

AI at work: avoid regulatory burdens in the workplace

Position paper on the Commission proposal as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI)

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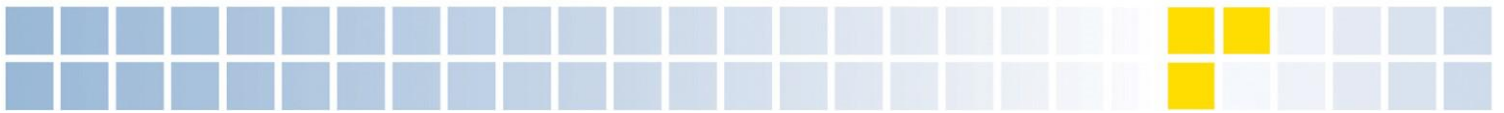
Summary

With the Digital Omnibus on AI, the European Commission is sending a strong signal for Europe's competitiveness. The proposal is intended to make a targeted contribution to reducing the considerable legal uncertainty that has burdened companies since the gradual entry into force of the AI Act. To deliver tangible relief in employment-related policy areas, the initiative must go even further. Bureaucracy must be reduced rather than new regulatory structures created. To that end, the European Parliament and the Council should make targeted improvements to the Commission's draft. Provisions on AI in the workplace were conceptually alien to the AI Act from the outset. The EU already has a detailed legal framework governing AI in the workplace, which presents companies with significant implementation challenges. Employment-related aspects of AI – such as training, employee information and consultation, co-determination, and standardisation in occupational health and safety – are comprehensively defined at Member State level. Numerous social partner agreements – such as the EU social partners' agreement on digitalisation – provide tailored and practical solutions for AI in the workplace that reflect the specific needs of the sectors, companies and employees concerned. It is therefore only consistent to scale back the employment-related provisions in the Digital Omnibus on AI. In particular, the provisions on AI literacy for employees (Article 4), the information obligations concerning high-risk AI systems (Article 26(7)) and the rules on harmonised standards (Article 40) require targeted revision.

In detail

AI literacy should not be imposed by regulation

Article 4 of the AI Act, which assigns responsibility for ensuring employees' AI literacy regardless of the risk classification, should be deleted without replacement. The current provision creates significant legal uncertainty for companies and is unnecessary. Businesses already equip their employees – based on existing obligations and in their own interest – to use the tools deployed safely and competently. While the proposed amendment would provide some relief for operators of AI systems, as they would no longer be legally obliged to ensure their employees' AI literacy, it falls short of delivering meaningful change. Instead, AI skills are to be promoted in the future



through appropriate training and upskilling measures supported by the EU and Member States. However, the proposed amendment would have no binding legal effect and would remain merely a political recommendation that would hardly be felt in practice. It would therefore be consistent to delete Article 4 of the AI Act entirely, while at the same time promoting targeted non-legislative initiatives at EU level to strengthen skills development in education and labour market policy. For high-risk AI systems, the operator's obligation within the framework of human oversight (Article 26 AI Act) would in any event remain in place.

Avoiding overlaps in information requirements

Article 26(7) of the AI Act should be deleted without replacement. Affected employees and, where applicable, the works council must be informed before an operator introduces and uses a high-risk AI system in the workplace. The information obligation under Article 26(7) of the AI Act results in unnecessary duplication of regulation and is therefore redundant. First, the obligation to inform employees at EU level is already governed by the Directive establishing a general framework for informing and consulting employees (2002/14/EC). Second, pursuant to Article 2(11) of the AI Act, the relevant national labour law provisions applicable to employers using AI systems remain unaffected, and Member States may adopt corresponding rules. The existing protective framework in the workplace is therefore already fully ensured.

Exclude standardisation on aspects of occupational health and safety

There must be no standardisation at European level on occupational health and safety in AI systems, especially in high-risk areas. This must be clarified in Article 40 of the AI Act. European standardisation organisations develop common technical specifications – so-called harmonised standards – for AI systems. This process rightly forms part of EU internal market policy and has proven its value as an industrial policy instrument. However, matters relating to occupational health and safety at company level must be kept strictly separate. Incorporating these aspects into harmonised AI standardisation would undermine existing national systems and create conflicting parallel structures.

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