specific protections for display screen work and telework under the guise of procedural

streamlining, without offering any tangible simplification for workplaces, let alone enhanced protection for workers.

On the improvement of the interface between REACH and OSH (in particular CAD and CMRD)

The introduction of the REACH–OSH interface in the current consultation document lacks proper contextual or empirical justification. The interaction between REACH and OSH legislation appears without prior diagnostic analysis establishing it as a systemic failure, despite the fact that regulating the same substances across both frameworks does not inherently constitute a regulatory conflict. The document fails to quantify the alleged friction, offering no data on how many substances are genuinely affected, how often limit values diverge, or whether this creates demonstrable legal uncertainty. This approach directly contradicts previous Commission assessments, such as Joint CARACAL-WPC reviews, which concluded that the interface generally functions well, with overlaps limited to highly specific cases. The Commission cannot present an unquantified issue as a justification for overarching EU action. If genuine administrative challenges exist, the Commission must first produce rigorous empirical evidence demonstrating their scale, and any resulting discussion belongs strictly within the future revision of the REACH Regulation rather than the review of the OSH acquis.

ETUC supports the continued, concurrent application of REACH without prejudice to Occupational Safety and Health legislation, requiring employers to comply fully with both legal frameworks. Maintaining a robust risk-based approach alongside strong OSH provisions at the workplace – particularly regarding communication, implementation, compliance, and enforcement – remains essential. The setting of Occupational Exposure Limit (OEL) values must strictly remain within the tripartite framework of the Advisory Committee on Safety and Health at Work. Echoing the serious concerns raised by the ACSH regarding regulatory bottlenecks for priority chemicals, the ETUC urges the Commission to swiftly implement solutions that increase scientific capacity for evaluating these substances.

To achieve true administrative and operational coherence, tripartite governance should be replicated at the national level to guide Member State execution, direct REACH enforcement plans, and manage structured communication with the European Chemicals Agency. Trade unions must be formally represented within national Technical Coordination Committees overseeing REACH implementation, while at the workplace level, integrating REACH requirements into chemical risk assessments with active participation from Workers' Safety Representatives is vital. Furthermore, scientific data exchanges between REACH institutions and national OSH bodies must be improved, including clear guidance on the operational relationship between Derived No-Effect Levels (DNELs) or Derived Minimal Effect Levels (DMELs) and national binding exposure limit values.

3.7 Right to Disconnect and Telework

The ETUC demands that the European Commission introduce a legally binding framework that ensures the exercise of the right to Disconnect and as well as a legally binding framework on minimum standards for Telework. Ensuring an effective right to

disconnect requires legal measures that address the work organisation and work intensification that contributes to an always on culture. Equally important is the need to prevent negative consequences for workers who disconnect. This must be underpinned by a robust enforcement mechanism. Legal measures regarding the right to disconnect should be respected for all workers, regardless of employment status or sector, and is not limited strictly to telework.

Minimum standards for telework must be set at European level to address the above objectives, including that telework is voluntary and reversible, that employers do not pass costs of telework-related costs onto workers, ensuring equal treatment for workers in the context of telework, and limiting monitoring and surveillance.

Employers must also conduct risk assessments covering ergonomic, physical, and psychosocial risks in the context of telework, fully respecting worker privacy.

4. QUESTION 3: What are your views on the possible instruments presented in the consultation document (Section 8)?

In order for the Quality Jobs Act to effectively close the quality jobs deficit, the ETUC proposes the adoption of legally binding EU legislation in the following areas:

- **Artificial Intelligence and Algorithmic Management at work**
- **Occupational safety and health at work and Gender Equality in Health and Safety**
- **Protection of workers' rights in subcontracting chains and labour intermediation**
- **Just transition**
- **Enforcement and the role of social partners**
- **Right to Disconnect and Telework**

The legal base for the EU legislation should be article 153 of the TFEU.

Non-binding measures – such as guidance or recommendations – cannot deliver the protection workers truly need, nor can they support a competitive European economy.

True competitiveness relies on fair competition and a level playing field across the internal market, which voluntary guidelines simply cannot guarantee. To ensure strong worker protections and create equal opportunities across all Member States, a binding, EU-wide legal framework is essential.

4.1 Artificial Intelligence and Algorithmic Management at work

The ETUC calls for legally binding legislation based on Article 153 on Artificial Intelligence and Algorithmic Management at work.

It is worth recalling that the Quality Jobs Act is listed as a planned legislative initiative in the Commission Work Programme 2026, and that the mission letter from President von der Leyen to Executive Vice-President Mînzatu explicitly referenced possible

legislation on AI in the workplace. This institutional direction aligns with the European Parliament's own-initiative report of December 2025 'Digitalisation, artificial intelligence and algorithmic management in the workplace – shaping the future of work', which formally called on the Commission to table a proposal on the basis of Articles 153(2), point (b), in conjunction with Article 153(1), point (b), and Article 16(2) TFEU. The case for binding rules is further reinforced by the growing calls from academia, Nobel Prize laureates and independent experts for the regulation of AI as a disruptive and transformative technology, and by OECD evidence confirming how widespread AI already is across the EU's public and private sectors.

Proposals for non-legally binding avenues produces a fragmented landscape across Member States and sectors, undermines setting a fair level playing field for fair competition, and does not provide the legal certainty and predictability that both workers and responsible employers need. This is particularly true looking at the EPSR targets that Member States do not meet.

4.2.1 Occupational safety and health at work

Legally binding instruments are the only effective mechanisms to guarantee enforceable and uniform OSH protection for workers across all Member States, in full accordance with the ACSH opinions. We oppose soft-law tools, voluntary initiatives, and non-binding guidelines as the only proposals within the Quality Jobs Act, as they are fundamentally insufficient to safeguard worker health and safety.

Accordingly, legislative action must consistently address the urgent need for better prevention of musculoskeletal disorders and ergonomic risks alongside psychosocial and climate-related hazards, including vector-borne diseases. Furthermore, legal revisions must explicitly apply to all off-premises work environments rather than telework alone, while eliminating current exclusions concerning means of transport as well as agricultural and forestry land.

We support the revision and update of both the Workplace Directive and the Display Screen Equipment Directive to modernise their frameworks and provide enhanced protection against musculoskeletal disorders and the OSH-related aspects of telework. In doing so, it is essential to eliminate existing scope exclusions - such as agricultural land away from main buildings - and find a concrete solution to ensure the broadest possible personal scope, notably extending protection to domestic workers. However, we firmly oppose any proposal to merge these two Directives into a single instrument.

While modernising these frameworks is necessary, they cannot adequately address all hazards. There is a clear need for dedicated legislation to specifically protect workers against psychosocial risks, musculoskeletal disorders (MSDs) and ergonomic risks, and climate-related heat and extreme weather events, which cannot be effectively tackled solely through updates to the Workplace and Display Screen Equipment Directives. In this context, ETUC reiterates its firm opposition to merging the Workplace Directive and the Display Screen Equipment Directive, taking note of the Commission's external synthesis study on updating Directives 89/654/EEC and 90/270/EEC, which provides no justification for consolidating these distinct frameworks.

The adoption of new legislative instruments must go hand in hand with robust enforcement. ETUC emphasises the urgent need for reinforced support, resources, and capacity-building for national labour inspectorates and enforcement authorities to ensure that both the existing framework and new binding standards are effectively applied on the ground.

From the set of policy measures proposed, ETUC supports option C. The Commission recognises in policy option C that psychosocial risks, ergonomic risks and heat- and extreme-weather-related risks may warrant more specific EU minimum requirements, something supported by ETUC, but proposes different legislative approaches for addressing them, without providing a clear justification for this distinction.

Option C rightly keeps open the path toward dedicated, horizontal binding legislation for PSRs and ergonomics, which the ETUC strongly advocates and could moreover profit from the expert input of the ACSH.

Conversely, policy option C suggest limiting the response on heat stress to amendments of the Workplace Directive, which ETUC considers inadequate. Such approach would exclude critical high-risk sectors such as agriculture, transport, construction, extraction, and fisheries from full protection.

4.2.2 Gender Equality in Health and Safety

The instruments the Commission considers, i.e. risk assessments under existing legislation, potential additional minimum requirements on psychosocial risks (including sexual harassment) combined with workplace-design measures against third-party violence, and an added provision to the Workplace Directive reiterating employers' obligations towards women and vulnerable groups, remain too reliant on guidance and on extending pre-existing duties. This is aligned with the Key Messages from the Employment Committee on Gender-Related Aspects of Job Quality presented at the EPSCO meeting on 29 June 2026[20] (ST 10320/26[21]). The Committee called for a stronger gender perspective in OSH framework. More broadly, the discussions underlined that work-life balance cannot be reduced to flexibility alone, but requires safeguards, prevention, the right to disconnect, and occupational safety and health frameworks that integrate a stronger gender perspective.

The ETUC's position is that legally binding legislation, based on Article 153 TFEU, is required rather than a list of amended directives or non-binding recommendations. Guidance is useful as a complement but does not create the indispensable enforceable rights workers need to guarantee enforcement. The binding instrument must make it mandatory to integrate a gender perspective into the assessment and prevention of all occupational risks, requiring disaggregated data, measures tailored to the tasks actually performed, and the involvement of workers' representatives.

[20] https://www.consilium.europa.eu/en/meetings/epsco/2026/06/29/
[21] https://data.consilium.europa.eu/doc/document/ST-10320-2026-INIT/en/pdf, p.4

4.3. Protection of workers' rights in subcontracting chains and labour intermediation

EU action on subcontracting and labour intermediation must take the form of a legislative initiative based on Article 153 TFEU, rather than a set of soft law measures to implement on a voluntary basis.

To this end, the ETUC does not support reopening any existing directives.

4.4. Just transitions

The instruments presented are not commensurate with the scale or urgency of the challenges posed by the climate and digital transitions. The Commission should respect the democratic process and act on the European Parliament's adopted Legislative Initiative Report by bringing forward binding legislation; the reasons given for rejecting that approach are not compelling. After more than a decade of ineffective voluntary frameworks and guidance, further non-binding measures are simply not an adequate response.

4.5 Enforcement and the role of social partners

The ETUC maintains that soft-law instruments, guidelines, or voluntary frameworks are completely insufficient to guarantee effective enforcement. The required objectives can only be achieved through a legally binding Directive adopted under Article 153 TFEU, accompanied by targeted financial capacity-building frameworks.

4.6 Right to Disconnect and Telework

Guidance, Recommendations or other non-binding instruments cannot provide an effective EU-wide approach that delivers the protections and opportunities related to the right to disconnect and telework. The ETUC insists that the only effective instrument is to bring forward measures via a legally binding legislation under Article 153 TFEU.

The ETUC supports the request of TUNED and EUPAE for the European Framework Agreement on Digitalisation to be implemented in EU law under Article 155(2) TFEU.

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 on the right to disconnect and telework .

5. QUESTION 4: Are the European social partners willing to enter into negotiations with a view to concluding an agreement under Article 155 TFEU on any of the elements set out in this consultation document?

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.