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Report on the Implementation of Digital Rights in the Work Environment

NATIONAL REPORT: GERMANY

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I. EXECUTIVE SUMMARY:

This report seeks to shed light on the instruments and strategies adopted to implement the Declaration of Digital Rights and the Framework Agreement on Digitalisation in the working environment in the German context. Thereby, it highlights initiatives and *strategies* adopted in Germany a) to implement the Declaration and the Framework Agreement in the field of occupational health & safety rights (OHS), b) in relation to the roles of trade unions in the digital transformation, c) to implement the right to disconnect, d) to safeguard workers' fundamental rights and e) related the use of AI in the working environment. Lastly, it highlights several of the key best practices in the implementation of digital rights in the working environment in Germany.

Germany has launched multiple initiatives to adapt occupational safety and health (OSH) frameworks to the realities of digital work. Central to this is the national rollout of the EU-OSHA campaign "Safe and healthy work in the digital age," supported by the Federal Institute for Occupational Safety and Health (BAuA) and social partners. Alongside this is a broader strategic effort to extend the German Joint Occupational Health and Safety Strategy (GDA), particularly in mental health. Finally, there are ongoing efforts in OSH standard setting in digital work to further support the development of OSH models that respond to digitization. Collectively, these efforts aim to ensure that worker protection evolves in step with digital transformation.

In response to EU mandates on digital transformation, Germany fosters strategies that promote trade union involvement in digital transformation with worker involvement and active participation. Key initiatives such as the Arbeiten 4.0 strategy, training programmes, and funding schemes like INQA-Experimentieräume and the AI Observatory support co-determination and digital competence in the workplace. Trade unions and government actors also engage at the EU level to align national actions with European digital and labour policy goals.

The right to disconnect is effectively embedded in the German Working Time Act. This law sets limits on daily and weekly working hours, mandates rest breaks and minimum rest periods, and protects Sundays and holidays as days of rest, with certain sector-specific exceptions and allowances for collective agreements. However, the absence of explicit legislation on this right creates scope for negotiation through individual and company-level agreements. Recent case law, however, highlights ambiguities that fuel debates on the need for stronger legislation.

Germany provides strong individual-level protections for workers' data privacy and surveillance through the Works Constitution Act and the Federal Data Protection Act, which grant co-determination rights and regulate the processing of personal data. However, only a minority of workers benefit from works council protections, and collective labour rights—especially for platform workers—remain weak. Despite upcoming EU legislation, key collective rights like bargaining over pay and the right to strike are still not adequately secured in digitally mediated work environments.

The use of AI in the workplace is addressed through co-determination rights under the Works Constitution Act and the Federal Government’s AI Strategy, which promotes a human-centred, socially oriented approach. However, social partners’ support to their members in the AI transition remains constrained due to their limited expertise.

II. SUMMARY OF INSTRUMENTS AND STRATEGIES ADOPTED

Category	Name of the instrument/strategy	Description
Occupational safety & health rights (OSH)	European OSHA Initiative "Safe and healthy work in the digital age" in Germany	Aims to raise awareness and promote good practices across to improve workplace safety and health.
	Further development of the German Joint Occupational Health and Safety Strategy (GDA)	seeks to enhance the GDA by addressing the challenges of digitalization.
	BAuA Research Focus Programme: Occupational Safety & Health in the Digital World of Work	Develops updated technical and organizational OSH requirements to inform policy and practical workplace applications.
	Involvement of the Kommission Arbeitsschutz und Normung (KAN) in OSH standard setting in digital work	Coordinates input from key stakeholders to ensure OSH measures and standards adapt to digital transformation, notably developing guidance on AI-related OSH risks.
Roles of trade unions in the digital transformation	Federal Strategy "Arbeiten 4.0"	Seeks to support works councils and unions through government-funded training in digital competencies like data protection and collective bargaining.
	Funding Programmes for Digital Qualification of Works Councils and Trade Unions	Promote co-determination and help works councils, companies, and social partners navigate legal, technical, and AI-related challenges in digital workplaces.
	Trade Union Initiatives: Skills Development and Collective Bargaining	Equip TU members and representatives with skills for digital challenges.
Right to disconnect	The German Working Time Act	Prevents employers from requiring constant availability.
	Individual contracts, personal arrangements, company-level agreements	Lack of specific legislation on the right to disconnect leaves significant room for negotiation.
Workers’ fundamental rights in the digital environment	The Works Constitution Act	Requires works council consent for monitoring devices
	The Federal Data Protection Act	Restricts employee data processing and protects against automated decisions

The use of AI in the working environment	The Works Constitution Act	Grants works councils co-determination and consultation rights on AI and monitoring tools.
	Artificial Intelligence Strategy of the German Federal Government	Promotes a human-centred approach to AI in the workplace, balancing worker and employer interests

III. INSTRUMENTS AND STRATEGIES ADOPTED TO IMPLEMENT THE DECLARATION OF DIGITAL RIGHTS AND THE FRAMEWORK AGREEMENT ON DIGITALISATION IN THE WORKING ENVIRONMENT

iii.1 Initiatives/strategies adopted to implement the Declaration and the Framework Agreement in the field of occupational safety & health rights (OSH)

In response to the digital transformation of the workplace, Germany has launched a number of initiatives to adapt its OSH frameworks, policies, and standards to the realities of digital work environments. The strategies and initiatives are of different nature, and are hosted by different actors. They include EU-level awareness campaigns translated into national context, but also national research programs, regulatory strategies and standardization processes. Together, they aim to ensure that technological progress in the workplace remains aligned with the protection of workers' health, safety, and dignity. These initiatives will be outlined here in brief.

European OSHA Initiative "Safe and healthy work in the digital age" in Germany

One key initiative in this regard is the "Sicher und gesund arbeiten in Zeiten der Digitalisierung" ("Safe and healthy work in the digital age"), which is an EU-OSHA "Healthy Workplaces Campaign" 2023–25. The German initiative was launched in Berlin in November 2023 by the Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (German Federal Institute for Occupational Safety and Health, BAuA), the Deutsche Gesetzlichen Unfallversicherung (German Social Accident Insurance, DGUV) and the Bundesministerium für Arbeit und Soziales (German Federal Ministry of Labor and Social Affairs, BMAS), together with social partners. On the backdrop of the opportunities and challenges that digitization presents for workplace safety and health, the initiative examines strategies to minimize negative impacts on workers (Federal Association for Occupational Safety and Health 2023). The German Federal Institute for Occupational Safety and Health (BAuA), being the official representative of the German national Focal Point of the EU-OSHA, organizes the campaign in the German national context. It seeks to raise awareness of workplace safety and health in the context of digitization and offers support for the implementation measures in the workplace. This is supported through the production and distribution of information material, the organization of events and coordination of press campaigns (Federal Institute for Occupational Safety and Health 2025a). Via the German national Focal Point, the campaign for the "Good Practice Award" is organized. It aims at promoting risk prevention in the field of occupational health and safety in connection with the introduction of digital systems in the workplace, and encourages organisations and companies to actively engage in risk prevention measures (Federal Institute for Occupational Safety and Health 2025b).

The initiative is divided into five priority areas: a) Work on digital platforms, b) Automation of tasks, c) Mobile and hybrid working, d) Human resources management using artificial intelligence and e) Intelligent digital systems. Each focus area of the campaign revolves around a specific topic related to

digitalisation in the workplace. A range of materials, including reports, fact sheets, infographics and case studies are provided to support implementation of good practices (EU OSHA 2025).

Further development of the German Joint Occupational Health and Safety Strategy, GDA

The German “Gemeinsame Deutsche Arbeitsschutzstrategie” (Joint Occupational Health and Safety Strategy, GDA) is a permanently established platform established by the German federal government, the states and accident insurance providers, anchored in the German Occupational Safety and Health Act and SGB VII (German Social Code Book). Originally arising from European and international obligations, the GDA is now firmly established in the German occupational safety and health system. The aim of this alliance is to continuously modernise the occupational safety and health system in Germany in line with changes in the world of work and to create incentives for companies to further strengthen the safety and health of their employees (NAKGS/Baua 2025a).

There is limited evidence how this initiative has progressed until the time of writing. In the period of 2019-2025, the strategic aims for the work program were defined (NAKGS/Baua 2025b). While none of the work programs specifically focus on challenges of digitization for workplace safety and health (Deutsche Gesetzliche Unfallversicherung 2025). The work program “Psyche” (Mental Health) acknowledges the two-sided effects of transformation: It states that while greater flexibility, the elimination of commuting times and a better work-life balance are perceived as a relief, there are challenges such as extended availability, complex and extensive interaction work, small-scale, IT-controlled work processes, and high work intensity due to new management forms, resulting in psychological stress at work (NAKGS/Baua 2025c). The aim of the work program is to make the working environment safe and healthy in terms of mental stress, against the backdrop of digital transformation and taking into account the consequences of the coronavirus pandemic. In terms of measures that the work program is aiming for, companies with fewer than 250 employees are in the limelight. Concretely, the program seeks to develop practical guidelines for companies, the training of supervisory staff and company representatives, and the review of regulations to ensure that psychological stress is taken into account. The work program website provides information, guidance and recommendations for good practice (NAKGS/Baua 2025d).

It has been argued that the GDA should be developed into a “Gemeinsame digitale Arbeitsschutzstrategie” (Joint Digital Occupational Health and Safety Strategy)” (Federal Association for Occupational Safety and Health 2023; Michels 2023). This would link the development of the GDA to the Initiative “Safe and healthy work in the digital age” mentioned under point 1.

BAuA Research Focus Programme: Occupational Safety & Health in the Digital World of Work

In addition to the European campaign under the German national OSHA Focal Point, the BAuA has its own research program “Sicherheit und Gesundheit in der digitalen Arbeitswelt” (Occupational Safety & Health in the Digital World of Work). The program looks at the evaluation criteria of human-centered working conditions in the context of digital transformation. It is argued that the existing criteria for evaluation need to be upheld, but also adjusted and expanded, for example, to evaluate how digital tools have an effect on learning and interactivity while doing a specific task, in both positive and negative terms. It is argued that new criteria evaluating questions of reliability of digital technology and possibilities of flexibility with regards to safety and health at work need to be taken into consideration (Federal Institute for Occupational Safety and Health 2025c).

The focus program consists of three components 1) Systematic monitoring of technological change and its impact on working conditions. In this component, the systematic collection and analysis of data is in focus, including all occupational groups, while highlighting differences between different

occupations and pointing towards trends (Federal Institute for Occupational Safety and Health 2025d). 2) Task-specific analysis of the effects of digital transformation and the development of human-centred models for working in a digitalised environment. In this component, the impact on four different types of activities is examined, clustered along tasks related to “objects”, “knowledge”, “persons” and “management/leading” (Federal Institute for Occupational Safety and Health 2025e). 3) Systematisation of (new) requirements for technical and organisational occupational health and safety. Here the adaptation requirements for the occupational safety system are formulated, while considering also the results from the other two components of the program (Federal Institute for Occupational Safety and Health 2025f). The results of the research are informing policy development of the federal government and other institutional actors involved in occupational safety and health, but also translated for practical application in the workplace and for the use of a broad public audience (Federal Institute for Occupational Safety and Health 2025g).

Involvement of the Kommission Arbeitsschutz und Normung (KAN) in OSH standard setting in digital work

The Kommission Arbeitsschutz und Normung (KAN) (Commission for Occupational Health and Safety and Standardization) in Germany seeks to ensure that OSH measures are adjusted and renewed in light of digital transformation in working environments, and takes on a coordinating and normative role in this regard. In the KAN, employers, trade unions, the BMAS, the DIN and DGUV are involved to provide input to current and planned standard setting processes with regard to workplace risks due to digitalization (however, the KAN is not a standard-setting body itself). One of the most important activities of KAN is a working group on “AI standardisation relevant to occupational safety” (“Arbeitsschutzrelevante KI-Normung”). It has developed a key issues paper (“Eckpunktepapier”) on AI standardization and OSH, published in May 2025, involving the main German actors in occupational safety and health, aiming at informing the relevant standardisation bodies in Germany about developments with regard to AI in the workplace and OSH risks. The paper proposes that under the umbrella of the EU AI Act and EU Machinery Regulation, OSH and product safety are jointly taken into consideration. Therefore, harmonised standards could be merged that inform all actors in the field about the requirements occupational safety and health (Commission for Occupational Health and Safety and Standardization 2025a, 2025b). Another KAN working program aims at engaging with the EU Council Directive 90/270/EEC stipulating minimum safety and health requirements for work with display screen equipment (Commission for Occupational Health and Safety and Standardization 2025c).

iii.2 Initiatives/strategies adopted in relation to the roles of trade unions in the digital transformation

In line with European mandates for digital transformation, the federal government has developed a range of strategies and measures that explicitly aim to strengthen the role of trade unions in shaping digital change. At the same time, trade unions have established diverse programmes dedicated to skills development and representation in digital contexts.

Federal Strategy “Arbeiten 4.0”: Social Partnership and Digital Co-Determination

Digital Rights have already been a key concern in previous strategies of the German Federal Government. The Federal Strategy “Arbeiten 4.0”, published by the Federal Ministry of Labour and Social Affairs (BMAS) in 2017, constitutes the cornerstone of Germany’s digitalisation agenda in the world of work. One of the key mechanisms was the Federal Dialogue Arbeiten 4.0, a multi-year

participatory process involving trade unions, employer associations, academia, and policymakers (BMAS 2025a). The Arbeiten 4.0 process led to the founding of the “Denkfabrik digitale Arbeitsgesellschaft” within BMAS in 2016 as the responsible department for the key topics of the previous process (BMAS 2025b).

This forum aims to shape socially responsible digitalisation that safeguards workers’ rights while leveraging innovation potential. The strategy emphasised securing fair working conditions, social inclusion and flexible working time arrangements within digital environments.

Moreover, “Arbeiten 4.0” and the “Denkfabrik digitale Arbeitsgesellschaft” place great emphasis on the qualification and empowerment of works councils and union representatives. The BMAS funds training programmes that impart digital competencies—such as data protection, worker surveillance, and collective bargaining on digital work forms. These educational offerings are often promoted and implemented in close cooperation with trade unions.

Funding Programmes for Digital Qualification of Works Councils and Trade Unions

The federal government specifically supports the digital qualification of worker representatives. As part of funding initiatives and special programmes, measures to strengthen co-determination in digital workplaces receive financial backing. These include seminars and informational events for works councils that enable them to grasp legal changes and technical developments and remain effective negotiators.

An illustrative example is the funding scheme “INQA-Experimentieräume”, which provides targeted financial support for experimental solutions on the company level, involving companies, employees and social partners (BMAS 2025c). Another example is the “AI Observatory”, that hosts several projects to tackle issues with regard to the implementation of AI in the workplace to train companies, employees and social partners. One of the aims is to make co-determination resilient also in flexible and digitalised working models (BMAS 2025d).

Legal Framework and Regulation

In addition to strategic initiatives, strict data protection regulations govern the handling of personal data in employment relationships. These provide works councils and trade unions with legal grounds to protect employees from unlawful digital surveillance and infringements in the workplace (Federal Data Protection Act, current version).

The transposition of the EU platform work directive will also address the role of trade unions and works council when it comes to data rights for platform workers. The BMAS has started the transposition process, but no draft was released yet.

Trade Union Initiatives: Skills Development and Collective Bargaining

The major German trade unions have developed their own comprehensive programmes to prepare their members and representatives for digital challenges.

ver.di administers extensive educational offerings that address the challenges of digitalisation, telework and platform labour. Their courses range from seminars on digital co-determination to webinars on data protection and fair digital working conditions. ver.di further engages in political advocacy aimed at regulating platform work and supports members affected by these new employment forms.

The **IG Metall** pursues a determined agenda through to address digital rights, which equips works councils operating in Industry 4.0, platform and general digital environments with new skills and simultaneously negotiates collective agreements incorporating protections for workers amid digital transformation. This initiative places special emphasis on automation, artificial intelligence and related co-determination matters.

The **IG BCE** focuses its training offers on sectors with intense automation and digitalisation, such as chemicals and energy, promoting awareness of digital risks and opportunities and strengthening social dialogue in technical and data management issues.

Networking and Cooperation at National and European Levels

German trade unions are also actively involved at the European level and contribute national insights to the European social partner framework, enhancing the harmonisation of standards and best practices. The federal government supports such networking through funding and participation in EU projects on digitalisation, further empowering trade unions in the digital transition process.

iii.3 Initiatives/strategies adopted to implement the right to disconnect

In Germany, there is no specific legislation that explicitly regulates workers' right to disconnect. Instead, this right is safeguarded through a general regulatory approach (Eurofound, 2020), most notably via the German Working Time Act (*Arbeitszeitgesetz*). The Working Time Act in its article 3 stipulates that eight hours of work are not commonly extended, and can only be extended to 10 hours if an average of eight hours per working day is not exceeded within six calendar months or within 24 weeks (§ 3 ArbZG). Breaks and resting times are clearly identified in §§ 4 and 5 ArbZG, laying down, among other provisions, that after a maximum of 6 hours of work a break needs to be taken, and that commonly eleven hours of continuous resting times needs to be secured (with exceptions in the care, hotel/restaurants, transport, media, agriculture and husbandry). The law has specifications for night shifts and other shift work. It stipulates that collective agreements can have deviations from these provisions, and specifies how these agreements can deviate for specific sectors, for example for the case of standby duty in the care sector. Furthermore, Sundays and state-recognized holidays are protected as days of rest from work and dedicated to “mental elevation” or “spiritual uplift” (German: “seelische Erhebung”¹) for employees (§ 1 ArbZG). Except for differences on the reference period for average maximum weekly working time (in Germany six months, in the working time Directive four months) and permitted types of protective measures for shift work other than granting compensatory rest, the German *Arbeitszeitgesetz* is in line with the European working time Directive (2003/88/EC) (Deutscher Bundestag 2017).

Employers are obliged to comply with the Act; breaches may lead to considerable financial penalties or, in severe cases, criminal responsibility on the part of employers (LASI, 2024). The Works Constitution Act, in turn, provides works councils with co-determination rights over the scheduling of daily working hours and breaks, their distribution throughout the week, temporary adjustments to standard working hours, the introduction and use of technical devices designed to monitor employees, and the organisation of mobile work carried out through the use of digital technologies (Federal Ministry of Justice, 2025). These provisions facilitate the practical implementation of the right to

¹ About the difficulties or translating this term, however in a different context, see Caldwell 2009.

disconnect by promoting joint regulation of working time and digital monitoring in and outside of the workplace, rather than leaving such matters to unilateral employer control.

The general regulatory approach to the right to disconnect in Germany leaves significant room for employers and employees to negotiate its implementation through individual contracts, personal arrangements, or company-level agreements (Bitkom, 2024; Secunda, 2019). Among these, company-level agreements are especially influential, particularly in large companies employing more than 250 workers (Eurofound, 2020). Volkswagen is often highlighted as a key example: since 2012, a company-level agreement prohibits employees from accessing work-related digital communications beyond regular working hours (Eurofound, 2020). Comparable measures, often embedded in codes of conduct, are also reported to be in place in other large corporations such as BMW, Audi, and Deutsche Telekom (ELI, 2023).

While company-level agreements illustrate how firms address the right to disconnect in practice, recent case law has sought to delineate its legal boundaries. In its judgment of 23 August 2023 (BAG, 5 AZR 349/22), the Federal Labour Court ruled that employees are obliged to take note of shift notifications sent by text message during their free time, as such a requirement constitutes only a minor interference and does not amount to working time (Hinrichs et al., 2024). The court's decision added weight to the ongoing debate on the need for more detailed legislative provisions on the right to disconnect in Germany – a call that has been repeatedly raised by previous governments, political parties, and social partners (Eurofound, 2020).

iii.4 Initiatives/strategies adopted to safeguard workers' fundamental rights

Germany provides strong safeguards for workers' fundamental rights regarding data protection, privacy, and protection from abusive surveillance in workplaces where digital tools are used. The Works Constitution Act (Federal Ministry of Justice, 2025) stipulates that employers must secure the works council's consent to introduce and use technical devices designed to monitor the behaviour or performance of the workers (Section 87). This legal power conferred to works councils limits managers' freedom, since investments in worker-monitoring technologies can be delayed until the works council agrees (Genz et al., 2019). Additionally, this right was observed to foster the development of a coherent and future-oriented set of initiatives in some of Germany's large companies (Doellgast et al., 2023). Yet, the empowering effect of this co-determination right in the area of employee monitoring needs to be assessed with caution, as in 2023, only 43 per cent of employees in Germany were represented by works councils, leaving a significant share of the workforce outside such protections (Destatis, 2025).

The Federal Data Protection Act (2017) complements the works councils' right to co-determination in the use of digital monitoring technologies and provides safeguards for workers in establishments without worker representation. The Act achieves this by imposing strict limits on the processing of employee data. As outlined in Section 26 of the Act, employers may process data collected from workers only for specific employment purposes, such as hiring and firing decisions, performance monitoring, compliance with health and safety requirements, investigating workplace crimes, or fulfilling legal or collectively agreed-upon obligations. Sensitive data may only be processed when legally required or authorised by collective agreements, and only if workers' overriding interests are not harmed. If data processing is based on consent, it is valid only when freely given, its purpose is clearly set out in writing, and the workers can withdraw their consent at any time. In addition, the Federal Data Protection Act requires that only the personal data strictly necessary for a given purpose

is collected and processed (Sections 47 and 71), with the data subjects being granted the rights to access their personal data (Section 57), correct inaccuracies, request erasure, and restrict processing (Section 58). The Act also protects workers as data subjects against decisions made entirely by automated systems or profiling that may lead to discrimination based on sensitive personal data (Section 54).

Although the fundamental rights of workers on an individual level, particularly those concerning data protection, privacy, and protection from abusive surveillance, are well protected in Germany, collective labour rights, especially in relation to freedom of association, collective bargaining and collective action, still lack adequate legal recognition in work environments where digital tools increasingly structure the work. This shortcoming is particularly evident in the case of digital labour platforms, where, as documented by the Germany Fairwork report (Fairwork, 2025), workers are unable to exercise their collective rights in practice. This stands in sharp contrast to the otherwise strong tradition of collective labour protections in Germany (Schnabel, 2025). Even with the adoption of the EU Platform Work Directive, meaningful improvements appear unlikely. Indeed, the directive promotes the right to collective bargaining for the platform workers in matters related to algorithmic management, while excluding core matters such as pay, working time, and the right to strike (Fredman et al., 2025). This reveals the persistent structural limitations of current regulatory approaches in addressing the collective dimensions of workers' fundamental rights in digitally mediated work environments, calling for stronger regulatory interventions that extend collective labour protections to digital forms of work organisation.

iii.5 Initiatives/strategies adopted with regards to the use of AI in the working environment

In Germany, the use of AI in the workplace is mainly governed by the Works Constitution Act (*Betriebsverfassungsgesetz*) and the Artificial Intelligence Strategy of the German Federal Government. The Works Constitution Act (Federal Ministry of Justice, 2025) grants works councils the right of co-determination in the introduction and use of technical devices designed to monitor employee behaviour or performance, as well as in setting rules for mobile work supported by digital tools (Section 87). As these digital tools are likely to be AI-powered (Özkiziltan and Hassel, 2021), these co-determination rights enable meaningful participation for workers in shaping the governance of AI at work. Furthermore, the Act also requires the employer to inform the works council of any plans concerning the introduction and use of AI (Section 90). Particular attention is given to cases where AI is used to develop guidelines for hiring, transfers, regrading, or dismissals; in these situations, the employer must obtain the approval of the works council (Section 95). Additionally, if the works council needs to evaluate the use of AI to perform its duties effectively, it has the right to seek advice from an external expert (Section 80), and the employer must bear the cost of this consultation (Doellgast et al., 2023).

Artificial Intelligence Strategy of the German Federal Government (hereafter referred to as the Strategy) is an action plan adopted in 2018 (German Federal Government, 2018a) and updated in December 2020 (German Federal Government, 2020). Aiming to position Germany and Europe as leaders in AI while protecting Germany's long-term competitiveness, the Strategy commits to embedding AI within society, taking into account its ethical, legal, cultural, and institutional dimensions. The Strategy promotes a holistic, human-centred, and user-focused approach to AI development for the workplace, emphasising the importance of giving equal consideration to the interests of workers and companies in AI-led transformation of the world of work. The Strategy

endorses a proactive approach to shaping the future of work to make use of AI’s potential to benefit society as a whole.

The German Federal Government implements its AI strategy in matters related to the world of work primarily through four key initiatives. First, the 2019 National Skills Strategy was introduced to foster active labour market participation, particularly by strengthening continuing education and training with a focus on AI-related competences and AI-enabled tools. Second, the Observatory for Artificial Intelligence in the World of Work was established in 2020 to monitor labour market trends and anticipate significant changes, to guide the policymaking process. Third, the Hubs for Tomorrow and the Experimentation and Learning Spaces were launched to provide companies and employees with opportunities to collaborate on practical, human-centred AI solutions. And fourth, in 2020, the Civic Innovation Platform was established to bring civil society actors into the process of developing AI for social good (Özkiziltan, 2024).

When it comes to the initiatives/strategies adopted by social partners, a recent OECD report highlighted that they struggle to support their members in the AI transition primarily due to their limited expertise in AI-related matters and insufficient resources to develop such expertise. (OECD, 2024). This lack of preparedness among social partners is mirrored at the company level. A recent survey of 653 German companies shows that although all consider AI to be strategically important, only 22 per cent have established solid AI governance structures, and many have yet to integrate AI effectively across their organisations (KPMG and Merantix, 2025). Against this backdrop of organisational shortcomings, German trade unions take on the task of shaping policy directions (Haipeter, 2020; Özkiziltan, 2024), calling for more decisive action in four areas: extending social protection to new forms of digital work, empowering workers in co-determination on technological change, modernising education and training for the needs of the digital economy, and protection of workers’ data against abusive surveillance (German Federal Government, 2018b; Özkiziltan and Hassel, 2021). To pursue these goals, labour organisations rely on three main strategies: member recruitment campaigns, activating works councils, and promoting workers’ participation in decision-making at the workplace (Haipeter, 2020).

IV. SUMMARY OF BEST PRACTICES IN THE IMPLEMENTATION OF DIGITAL RIGHTS IN THE DIGITAL ENVIRONMENT

Field of Practice	Name of Initiative	Actors / Initiators	Summary of the Initiative
1. Occupational Health & Safety Rights (OSH)	1) “Safe and Healthy Work in the Digital Age” (EU OSHA Campaign, Germany) 2) BAuA Research Programme: OSH in the Digital World of Work 3) GDA Work Programme "Psyche" 4) Arbeit 2020 in NRW 5) KAN Working Group on AI & OSH Standards	EU-OSHA, BAuA, BMAS, DGUV, German Länder, KAN, employers, trade unions	In Germany, best practice examples exist on several levels to implement OSH with regard to digital rights, to address psychosocial stress, develop new evaluation criteria, and support human-centred AI integration in the workplace.
2. Role of Trade Unions in	1) IG Metall – Arbeitswelt.Plus 2) IG Metall – Arbeit und Innovation 4.0	IG Metall, DGB, works councils, Ver.di,	Trade unions have taken on an important role in protecting

Digital Transformation	3) DGB Campaign for Digital Rights & OSH 4) Company-level agreements like IBM AI Framework	employee representatives	workers' rights in digital transformation, by influencing national legislation and negotiating collective agreements with the aim to embed digital rights and worker protection.
3. Right to Disconnect	1) DGB Advocacy on Mobile Work & Digital Stress 2) GDA Work Programme "Psyche" 3) IBM AI Framework Agreement	DGB, BAuA, BMAS, IBM works council, unions	Initiatives touch upon the right to disconnect in mobile and hybrid working conditions through advocacy, regulation, and collective agreements.
4. Safeguarding Fundamental Rights (Privacy, Freedom of Association, Collective Bargaining)	1) DGB Proposal for Beschäftigtendatenschutzgesetz 2) IBM AI Framework Agreement 3) Legal frameworks (BetrVG, BDSG) 4) KI Kompass & KI Kompass Inklusiv	DGB, IBM works council, BMAS, BAuA, SMEs, Ver.di, legal institutions	These initiatives address the need to protect worker data, regulate AI-based surveillance, uphold collective bargaining rights, and embed transparency and participation in the implementation of digital technologies.
5. Use of AI in the Working Environment	1) IBM Germany AI Framework Agreement 2) KI Kompass & KI Kompass Inklusiv 3) Arbeitswelt.Plus 4) National AI Strategy & Arbeiten 4.0	IBM & works council, BMAS, DFKI, SMEs, IG Metall, KAN	These initiatives aim at human involvement into AI at work, and to ensure participatory design and inclusive access to AI.

V. BEST PRACTICES IN THE IMPLEMENTATION OF DIGITAL RIGHTS IN THE WORKING ENVIRONMENT

For the German case, best practices can be identified on different levels.

On the federal level, the ongoing initiatives around the national AI strategy and the "Arbeiten 4.0" initiative by the BMAS including its successors can be seen as effective ways to implement concerns covered by the European Partners' Framework Agreement on digitalisation and the EU's Declaration on Digital Rights and Principles for the Digital Decade in national strategies. The initiatives involve both policy recommendations and consultancy as well as funding for research on the respective topics.

The government's efforts are complemented by the existing system of industrial relations and existing legal and regulatory frameworks that have already dealt with these issues before the Framework Agreement on digitalisation and the EU's Declaration on Digital Rights and Principles for the Digital Decade were published. For that reason, references to the Framework and the Declaration can be found in the Works Constitution Act (*Betriebsverfassungsgesetz*) as well as the Federal Data Protection

Act and ongoing efforts by the German unions to educate and qualify works council members on labour issues with regard to the implementation of AI in the workplace and processes of digitalization.

The effects of these efforts can be seen in a number of company level agreements including specific clauses on data rights and health and safety related issues that will be shortly highlighted here.

One example that should be noted in this context is the AI Framework Agreement at IBM Germany (2020). This framework was negotiated with the works council. With the aim to regulate the implementation and usage of AI systems in the workplace, the agreement seeks to foster transparency, the involvement of employees, and mechanisms for strict oversight ensuring that AI does not compromise human decision-making, data privacy, or employee well-being. Key provisions include risk assessments, data minimization, and human-centric principles in AI deployment (IBM & Konzernbetriebsrat der IBM, 2020; Ver.di, 2023).

Also the IG Metall union launched initiatives in this regard. The "Arbeitswelt.plus" project aims at promoting co-determination in the implementation of digital technologies, seeking to ensure that technological innovation aligns with workers' rights and safety (Kompetenzzentrum Arbeitswelt.Plus 2025). In a similar way in an earlier initiative, the "Arbeit und Innovation 4.0" initiative aimed at involving workers and works councils in the digital transformation processes, and make them participants in shaping the design of AI systems, in the development of qualification programs and overall, in creating safe working conditions in Industry 4.0 settings (IG Metall, 2017).

Additionally, the German Trade Union Confederation (DGB) has taken action in campaigning for strong data protection, aiming at strengthening respective legislation. This includes proposals for a strong "Beschäftigtendatenschutzgesetz" (Employee Data Protection Act), that protects worker data in digital settings. The DGB also takes a strong stance for robust OSH standards where mobile and remote workplaces are common. The DGB points here towards the necessity to improve workplace design in terms of ergonomics, prevent stress when workers interact with digital systems, and advocated for the right to disconnect (DGB, 2022).

The government's and unions' efforts are further complemented by independent research and collaborative experiments on these topics funded by both federal and state level ministries and union foundations.

Among these initiatives are the two programs "KI-Kompass für Unternehmen" (AI Compass for Companies) and the "KI-Kompass Inklusiv" (AI Compass Inclusive). The AI Compass for Companies aims at SMEs and is a practical handbook produced under the "Initiative Neue Qualität der Arbeit" (New Quality of Work Initiative) that helps small and medium enterprises introduce and manage AI in their operations. The handbook aims at fostering employee involvement in the management of AI systems and in the change process towards introducing these systems, and guides management and employees regarding the challenges and opportunities in AI deployment (BMAS, 2025). However, occupational safety and health is only one among many topics of the initiative, and seems to play a relatively minor role overall. The AI Compass Inclusive project extends the concept of the AI Compass for SMEs toward increasing inclusion through digitalization and AI in the workplace (e.g. accessibility, reducing barriers). Here, occupational safety and health is also touched upon (for example, in relation to inclusive design and changes in the work environment), but it is not the central focus of the initiative (DFKI, 2025).

Regionally in the state of Nordrhein-Westfalen (North Rhine-Westphalia), the completed "Arbeit 2020 in NRW" project aimed to support works councils, employees, and companies in recognizing and

shaping changes due to digitalization and networking in the workplace. Among the outputs were tools such as a “Betriebslandkarte” (company map), scenario analyses, and guidance for action planning to structure the change process in digitalization in the workplace. OSH is not a separate pillar in the initiative. However, the project aimed at comprehensive and holistic change in the workplace and highlighted that inclusion and employee participation should create space for OSH considerations to be integrated in transformation processes.

As highlighted above, the integration of AI and digital technologies into the workplace in Germany has prompted a range of initiatives from trade unions, companies, and public institutions, aiming to ensure transparency, data protection, and employee participation. Most notable are initiatives in the field of OSH. It can be stated that OSH is increasingly acknowledged as a critical component of human-centered and inclusive digital transformation and forms an important component when securing digital rights in the working environment.

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