

POSITION PAPER

Second-phase consultation of the Social Partners on a Quality Jobs Act

Brussels, 28/09/2026

The **European Construction Industry Federation (FIEC)** has carefully reviewed the second-phase consultation of social partners on the Quality Jobs Act, as well as the analytical document accompanying the consultation.

Introduction

The European social model and legislative framework both cover many aspects related to job quality. From the European Pillar of Social Rights to the EU strategic framework on health and safety at work 2021-2027 and the Union of Skills, the European Commission has built a strong framework for quality jobs.

Against this background, and taking into consideration additional sector-related legislations, the construction sector is highly regulated, and benefits, at the European and national levels, of a strong social dialogue. FIEC position remains aligned with its answer to the first-phase consultation, published on 29 January 2026 and available [here](#). Overall, **FIEC believes that the focus of any EU actions in the areas touched upon in this consultation should be on implementation, enforcement, practical guidance and monitoring of current legislation rather than creating new legislative obligations.**

About the policy instrument

While the form of the Quality Jobs Act remained unclear, the background document of the second-phase consultation offers more information on the policy instruments that could be considered.

Not only FIEC doesn't support a legislative approach but would also like to stress that the topics addressed in the Quality Jobs Act consultation document are very diverse and touch on different areas of labour law. If all these issues are tackled in a single legislative proposal, there is a high risk of complexity, uncertainty and misunderstanding of the rules. Furthermore, having a single Act on different issues would not be aligned with the simplification and competitiveness goals.

FIEC would therefore support a package of non-binding instruments, guidance and implementation measures rather than a single legislative act.

Simplification and competitiveness

The second-phase consultation document has a dedicated section on simplification. FIEC welcomes the European Commission's assessment that "simpler rules and reducing unnecessary burdens are important for a more competitive and attractive Europe that is able to sustain quality jobs".

Indeed, more and better jobs are not created by more regulation and increased administrative burdens for companies. Whilst we fully support the principle that quality should prevail over quantity, excessive regulation may discourage companies to hire new workers. **EU action should aim to clarify and provide the necessary simplification to facilitate compliance with existing European legislation, not to overregulate or impose one-size-fits-all solutions.**

In this regard, it will be of foremost importance that the initiatives recently published or expected in the coming months (e.g. Public Procurement Act, the Fair Labour Mobility Package, Construction Services Act ...) are coherent and support one another.

FIEC also welcomes the fact that the European Commission insists on the importance of **minimising the burden on companies**. It is of utmost importance to make sure that the Commission's competitiveness check is strengthened and applied to assess the consequences of the whole Act on competitiveness, together with other initiatives, in a holistic way.

1. Algorithmic management and Artificial Intelligence at work

The development and use of digital tools and Artificial Intelligence (AI) will be key for the future of the construction industry. As mentioned in the Draghi report, AI participates in improving the productivity and competitiveness of the industry. Used wisely, AI can help the sector overcome its longstanding productivity challenges, improve project outcomes, reduce environmental impacts, and strengthen Europe's resilience. From generative design to predictive maintenance, from site automation to intelligent procurement, AI has the potential to enhance every phase of the construction lifecycle¹.

To deliver on the different challenges that our industry is facing including the green transition, the housing crisis and the renovation wave, companies will require straightforward access to innovation and digital tools, including AI. However, even though there is a growing interest, the digital transition and the deployment of AI in the construction industry remain slow and uneven in a fragmented sector, mostly composed of SMEs.

In this regard and considering the existing European legislation dealing with the use of AI at work (AI Act, GDPR, Information and Consultation Directive, ...), FIEC does not see the need to regulate AI and algorithmic management further. For the construction sector, it is crucial to acquire awareness of the potential applications of AI to cultivate internal competences, and to receive support for the practical and effective implementation of AI solutions in their business processes. Several trade associations are developing innovative tools for the benefit of their respective sectors of representation, with the aim of concretely supporting and stimulating innovation among SMEs. **Guidelines or recommendations on how to foster AI while protecting the users could be useful and welcome. In addition, funding to support pilot projects and invest in AI literacy would ensure equitable access for all companies, including SMEs, and help to further disseminate AI tools in our industry.**

2. Occupational safety and health

The European legislative framework on occupational safety and health is one of the best in the world and has been developed in close cooperation with social partners. With the Framework Directive (89/391/EEC) and the sectoral Directives (including the Directive 92/57/EEC on temporary or mobile construction sites), there is a strong corpus at EU level to protect workers from exposure

¹ See [FIEC Position Paper on Artificial Intelligence in the European Construction Sector: Strategic Adoption, Responsible Use, and Sectoral Leadership](#), 22/10/2025

to occupational risks. Of course, more can and must be done, especially regarding the implementation of the existing legislation.

2.1. Workplace and Display Screen Equipment Directives

The consultation document refers to the possible revision of the Workplace and Display Screen Equipment Directives. FIEC recognises that the content of the Directives is outdated and that a **targeted revision** to simplify them and make them more future proof could improve them. However, the revision should be based on a thorough impact assessment and should not impose new burden on the employers.

In addition, while the scope of the Workplace Directive could be extended to a wider range of workplaces by removing some exemptions, FIEC stresses that temporary or mobile construction sites **must continue being excluded** from the scope as they are covered by specific legislation (Directive 92/57/EEC).

2.2. Psychosocial risks

FIEC recognises that mental health is an important societal issue, affecting many citizens, from a very young age, in all Member States. It is conditioned by several factors and dimensions which go beyond the work-related ones.

Employers have already been taking psychosocial risks into account in risk management analysis for several years as it is already covered by the Framework Directive. Many initiatives have been put in place at company level and by social partners. Concrete examples of what has been established are available in FIEC's position paper on *How to approach Mental Health in the construction industry*².

FIEC doesn't see the need for a specific European legislation on mental health at work, as it is already covered by the existing legislative framework. **Tools, guidelines or recommendations adapted to the particularities of the construction sector would be better suited to respond to the challenges posed by mental health.** Raising awareness within companies, especially SMEs, and providing support through guidance and funding is necessary to reinforce the prevention of psychosocial risks at work.

2.3. Heat and weather-related risks

Regarding risks related to extreme weather events and high temperatures, the consultation document mentions the possibility "to address them as part of an existing obligation to conduct a risk assessment as set in in Directive 89/391/EEC, or by updating minimum requirements in the Workplace Directive". Whilst FIEC acknowledges the risks linked to climate change for construction workers, **FIEC does not support any legislative instruments at the EU level to address these risks.**

Indeed, risks differ from one country to another, from one region to another, and the appropriate response needs to take into account sector specificities. Local climatic conditions, actual workplace circumstances and the acclimatisation of workers to prevailing conditions must be taken into account. Any legislative approach at EU level would risk creating rigid and disproportionate requirements that fail to **reflect local climatic conditions, sectoral realities and employers' actual sphere of control.** Therefore, a national, and even local, and sectoral approach is the best way to address these risks. In the construction sector, several measures have already been

² See [FIEC position paper on How to approach Mental Health in the construction industry](#), 7/04/2025

implemented at national level to protect workers (e.g. protocol in Spain, decree in France, guidelines at company level, ...), and sectoral social partners have been involved.

FIEC would therefore support **non-binding EU guidance to support employers, workers and Member States to better address these risks.**

3. Subcontracting

Subcontracting is a **vital part of the construction industry**. It allows companies to respond to project demand flexibility, access specialised expertise, address the shortage of skilled workers and maintain competitiveness. Legitimate subcontracting practices must be clearly distinguished from labour fraud, abuses against workers and unfair competition, which FIEC aims to combat³.

As already highlighted in several position papers⁴ and studies⁵, FIEC stresses that national rules already exist and are better suited to the specific realities of each Member State – some of them derive from agreements by national sectoral social partners, whose autonomy and competence must be respected. This especially applies to Member States, where the use of additional workforce via temporary work agencies has been banned in the construction industry, like in Germany. On the contrary, those countries which have restricted subcontracting chains have kept the possibility to rely – at least to some extent – on temporary work. Restrictions at both levels would no longer allow any flexibility. **FIEC would oppose any legislative initiative aiming to regulate subcontracting at the EU level.** EU action should rather focus on better enforcement of existing laws and support the development and uptake of digital tools for transparency, verification and compliance.

FIEC would like to point out that the European Commission's analytical document put a disproportionate emphasis on the construction sector in Part 4 on "protection of workers' rights in subcontracting chains" and refers to data and report from 2009 or 2011. FIEC stresses that the lack of recent data and studies on this matter should be first addressed, before proposing any new legislative measures.

3.1. High-risks sectors

FIEC supports neither the identification of high-risk sector nor the development of criteria for determining high-risk sectors. The designation of high-risk sector would only stigmatise sector without offering proper answers to the existing challenges. Enforcement efforts should instead focus on identifying fraudulent operators and concrete risks rather than pre-classifying entire sectors.

If any initiative on this policy option is proposed, the criteria for determining high-risk sectors should be unbiased, well-documented, and determined in close cooperation with national social partners. In addition, the identification of high-risk sectors should be done at national level, by the Member States and not at the European level.

3.2. Target controls in high-risk sectors

FIEC believes that targeted controls and inspections play a crucial role in the proper enforcement of the rules, protection of workers and fair competition for compliant companies. However, targeted enforcement against fraudulent practices **is more effective than a generic sector classification.**

³ E.g. EU funded project on [Tackling Undeclared Work In the Construction Sector](#) (TUWIC), FIEC involvement in the European Labour Authority, ...

⁴ See [FIEC position paper "Fundamental freedom to provide services – the case of subcontracting in construction"](#) or [FIEC Contribution to the EU survey on Subcontracting practices \(Quality Jobs Act\)](#).

⁵ [DESOCO 3 Final Report - Mapping study on subcontracting chains in the construction sector](#) (SPARK – Legal and Policy Consulting), 05/2026

Enforcement should be based on concrete risks and evidence of abuse, not on the pre-classification of entire sectors.

FIEC supports a reinforcement of national labour inspection services and a prioritisation for targeted controls and inspections. However, this should be defined by national labour inspectorates or enforcement authorities. The European Labour Authority can also play an important role in supporting Member States with capacity building.

Finally, FIEC supports **the development of digital tools** such as ESSPASS and the EUDI Wallet to improve controls and inspections in the future. It will be necessary that Member States implement them rapidly and support their uptake by companies, especially SMEs.

3.3. Liability provisions

FIEC is opposed to any new legislation on liability in subcontracting chains at the European level.

Indeed, according to a study undertaken by the European Labour Authority⁶, all EU Member States have introduced liability schemes, and many have gone further and introduced joint and several liability schemes within the framework of the Directive 2014/67/EU (“Enforcement Directive”). The coverage of these schemes varies depending on the national circumstances and related needs, and some Member States have introduced due diligence mechanisms, according to which contractors can be (at least partially) exempted from liability.

These schemes have been developed over years, depending on national and sectoral specific circumstances and needs.

Whilst guidance and studies on existing EU and national measures are always useful, provided that they are evidence-based and neutral, **liability rules must remain decided at Member States level according to their needs.**

3.4. OSH in subcontracting high-risk sectors

Protection of workers and improvement of OSH are matters for all sectors, not only in subcontracting or in “high-risk” sectors.

The Directive 92/57/EEC on temporary or mobile construction sites already establishes an obligation for the client or project supervisor to appoint one or more coordinators for safety and health when more than one contractor is present in a construction site (article 3).

Guidance on the cooperation and coordination obligations between employers sharing a workplace set out in the EU OSH legislation could always be helpful. But the guidance should remain sectoral to reflect the various situation in the sectors.

4. Enforcement and the role of social partners

As rightly indicated in the consultation document, **enforcement and effective implementation of EU legislation are central to ensuring a fair and competitive labour market.** Through European-funded projects or its involvement in the European Labour Authority, FIEC has supported this objective of effective implementation.

However, more needs to be done. Through smarter inspections, better access to information and data sharing, enforcement and implementation of existing rules could be improved.

⁶ Study on liability in subcontracting in cross-border situations, ELA - not yet published

As an example, in some Member States, the involvement of national sectoral social partners in developing **social ID cards** has been key to increase transparency on worksite and fight against undeclared work. The fact that the European Commission supported FIEC and EFBWW in their joint SIDE-CIC project sent a strong signal in favour of these cards. In close cooperation with national sectoral social partners and on a voluntary basis (namely respecting existing schemes and without obliging Member States that have decided against national cards to introduce it), improving mutual recognition and interconnection of national social ID cards could improve enforcement and simplify procedures. Where appropriate, it would be worth exploring how ESSPASS and the EUDI Wallet could be useful in this regard to avoid parallel systems.

Social dialogue, at EU and national levels, is well functioning in the construction sector. **Social partners should be involved for matters that impact the sector and their autonomy should be guaranteed.** Well established and efficient national systems and mechanisms should be respected.

Finally, **paritarian institutions** can play a significant role in implementing legislation, especially through training or awareness-raising campaigns. It could therefore be useful to support their development where they do not exist yet.



FIEC - European Construction Industry Federation

Avenue des Arts 20, BE-1000 Brussels - +32 2 514 55 35 - info@fieci.eu

Transparency Reg. 92221016212-42 aisbl Nr Enterprise: BE 0688919.140

