



Context

Artificial Intelligence (AI) is reshaping workplace dynamics, optimizing processes, and redefining the employer-employee relationship. However, its integration brings significant legal and ethical challenges, particularly in areas such as managerial authority, surveillance, and fairness in human resource management.

To address these concerns, the European Union introduced the Artificial Intelligence Act (AI Act), which took effect on August 1, 2024. This legislation mandates specific employer obligations starting 2 February 2025, to ensure the responsible use of AI in the workplace.



New Employer Obligations from February 2025

Companies deploying AI systems for workforce management must comply with stringent regulations designed to enhance transparency and worker protection.

- **Mandatory Employee Training on AI**

Any employee interacting with AI tools must receive training on AI fundamentals, applications, and risks. Training must include:

- **Recognizing and mitigating AI-related risks:** Employees should understand challenges such as data privacy concerns and algorithmic bias, learning how to address them.
- **Applying critical thinking to AI results:** AI-generated outputs are not infallible. Employees must assess their accuracy and determine when human input is necessary.
- **Acknowledging AI's limitations:** Employees should recognize AI's dependence on data, its limited contextual awareness, and its lack of ethical or emotional judgment.
- **Enhancing efficiency with AI:** Employees should learn how to leverage AI for tasks like drafting emails, summarizing texts, and proofreading.

- **Prohibition of Certain AI Practices**

To protect employee rights and autonomy, the AI Act bans specific AI applications:

- AI-driven emotional states assessment via facial recognition.
- AI tools that manipulate worker behavior non-transparently.

Example: Software that adjusts a salesperson's targets based on their tone of voice or facial expressions is prohibited.



AI and the Transformation of Workplace Authority

One of the most profound challenges of AI integration is its impact on workplace authority. Traditionally, employers have exercised direct control over work execution. However, some businesses are now delegating managerial functions to AI, raising critical legal and ethical questions:

- Can managerial authority be legally delegated to AI?
- What are the risks if AI issues unsafe, contradictory, or illegal instructions?

Courts are already addressing these concerns. A recent Brussels Labor Court ruling determined that a digital platform using an algorithm to assign tasks to independent contractors was effectively acting as an employer (exercising employer authority). Nevertheless, employers remain legally responsible for AI-driven decisions, even when made autonomously.



General AI Models: Additional Obligations from August 2025

From 2 August 2025, new regulations will apply to General-Purpose AI models—large-scale AI systems designed for various tasks, such as ChatGPT:

- Developers must ensure transparency and regularly update technical documentation.
- Compliance with European copyright laws is mandatory.
- High-risk AI models must undergo periodic assessments to identify vulnerabilities.
- Sanctions will be imposed for non-compliance.



What Employers Must Do Now

To ensure compliance with AI regulations, employers should take proactive measures:

- Identify AI systems in use and classify their risk levels.
- Assess legal obligations as an AI user, provider, or distributor.
- Implement AI training programs to educate employees on AI's impact and risks.
- Conduct AI audits to ensure compliance in recruitment, evaluation, and HR processes.
- Enhance transparency by informing employees of AI use and providing appeal mechanisms for AI-driven decisions.
- Engage in social dialogue with worker representatives regarding AI governance.



Conclusion - Preparing for Compliance and Avoiding penalties

The AI Act introduces significant responsibilities for employers, requiring swift action to ensure compliance. While AI presents immense opportunities for workplace innovation, its use must be governed by clear ethical and legal standards.

By preparing now, companies can mitigate legal risks and responsibly harness AI's potential. The future of work is being shaped today—ensure your organization is prepared to integrate AI in a compliant and ethical manner.

Our Employment & Benefits Practice is closely monitoring these developments. If you have questions or wish to discuss this topic in further, please contact our team.



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