

LAYERED BUT ASYNCHRONOUS: EU REGULATION AND THE UNEVEN TIMING OF WORKER PROTECTION UNDER ALGORITHMIC MANAGEMENT

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Abstract

The European Union has created a multi-layered system of regulation concerning algorithmic management via the General Data Protection Regulation, the AI Act, the Platform Work Directive and an additional layer which is still being developed. This article examines how this system allocates protection among different types of workers and looks at how Regulation (EU) 2026/1744 changed the timeline of this regulatory structure. Using historical-institutionalist approaches to the concept of layering and drawing on the literature about EU political time, it introduces the idea of asynchronous regulatory protection as a way of understanding the relationship between the timing of regulations and the scope that they cover. A seven-dimensional grid is applied at a single point in time, 2 August 2026. The main finding relates to the sequence of events at the Union level: prior to the amendment, the AI Act's binding duty to provide employment-specific information was set to come into force four months before the transposition deadline for the Platform Work Directive; following the amendment, it is now set to come into force twelve months after that deadline. The analysis also shows that material and personal scope are to some extent nested and reveals intra-layer temporal decoupling within the AI Act. Regulatory timing becomes distributed when the various layers of regulation differ in terms of what they protect and who they protect.

Keywords : algorithmic management; asynchronous regulatory protection; AI Act; Platform Work Directive; regulatory layering

1. INTRODUCTION

The general provisions of the EU Artificial Intelligence Act came into application on 2 August 2026. Six days before that, Regulation (EU) 2026/1744 had shifted the high-risk employment regime from 2 August 2026 to 2 December 2027. The Platform Work Directive stayed on a transposition deadline of 2 December 2026, and at the same time the Commission launched the second-phase consultation on a Quality Jobs Act on 20 July 2026. Under all these more recent developments, the General Data Protection Regulation remained in force, even though Article 22 was already the subject of a pending amendment proposal. On that date, the architecture could thus be seen as being applicable, deferred, in the process of being transposed and still undergoing legislative development.

The coincidence is the puzzle that this article addresses. Within less than ten years the EU has established a dense set of rules concerning automated recruitment, allocation, monitoring, evaluation and termination. Nevertheless, this regulatory density has not resulted in the same level of protection for all functions, groups of people or over time. The article therefore investigates how the EU's multi-layered regulatory framework

allocates protection against algorithmic management among different categories of workers, and in what way the 2026 amendment to the AI Act changed the temporal arrangement of that framework without altering its multi-layered nature.

The main argument of the article is that these differences have a distributive character. It is normal for the various dates of application to occur in a multilevel legal system; what is important in this case is the way in which these differ in both the personal and material scope. Regulatory protection becomes distributive when the various regulatory layers protect different things and different groups of people. As a result, a change of calendar in one layer can modify the relative regulatory position of the categories which rely on different layers. The article refers to this situation as asynchronous regulatory protection and its most obvious empirical manifestation is not the date on which each worker in each Member State acquires effective protection, but rather a reversal of the nominal, Union-level sequence of the two regulatory trajectories.

The study intentionally sets limits on its scope. While scholarship on European studies has looked at temporal differentiation among institutions, Member States, policies, and sectors, and labour-law scholarship has carried out extensive analysis of the personal scope of worker protection as well as the substantive gaps associated with algorithmic management, the present contribution seeks to bring these issues together by focusing on the interaction between regulatory timing and personal scope and investigating how the sequence of regulations leads to the distribution of protection gaps among different categories within the same legal system. The framework includes a descriptive material aspect – that is, what is protected – and two further propositions relating to who is protected and when protection applies.

The method involves the analysis of documents, employing a longitudinal approach when reconstructing the timeline and a cross-sectional one when making comparisons. The article selects 2 August 2026 as its common point of observation since this is the one moment within the regulatory sequence at which the various layers are simultaneously visible in distinct states of applicability, deferral, transposition and legislative development. A seven-dimensional grid is used to distinguish between the parties who have obligations and those who are protected; instead of assigning each instrument a single date, it notes its position along a trajectory.

Section 2 develops the framework; in Section 3 presents the corpus and method; Sections 4 and 5 put the matrix and timeline into practice; Section 6 discusses the implications for layering, political time and work that is mediated digitally; and Section 7 ends by addressing the challenges posed by the 2026–2027 regulatory timetable.

2. REGULATORY LAYERING AND ASYNCHRONOUS PROTECTION

2.1 Algorithmic management as a regulatory problem

Algorithmic management means the use of automated systems to direct, evaluate and discipline workers, a set of practices first documented in platform work and now spreading into conventional employment (Wood, 2021). Management scholarship regards it as a mode of organisational control in which algorithms take over functions previously exercised by human managers (Kellogg et al., 2020), but also as a sociotechnical arrangement that reshapes power, roles and information flows inside organisations (Jarrahi et al., 2021). The Joint Research Centre offers a narrower working definition, the use of computer-programmed procedures for the coordination of labour input in an organisation, and stresses that the phenomenon is not confined to digital labour platforms alone (Baiocco et al., 2022). Human resource management research treats it as a distinct research agenda for employment relations (Duggan et al., 2020).

From the perspective of the European institutions, it can be observed that in its December 2025 legislative-initiative resolution, the European Parliament describes algorithmic management as the use of automated systems to monitor, supervise, evaluate or make or support decisions regarding work performance and working conditions, covering both surveillance of the work environment and decisions with significant effects on the persons concerned (European Parliament, 2025). The definition cited here is adopted since it is the one against which the various instruments under examination are drafted and assessed. That aspect involving the personal dimension, however, is disputed, as the preparatory documents also referred to the self-employed working alone, whereas the directive limited its application to workers and employers within the EU, on account of the constraints imposed by the social-policy legal basis in Article 153 TFEU. This

limitation is not merely incidental to the present article; it represents an early example of the kind of distinction between personal scopes that the framework is intended to address.

If it is defined in this way, algorithmic management cannot be assigned to any one legal instrument. Data protection law was the first to deal with automated decisions concerning individuals, specifically through Article 22 of the General Data Protection Regulation (Abraha, 2023). The Artificial Intelligence Act introduced a broad, product-safety-oriented framework which regards the use of algorithms in employment as high-risk without establishing any rights that are specific to workers (Veale & Zuiderveen Borgesius, 2021; Adams-Prassl, 2022). The Platform Work Directive included the first dedicated chapter on algorithmic management, but this chapter only applies to people who carry out platform work. Labour-law scholarship has pointed out what still remains inadequately addressed by this combination of measures: information asymmetries and the decline of human agency (Adams-Prassl et al., 2023), psychosocial risks (Cefaliello et al., 2023), and the lack of employment-specific safeguards in the AI Act (Wright, 2025). The regulatory focus is therefore on a range of overlapping legislative measures, and the issue to be analysed is how this field is constructed and how different workers end up benefiting from the protections it provides.

2.2 Regulatory layering and gradual institutional change

In order to explain how this field has been developed, the terminology provided by the historical-institutionalist literature on gradual change will be used. Streeck and Thelen (2005) identify four modes of gradual institutional change, one of which is known as layering, this referring to the introduction of new rules which either overlap with or stand alongside the existing ones without formally abolishing the old. Mahoney and Thelen (2010) build on this by proposing a theory of change based on ambiguity, agency, and power, according to which layering is preferred when the defenders of the status quo are able to prevent replacement but not the addition of new rules. Layering is therefore not a synonym for accumulation; it involves three conditions: new arrangements are added to the existing ones, the existing arrangements are not replaced, and the addition changes the overall effects through the interaction between the old and the new rules.

The EU's regulation of algorithmic management meets all three conditions. It is therefore possible to regard the GDPR as forming the fundamental layer, one that applies to any processing of workers' personal data and to any automated individual decisions. The AI Act was then introduced alongside it, expressly without prejudice to data-protection law, and includes employment uses by means of its high-risk category. The Platform Work Directive was also introduced for a particular group of workers, relying on Article 22 of the GDPR and going further by granting them the right to receive information, the right to human oversight and the right to review. None of these measures replaced their predecessors, and each one expanded the scope of the others: for instance, the directive's section on algorithmic management provides platform workers with rights which Article 22 alone does not, while the AI Act's requirements towards deployers assume and supplement rather than override the data-protection obligations.

Figure 1. The three binding layers of the EU architecture for algorithmic management

Whom it covers	What it adds	Whom it binds
Platform Work Directive, 2024: sectoral layer		
platform work only, with or without employment	worker rights: explanation, review, human decision	the digital labour platform and the Member States
added alongside, not in place of, the layer below		
AI Act, 2024: horizontal layer		
any work-related contractual relationship	obligations on named functions; almost no new rights	the system provider and the deploying employer
added alongside, not in place of, the layer below		
GDPR, 2016: base layer		
any data subject, regardless of status	right not to be subject to solely automated decisions	the data controller: employer, platform, intermediary

Note. Each layer is read by personal scope, added content, obligation, holder. Outline weight and pattern distinguish the layers: solid for the base layer, dotted for the horizontal layer whose high-risk core is deferred, hatched for the sectoral layer. Source: author's reading of the instruments in Table 1.

The observation point shows how layering takes place over time. The regulation 2026/1744, which came about after the Commission's proposal COM(2025) 836 (European Commission, 2025d), postponed the AI Act's employment-related high-risk regime until December 2027, representing a readjustment within the existing layer. At that same time, the Platform Work Directive stayed to be transposed, while the Parliament's 2025 resolution and the July 2026 consultation concerning a Quality Jobs Act indicated the need for an extra layer in the area of employment. Under these circumstances, on 2 August 2026 the architecture was both readjusted, put into effect and extended at the same time. Bulmer (2009) associates this kind of sequence with the EU timescape. The prospective Quality Jobs track is recorded in the Commission's first- and second-stage consultations (European Commission, 2025e, 2026b).

2.3 Political time, sequencing and the EU timescape

Studies of political time regard the institutionalisation of time as a variable rather than as a background factor. Goetz and Meyer-Sahling (2009) claim that terms, time budgets and time horizons, the rights concerning timing, sequencing and the speed of decision-making, and the temporal characteristics of policy influence the distribution of power, the effectiveness of policy-making and democratic legitimacy. Goetz (2009) sets out these ideas in a series of propositions concerning how the EU 'ticks', and this same set of propositions links the agenda to enlargement, differentiated integration and democratisation (Meyer-Sahling & Goetz, 2009). Thus, timing and sequencing are political outcomes with distributive effects and not merely technical remnants of the legislative process.

The literature also provides a theory of asynchrony concerning other types of unit. Thus, Willumsen and Goetz (2015) speak of staggered concerns regarding non-coinciding institutional mandates. Differentiated integration identifies temporal and territorial variations in the participation of the Member States, ranging from Stubb's (1996) multi-speed model to later systemic explanations (Leuffen et al., 2013; Schimmelfennig et al., 2015). Research into transposition explains the reasons why states and sectors implement directives at different speeds (Falkner et al., 2005; Steunenberg & Toshkov, 2009; Haverland et al., 2011).

These studies examine temporal variation at the level of institutions, states, policies and sectors; nevertheless, labour-law scholarship has for a long time regarded personal scope as a key issue. The aspect relating to the distributive effects that occur when regulatory calendars and personal scopes do not match is still less developed, and that is the gap which this paper deals with.

2.4 From institutional timing to differentiated protection

Apart from the question of institutional timing, it can be seen that the relevant point is the moment at which a category obtains an enforceable safeguard against a particular risk. Four factors are important: the scope in material terms, the scope in personal terms, the degree of legal force and the temporal applicability. A protection gap does not mean that there is no law; it may also occur when the applicable safeguards are narrower, less specific to the regulated practice or less directly accessible to one category than to another. The article thus makes a clear distinction between absences gaps and specificity gaps and regards differential protection, not the absence of law, as the thing to be compared.

It is necessary to point out that this kind of framing is different from regulatory fragmentation. Fragmentation refers to a feature of the regulatory system, namely the fact that there are partially differentiated rules and authorities present. Since there is no single established theory, the term is applied in more than one way. For example, Finck (2017) demonstrates that fragmentation of authority in EU law does not have to be interpreted as disintegration; it is still possible for a coherent regulatory system to result in uneven protection even if its rules have different personal scopes and calendars. The distributive issue therefore does not hinge on an assessment of fragmentation but rather on whether different categories of persons rely unequally on various layers whose applicability follows different trajectories. Timing becomes distributive exactly in that situation.

Existing scholarship in the field of labour law and policy has demonstrated that the scope of protection provided by algorithmic management is not equal. The Platform Work Directive includes a specific set of safeguards for people who carry out platform work, whereas parliamentary and policy analyses point out that protection is weaker in the case of those outside the platform sector (European Parliament, 2025; European Parliamentary Research Service, 2025; Wright, 2025). The current article is not asserting anything new regarding the categories of protected persons. Rather, it is asking how these pre-existing differences in the scope of protection interact with the various regulatory timelines.

2.5 Asynchronous regulatory protection

Asynchronous regulatory protection refers to a situation where various regulatory layers, each dealing with related risks, follow different paths in terms of their applicability and enforcement, resulting in systematically unequal protection gaps among the different groups of people who are protected within the same legal system. In order for this definition to be valid, there must be more than one regulatory layer, a shared area of protected interests, differences in scope or trajectory, clearly defined groups of protected persons, and a systematic, not random, distribution of the gaps. A gap is regarded as systematic if it arises from an instrument's personal-scope rule or from the regulatory trajectory on which a particular category depends, rather than because of a delay in implementation in a specific Member State; it only becomes a distributive factor when the various layers differ both in the areas they cover and in the groups of people they cover; mere temporal differentiation is not enough.

This concept must be distinguished from five neighbouring ones. Thus, layering explains how new rules are added; fragmentation relates to a differentiated regulatory setup; staggering deals with institutional cycles that do not coincide; multi-speed integration refers to the fact that states take part at different times; and transposition delay refers to the variation in the speed of implementation between states or sectors. In contrast, asynchronous regulatory protection is the question of which categories of persons have enforceable safeguards at a given time.

So far, the existing literature has looked at temporal differentiation in EU governance and the personal scope of labour protection, but it has not used their interaction as the basis for evaluating regulatory sequencing. This article presents the concept of asynchronous regulatory protection as a framework for understanding how differences in regulatory timing and personal scope lead to unequally enforceable safeguards within the same legal order.

The framework is based upon three questions (what is protected, who is protected and when protection applies), but these questions do not have the same epistemic status. The aspect of material differentiation is a descriptive feature of the coding grid, while the two propositions refer to coverage asymmetry and temporal asymmetry and could in principle be contradicted by the way the instruments are distributed and move. The framework thus designates the material dimension D1 (a descriptive dimension of the coding grid) and the two testable claims P1 and P2 (propositions regarding coverage and timing).

For D1, regarding material differentiation (what), the grid sets down, for each management function—namely recruitment, evaluation, task allocation, monitoring, scheduling, promotion and termination—the fact that binding obligations at the EU level exist, the type of those obligations and their specific character. No prior directional claim is made; rather, the pattern is simply described on the basis of the corpus.

P1, coverage asymmetry (who). At EU level, the specificity and intensity of the safeguards against algorithmic management vary depending on the categories of protected persons. Workers who carry out platform work are expected to benefit from the most targeted regime, one that is specific to their role; conventional employees are expected to depend on horizontal safeguards as well as on those which are specific to employment; and independent self-employed persons who are not involved in platform work are expected to have the least developed dedicated arrangement. The objective is to create a gradient rather than a strict hierarchy. The indicators employed are the personal scope, the number and type of dedicated benefits, and the management functions covered per instrument and category.

P2, temporal asymmetry (with reference to time). Differences in the applicable rules, the way they are transferred, and their development lead to situations in which the protections which have been adopted or agreed upon politically are not equally enforceable across different instruments and categories of protected persons. The indicator consists of the trajectory and position of each instrument for each category at the time of observation, making a distinction between the adopted entitlement and the pathway which ensures implementation and enforceable protection.

The two propositions interact. At 2 August 2026 persons performing platform work have a dedicated pathway which is to be transposed by December 2026; conventional employees enjoy horizontal safeguards, have their employment-specific high-risk layer postponed to December 2027 and also have a prospective layer; sole self-employed people who are not involved in platform work have horizontal protection where this applies but do not have a corresponding dedicated labour-law pathway. The comparison thus involves not only the regulatory trajectories but also the level of protection.

3. CORPUS AND METHOD

The study employs structured document analysis based on a predetermined grid and with a clearly defined observation point. It has a longitudinal element when it comes to reconstructing the chronologies and a cross-sectional one when it comes to the comparisons: the chronologies for each instrument are reconstructed and their protective status is compared as of 2 August 2026. In terms of methodology the requirement is for consistency not quantitative analysis: the same seven questions, the same categories of protected person and the same date are applied throughout.

3.1 The observation point

The date of 2 August 2026 was selected for three reasons. First, it is the day on which the general provisions of the AI Act, such as those relating to transparency and the provision of remedies, came into effect. Second, it is six days after Regulation (EU) 2026/1744 entered into force, which postponed the application of the Act's high-risk regime to employment uses, and four months before the deadline for transposing the Platform Work Directive. Third, it falls within the second phase of the consultation process on a Quality Jobs Act, which began on 20 July 2026. At no other point during the period in question are all the different layers of the architectural framework at the same time in distinct states: applicable, deferred, in the process of transposition and still under legislative development. It is therefore not merely a convenient point in time but the one at which the subject of the article, the coexistence of these states, is most clearly and fully evident.

3.2 Core corpus and contextual corpus

The corpus is divided on the basis of its analytical function; the core corpus consists of five regulatory tracks, as shown by the six entries in Table 1 because Regulation (EU) 2026/1744 is treated separately as the recalibration event for the AI Act. This core corpus is used in relation to the material dimension and with regard to the two propositions. The contextual corpus includes the instruments and procedures used to reconstruct the wider EU timescape and to interpret certain cells without referring to the comparative matrix. Both corpora are listed in Table 1.

Table 1. Corpus by analytical function

Instrument / process	Relevant content	Status at 2 Aug 2026	Analytical function
CORE CORPUS			
Reg. (EU) 2016/679 (GDPR)	Arts 13-15, 22, 35, 88	Applicable; Art. 22 under pending amending proposal COM(2025) 837	Base layer; D1, P1-P2
Reg. (EU) 2024/1689 (AI Act), consolidated after Reg. 2026/1744	Art. 4, Art. 5(1)(f), Art. 26, Art. 50, Arts 85-86, Annex III point 4	Art. 5(1)(f), Art. 50, Arts 85-86 applicable; Ch. III Sections 1-3 for Annex III deferred to 2 Dec 2027	Horizontal layer; D1, P1-P2
Reg. (EU) 2026/1744 (Digital Omnibus on AI) and COM(2025) 836 (European Commission, 2025d)	Deferral of high-risk regime; Art. 4 and bias-detection amendments	In force 27 Jul 2026	Recalibration event; P2
Dir. (EU) 2024/2831 (Platform Work Directive)	Ch. III, Arts 7-15; Art. 1(2); recitals 17, 54, 64	Transposition due 2 Dec 2026	Sectoral layer; D1, P1-P2
EP resolution 2025/2080(INL), report A10-0244/2025	Recommended directive on algorithmic management in the workplace	Adopted 17 Dec 2025; Commission proposal pending	Layer under legislative development; P2 (null obligations)
Quality Jobs Act, second-phase consultation, priority area 1	Algorithmic management and AI at work	Opened 20 Jul 2026; responses due 28 Sep 2026	Prospective layer; P2 (null obligations)
CONTEXTUAL CORPUS			
Draft Commission guidelines on the classification of high-risk AI systems	Interpretation of Art. 6 and Annex III, incl. work-related contractual relationships and access to self-employment	Published 19 May 2026; consultation closed 23 Jul 2026; draft, non-binding	Interpretive context for dimension 4, incl. category 5
Commission guidelines on prohibited AI practices (2025)	Reading of Art. 5(1)(f) in the workplace	Non-binding	Interpretive context
European social partners framework agreement on digitalisation (2020)	Human-in-control principle; modalities of disconnection	Autonomous implementation	Parallel soft-law trajectory
EP resolution 2019/2181(INL) (21 Jan 2021)	Request for a directive on the right to disconnect (European Parliament, 2021)	No Commission proposal	Open trajectory since 2021

Commission consultations on telework and the right to disconnect (30 Apr 2024; 25 Jul 2025)	Art. 154 TFEU, stages I and II	Stage II closed 6 Oct 2025	Procedural trajectory, no hard law
Quality Jobs Act consultation, areas on telework, psychosocial risks, disconnection	Options on OSH for off-premises work	Open until 28 Sep 2026	Parallel trajectory; timeline only
Digital Omnibus (data) proposal COM(2025) 837	Proposed replacement of Art. 22(1)-(2) GDPR	Pending	Prospective recalibration of the base layer; timeline only

Membership is decided on the basis of the content rather than on the basis of documents. An act or a process may appear in both corpora, albeit in different parts. The clearest example is the consultation on the Quality Jobs Act: the first priority area, namely algorithmic management and artificial intelligence at work, is included in the core corpus as a procedural layer with no obligations, since it is directly connected to the extension of protection against algorithmic management to conventional employment; the areas relating to telework, psychosocial risks and disconnection are included in the contextual corpus. The same rule applies to the Commission's draft guidelines on the classification of high-risk AI systems, placing them in the contextual corpus as well: these guidelines impose no obligation and do not examine any proposal, but they do help in interpreting one cell of the matrix. They are cited there as such, with their non-binding status referred to.

With regard to inclusion, the first rule is that only documents which have legal or procedural effect at the observation point are included in the grid; preparatory documents, guidelines and studies are included for the purpose of providing context or interpretation. The second rule is that the AI Act is to be considered in the version consolidated according to Regulation (EU) 2026/1744. On the other hand, Table 3 gives the amendment a separate entry so that the need for recalibration can remain visible and not be incorporated into the consolidated text

3.3 The analytical grid

The seven dimensions used to code each core instrument are: (1) the management function, (2) the type of obligation, (3) the obligation holder, (4) the personal scope, (5) the individual entitlement, (6) the enforcement mechanism and (7) the temporal trajectory. The first two of these dimensions show material differences, while dimensions three through five assess P1 with regard to coverage. P2, as regards temporal asymmetry, is examined by looking at dimension seven in conjunction with the enforcement mechanism in dimension six.

The argument has two parts. First, it must be pointed out that the person who has the obligation and the person who is protected are different, since it is the providers, deployers or platforms who have the duties, whereas the workers and applicants are the ones who receive the protection. On the other hand, in a similar way, temporal status is not a single date but a series of stages: the adoption of the entitlement, the securing of the implementation route and the establishment of enforceable protection are each recorded separately, so that a directive in transposition and a deferred regulation can be compared without both being reduced to the expression 'not yet applicable'.

3.4 Categories of protected persons and coding conventions

Dimension 4 (personal scope) is based on six standard categories: (1) the job applicant; (2) the conventional employee; (3) the platform worker who has an employment relationship; (4) the person who carries out platform work without having an employment relationship; (5) the sole self-employed person who is not engaged in platform work; and (6) other data subjects who are only covered by horizontal data-protection rules. In this instance, three conventions hold: a category indicates the basis of protection and does not define the person's exclusive identity. It is therefore possible for the same individual to be both an employee and a data subject at the same time, and a particular instrument can be allocated to that individual under more than one category. Category 6 is a legal-status umbrella and not an occupational category and is used only in those cases where none of the other categories applies. Categories 4 and 5 are not the same: the directive confers the specified rights on persons who carry out platform work without having an employment relationship but does not extend these rights to self-employed persons outside platform work, which is the reason why the two are considered separately.

With regard to blank cells, if an instrument gives rise to no obligation, no right, or no enforcement mechanism for a particular category, the relevant cell stays blank rather than being shown as missing. The absence of a specific regulatory pathway for a given category is in itself a noticeable feature in the way the

personal scope varies, and the pattern of the blank cells in the matrix counts as part of the outcome, not as an indication of a limitation in the data.

3.5 Reporting the analysis

The analysis is presented in three tables, each serving a different purpose. Table 1 describes the corpus and indicates the analytical function of each legal or procedural instrument. Tables 2a and 2b set out the comparative regulatory matrix: Table 2a lists the management functions involved, the kinds of obligations established, and the parties responsible for those obligations, whereas Table 2b compares the personal scope, the individual entitlements, the enforcement mechanisms, and the temporal status. The matrix therefore shows what is protected, who the various levels of protection cover and by what means. Table 3 includes the temporal dimension by reconstructing the regulatory timeline of the instruments from proposal and adoption to applicability, transposition or later amendment. When the matrix and the timeline are considered together, they reveal how protection is distributed among different categories of persons and how Regulation (EU) 2026/1744 changed the nominal order of those protections at EU level.

3.6 Limits

It is worth noting here that this design includes several limits: a single observation point, application of the rules at Union level only, the absence of case law and coding carried out by a single author. National transposition, more favourable national rules and national labour law are not included in the comparison. The two patterns discussed in Sections 5.5 and 5.6 were discovered in the course of the coding process, not specified in the framework before the study began. They should therefore be treated as exploratory results.

4. THE LAYERED ARCHITECTURE AT 2 AUGUST 2026

4.1 The base layer: the General Data Protection Regulation

The GDPR covers all management functions that involve personal data, even if it does not name those functions expressly. On automated decisions, Article 22 provides protection against decisions based solely on automated processing which could have legal or significant effects, including some exceptions and safeguards such as the possibility of human intervention, the right of the individual to state their point of view and the right to challenge the decision. Articles 13 to 15 set out the obligation to provide information in the case of automated decisions, Article 35 mandates an impact assessment for high-risk processing, and Article 88 permits more specific rules in the context of employment.

The regulation makes it clear that the employer, the platform or the intermediary functions as the controller and is therefore responsible, while any data subject is entitled to protection. However, this protection, although wide in relation to personal data, is structurally weak since Article 22 only comes into play in the case of significant decisions made entirely by automation and relates to processing, not to management functions. Enforcement is carried out by the data-protection authorities via fines and through judicial measures. The provision has been in effect since 2018 and was still unchanged at the time of the observation, even though Article 22 is now the subject of a proposed amendment contained in COM(2025) 837 (European Commission, 2025c).

4.2 The horizontal layer: the AI Act, as amended in 2026

The AI Act lists the management functions which it applies. According to point 4 of Annex III, high-risk AI systems are those which are intended to be used for the recruitment or selection of natural persons, specifically for placing targeted job advertisements, for analysing and filtering applications and for assessing candidates, as well as systems that are meant to make decisions concerning the terms of work-related relationships, promotions and dismissals, for allocating tasks on the basis of an individual's behaviour or personal traits and characteristics, and for monitoring and evaluating the performance and behaviour of persons within such relationships. The heading of point 4 also includes access to self-employment. Moreover, Article 5(1)(f) bans the use of AI systems that infer the emotions of natural persons in the workplace, with the exception of cases where this is for medical or safety purposes. Also, Article 50 sets out transparency requirements for systems that interact with humans and for generated content. These requirements are not limited to the employment context. Interpretive guidance on the prohibition in the workplace is given by the Commission's non-binding guidelines on prohibited practices (European Commission, 2025a).

The obligations attached to the high-risk category fall primarily on the provider. At the same time, the deployer, who is generally the employer in the case of employment situations, has to ensure the system's use, provide oversight and monitoring and make the information available as required by Article 26. Although the Regulation gives workers only very limited rights, it does include some binding safeguards which are specific to employment. For instance, Article 26(7) lays down the obligation to inform workers at the workplace before high-risk systems are put into service, and Article 26(11) relates to people who are affected by decisions made or supported by a system listed in Annex III. Chapter IX offers, in Article 85, a means by which complaints can be filed and, in Article 86, a right to have certain individual decisions explained. Yet these provisions are still considerably less thorough than the dedicated framework for labour law set up by the Platform Work Directive. It therefore follows that the AI Act contains no equivalent general right to human review and imposes, at the EU level, no additional obligation to consult workers' representatives beyond that which is provided by applicable labour law.

The extent of personal scope is mainly determined by the regulated use rather than by the person's occupational status. As shown in point 4 of Annex III, employment, the way workers are managed and access to self-employment all fall within the scope, and recital 57 mentions work-related contractual relationships, such as those between employees and individuals who provide services via platforms. It is therefore on this basis that uses relating to self-employment are included. While the Commission's 2026 draft classification guidelines, although not binding at the time in question, support a wider interpretation which goes beyond platform work to cover independent contractors and service providers, these guidelines are here referred to only as an element for interpretation and not as the legal basis for coverage. Eligibility is still determined on a case-by-case basis and does not depend on status (European Commission, 2026a).

The most broken timeline is to be found in the instrument itself. Article 113 retains 2 August 2026 as the general date of application. Regulation (EU) 2026/1744, which came into force on 27 July 2026, includes one exception: for systems listed in Annex III, the provisions of Chapter III, Sections 1 to 3 (that is, the classification rules, the requirements for high-risk systems and the obligations of providers and deployers, including Article 26) come into force only from 2 December 2027. All other provisions follow the general schedule. At the observation point, the ban stated in Article 5(1)(f) has been in force since 2 February 2025; the transparency requirements in Article 50 come into effect on 2 August 2026; the right to file a complaint under Article 85 also comes into effect on that date, but only with regard to the provisions applicable at that time; and Article 86 applies formally from 2 August 2026, since Chapter IX, Section 4, was not one of the provisions deferred. In practice, however, the operation of Article 86 is separated from the regime which triggers it: the classification of a system as a high-risk system in Annex III and the substantive obligations which give effect to that classification apply only from 2 December 2027. The same amending regulation altered the AI-literacy obligation in Article 4, changing it from a requirement to ensure literacy to a requirement to take measures to support it, and introduced a legal basis for processing special categories of data in order to detect and correct bias. Thus, on 2 August 2026 the employment-related architecture of the AI Act includes an applicable prohibition, generally applicable transparency and remedy provisions and a deferred substantive high-risk core.

4.3 The layer by sector: the Platform Work Directive

The directive is the only part of the entire regulatory framework which includes a rule specifically concerned with algorithmic management. When outlining automated decision-making systems, it lists the areas to which it applies: (a) decisions regarding recruitment, (b) access to and the organisation of work assignments, (c) earnings, including the setting of individual assignment prices, (d) safety and health, (e) working time, (f) access to training, (g) promotion or something equivalent to it, and (h) contractual status, such as the restriction, suspension or termination of an account. Automated monitoring systems are also covered, being described as systems that monitor, supervise or assess work performance or the activities carried out in the work environment. It is thus the most complete list of management functions in the corpus and the only one that includes scheduling and pay.

The obligations involved are extensive. Articles 7 to 9 limit data processing, require impact assessment and consultation, and include detailed requirements relating to transparency. Article 10 mandates that human oversight and human decisions should be made when a restriction, suspension or termination is in question; Article 11 offers an explanation, specifies the reasons, allows for a review and provides for rectification or compensation. Articles 12 to 14 contain duties relating to occupational safety and to information and consultation. As a whole, these provisions form the most narrowly focused group of rules in the corpus.

The digital labour platform is the party that has the obligation, together with the Member States, who are in charge of implementing the rules and of ensuring equal protection through intermediaries. The personal scope is built into the instrument itself. Platform workers have all the rights listed. Those who perform platform work without being in an employment relationship have, as stated in Article 1(2) and in recital 54, the rights concerning the protection of personal data, that is to say the limitations referred to in Article 7, transparency, human oversight and the right to review, but not the safety-and-health and information-and-consultation rights provided for in Articles 12 and 13, since these are reserved for workers. Moreover, Article 11 excludes from the scope persons who are regarded as business users in the sense of Regulation (EU) 2019/1150. Recruitment candidates are covered by the scope of Articles 7 and 9. Conventional employees and independent self-employed persons who are not involved in platform work are entirely outside the scope of the instrument. Enforcement is the responsibility of the data-protection supervisory authorities in charge of the provisions relating to data, who may impose fines amounting to the amounts specified in Article 83(5) of the GDPR, and of the national competent authorities, who offer remedies, protection against adverse treatment and, in particular, the labour-law mechanisms of presumption and inspection.

The trajectory has been adopted but not yet completed. The directive came into effect on 1 December 2024; the Member States have to put it into effect by 2 December 2026, and the legal presumption of employment only applies from that date. Consequently, at the point under observation, the special regime is regarded as a right which has been adopted and which has a guaranteed route and the same deadline, but it is not yet enforceable under national law in those Member States that have not implemented the directive early. This is precisely the way in which the directive and the AI Act differ as of 2 August 2026: both have been adopted, neither is enforceable with regard to their main provisions, but in one case the deadline has been kept while in the other it has been lost.

4.4 The layer under legislative development

The two documents outline the organisations' response to the gap left by the three binding layers. In December 2025, the European Parliament, under Article 225 TFEU, adopted a resolution in which it made recommendations to the Commission on matters relating to digitalisation, artificial intelligence and algorithmic management in the workplace. The directive which is recommended would introduce into all workplaces the essential features of the platform work system, namely information on the use of algorithmic systems, consultation with workers' representatives, a prohibition of certain intrusive practices and human oversight of significant decisions. However, the scope of the recommendations with regard to individuals is restricted to workers and employers within the Union; the self-employed acting alone, who had been considered during the preparatory work, are not covered by the recommended text, primarily due to the limitations of the legal basis of social policy. The Commission has not yet tabled a proposal at that stage.

On 20 July 2026 the Commission launched the second-phase consultation with the social partners regarding the Quality Jobs Act under Article 154 TFEU, with algorithmic management and artificial intelligence being identified as the main areas of focus. Neither the Parliament's recommendation nor the consultation itself gives rise to any obligation, right or enforcement mechanism; this is shown in Tables 2a and 2b by the presence of cells indicating no obligation or no protection and is reflected in Table 3 by the procedural route followed. The significance of these tables is that they record a possible layer of conventional employment while the existing layer relating to AI was being delayed.

4.5 The comparative matrix

Tables 2a and 2b provide three interpretations. With regard to material specificity, it is greatest in the case of consequential decisions, while scheduling and pay are referred to only in the sectoral directive. Regarding the personal aspect, the binding provisions show a gradation: the GDPR is broad but superficial; the AI Act is broad but has relatively few provisions concerning workers' rights; the directive is narrow but detailed. As far as the temporal aspect is concerned, the various pathways are as described. Two exploratory patterns identified during the coding process are further explored in Section 5: the material and personal scopes are partly nested, and the AI Act contains an internal inconsistency between the formal applicability of remedial measures and the deferred high-risk core.

The fact that there are no entries in the prospective rows or in the categories outside a layer's personal scope does not mean that the data is missing; instead, these cells show that there is no applicable obligation or no specific pathway and so they are included in the personal-scope result.

Table 2a. Comparative regulatory matrix: management functions, obligations and obligation holders

Instrument	1. Management functions reached	2. Type of obligation	3. Obligation holder
GDPR (Reg. 2016/679), Arts 13-15, 22, 35, 88	Any function involving personal data; specifically solely automated decisions with legal or similarly significant effects (no function named)	Right against solely automated decisions with exceptions; safeguards; information on logic; DPIA; opening for national employment rules (Art. 88)	Controller (employer, platform, intermediary)
AI Act (Reg. 2024/1689) as amended by Reg. 2026/1744	Named: recruitment/selection (targeted ads, filtering, evaluation); terms of work relationship, promotion, termination; task allocation on behaviour/traits; monitoring and evaluation of performance and behaviour; access to self-employment. Prohibition: emotion inference at the workplace (Art. 5(1)(f))	Provider conformity requirements (risk management, data governance, documentation, human-oversight design, accuracy); deployer duties Art. 26 (use per instructions, oversight, monitoring, logs, information of workers and of persons subject to decisions); AI literacy (softened 2026)	Provider primarily; deployer/employer for Art. 26
Platform Work Directive (Dir. 2024/2831), Ch. III, Arts 7-15	Named: recruitment; access to and organisation of assignments; earnings and pricing; safety and health; working time; training; promotion; contractual status incl. account restriction/suspension/termination; automated monitoring of performance and work environment	Processing prohibitions (Art. 7); mandatory DPIA with consultation (Art. 8); detailed transparency (Art. 9); human oversight, biennial evaluation, human decision for account/status decisions (Art. 10); explanation, written reasons, review in two weeks, rectification/compensation (Art. 11); OSH incl. psychosocial risks (Art. 12); information and consultation (Arts 13-14)	Digital labour platform; Member States (transposition, intermediaries Art. 3)
EP resolution 2025/2080(INL) (Dec. 2025)	Recommended: information, consultation, prohibited invasive practices, human oversight of significant decisions, all workplaces	None (recommendation to the Commission under Art. 225 TFEU)	None
Quality Jobs Act, second-phase consultation (20 Jul 2026), priority area 1	Consultation topics: transparency and human-centredness of automated management decisions; protection from excessive monitoring	None (Art. 154 TFEU consultation)	None

Table 2b. Comparative regulatory matrix: personal scope, entitlements, enforcement and temporal trajectory

Instrument	4. Personal scope (categories 1-6)	5. Worker entitlement	6. Enforcement mechanism	7. Trajectory and status at 2 Aug 2026
GDPR (Reg. 2016/679), Arts 13-15, 22, 35, 88	All six categories, undifferentiated (any data subject)	Not to be subject to solely automated decision; human intervention, express view, contest; information about logic	Data-protection supervisory authorities; fines Art. 83; judicial remedies Arts 79, 82	Applicable since 25 May 2018; enforceable for all categories; unchanged by later layers
AI Act (Reg. 2024/1689) as amended by Reg. 2026/1744	Persons in work-related contractual relationships and access to self-employment: categories 1-4; category 5 where the use concerns access to self-employment or a qualifying work-related contractual relationship. Annex III point 4 supplies the textual basis; the Commission's May/July 2026 draft guidelines support the broader reading but are non-binding. Category 6 via natural-person provisions.	Information that one is subject to the system (Art. 26(7), (11)); complaint to market surveillance authority (Art. 85); explanation of individual decision based on Annex III system output (Art. 86). No human-review right	National market surveillance authorities; penalties Art. 99; AI Office for GPAI; no labour-authority role	Art. 5(1)(f) enforceable since 2 Feb 2025; Arts 50, 85-86 formally applicable from 2 Aug 2026; Ch. III Sections 1-3 for Annex III systems incl. Art. 26 deferred to 2 Dec 2027. Art. 86 is formally applicable but its substantive trigger is temporally decoupled from the deferred classification/high-risk regime.
Platform Work Directive (Dir. 2024/2831), Ch. III, Arts 7-15	Category 3: full set. Category 4: Arts 7-11 (data-protection-related rights) but not Arts 12-13; Art. 11 excluded for business users (Reg. 2019/1150). Category 1: Arts 7(2), 9(5) in platform recruitment. Categories 2 and 5: not covered	Information and portability; explanation; written reasons; review; rectification or compensation; human decision on account restriction; expert assistance for representatives	DPAs for data-related provisions (fines up to Art. 83(5) GDPR ceilings); national competent authorities; remedies; protection from adverse treatment; inspections	In force 1 Dec 2024; transposition due 2 Dec 2026 (date unchanged); presumption from 2 Dec 2026; adopted entitlement with secured pathway, not yet enforceable via national law at observation point
EP resolution 2025/2080(INL) (Dec. 2025)	Recommended scope: workers and employers in the Union (category 2, and 3 where applicable); solo self-employed (category 5) outside recommended scope	None	None	Adopted Dec. 2025; Commission response pending; no proposal at observation point
Quality Jobs Act, second-phase consultation (20 Jul 2026), priority area 1	Prospective; workers (category 2 primarily)	None	None	Opened 20 Jul 2026; responses due 28 Sep 2026; prospective layer

The categories in dimension 4 are as follows: (1) the job applicant; (2) the conventional employee; (3) the platform worker who has an employment relationship; (4) the person who carries out platform work without having an employment relationship; (5) the sole self-employed person who is not engaged in platform work; and (6) other data subjects who are only covered by the horizontal data-protection rules.

Source: compiled by the author from the Official Journal texts and the institutional documents mentioned in Section 3.

5. ASYNCHRONOUS PROTECTION: READING THE TIMELINE

The architecture was defined in Section 4 at the point of observation; in this section, however, consideration is given to time. Table 3 reconstructs the trajectories of both the core and the contextual corpora and then examines the descriptive material patterns, P1 and P2, together with two exploratory findings that were obtained during the coding process and which were not expected within the framework.

5.1 The regulatory timeline

Table 3 includes three temporal features. The GDPR is the earliest of the completed layers, even though Article 22 is currently the subject of a prospective amendment. Although the AI Act and the Platform Work Directive were both introduced and adopted on similar political timelines, they were given different implementation schedules. The one thing that has changed an originally set date is the 2026 amending regulation: the chapters in Chapter III, Sections 1 to 3 relating to Annex III systems, are being transferred from 2 August 2026 to 2 December 2027.

5.2 Material differentiation

The material aspect shows a clear pattern and does not lend support to the idea of a directional trend. The binding safeguards vary systematically according to the management function. All three binding layers handle automated decisions that have legal or equivalent importance in different ways. At the same time, only the Platform Work Directive refers to working-time organisation and earnings. For conventional employees therefore the degree of specificity drops as the analysis moves from important decisions to the continuous coordination of work. This descriptive finding has theoretical significance since, as Section 5.5 demonstrates, the material pattern is not independent of the personal scope.

5.3 Coverage asymmetry

P1 is supported as a gradient of dedicated protection, with one correction to the normal expectation. Those who carry out platform work enjoy the highest degree of dedicated and function-specific protection, and the directive draws a distinction between workers and individuals who are carrying out platform work without being employed. Traditional employees benefit from horizontal safeguards as well as the delayed AI employment layer and a future legislative track. Solo self-employed persons outside platform work have only a textually based but relatively weak position under the AI Act because Annex III, point 4, specifically refers to access to self-employment. The Commission's draft guidelines support but do not legally confirm the broader interpretation of that point outside the context of platform work. The problem is that this category does not have a dedicated route within labour law. The gradient is therefore not a simple hierarchy since horizontal protection can still be shared even though the level of dedicated protection differs greatly.

5.4 Temporal asymmetry and its interaction with coverage

Support for P2 is already in place, and its interaction with P1 is at the level of the nominal Union regulatory trajectories. From 2 August 2026, platform workers are subject to a special regime, the transposition deadline for which is 2 December 2026. Conventional employees have horizontal safeguards, the employment-specific high-risk layer (this has been moved from 2 August 2026 to 2 December 2027), and also a prospective layer. Solo self-employed individuals who are not engaged in platform work have horizontal protection where it applies, the same postponed AI foothold and no specific labour-law pathway.

Figure 2 shows the two nominal pathways both before and after the amendment, together with the intra-layer decoupling mentioned in Section 5.6.

Figure 2. Reversal of the nominal Union-level sequencing after Regulation (EU) 2026/1744

	2026					2027											
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Before Reg. 2026/1744	AI Act Art. 26(7)		4 months		PWD deadline												
After Reg. 2026/1744					PWD deadline		12 months									AI Act Art. 26(7)	
Inside the AI Act	Art. 86 applicable		16 months										Annex III core				

Note that the cells enclosed in a box indicate the nominal dates established by Union law: the employment-specific information duty under Article 26(7) of the AI Act, which was originally scheduled to apply from 2 August 2026 but has been postponed to 2 December 2027, and the transposition deadline for the Platform Work Directive (PWD), which remains at 2 December 2026. The hatched cells display the time interval between the two routes: four months in one case before the amendment and twelve months in the other after it. The dotted row illustrates the intra-layer decoupling, since Article 86 comes into force on 2 August 2026, sixteen months prior to the Annex III high-risk core to which its triggering condition refers. The cells give an approximation of calendar months and the dates refer to the applicability at Union level, not to enforcement in each Member State. Source: compiled by the author from Table 3.

The fact that the postponement has a distributive character can be made clearer by comparing the relevant dates in the nominal Union calendars. Before Regulation (EU) 2026/1744, the obligation under Article 26(7) to give employment-specific information was due on 2 August 2026, four months before the deadline for transposing the Platform Work Directive; after the amendment, that safeguard is set for 2 December 2027, which is twelve months after the deadline for the Directive. Regulation 2026/1744 has therefore reversed the order of the two regulatory routes at the nominal EU level and has changed the interval from four months in one direction to twelve months in the other. However, it does not determine the date by which the protection becomes effectively enforceable in each Member State since transposition could occur either early or late and national differences are not taken into account. The issue in question is the order established by Union law, and it is precisely at this level that the amendment applies.

5.5 First unanticipated result: what is protected depends on who is protected

The initial exploratory pattern was found during the coding process and not previously planned. To some degree material and personal differentiation are nested because working time and earnings are referred to only in the instrument that has the smallest personal scope. The structure therefore includes various substantive menus as well as different levels of protection. The aspect of EU law which is protected depends in part on who is covered by the relevant layer and thus the mechanism is strengthened without changing the definition of asynchronous regulatory protection.

5.6 Second unanticipated result: asynchrony within a layer

The second exploratory pattern is that of temporal decoupling within layers. Regulation (EU) 2026/1744 has delayed the application of Chapter III, Sections 1 to 3 for Annex III systems until 2 December 2027, whereas Article 113 has left Chapter IX, Section 4 unchanged with regard to the general calendar. It follows that Article 86 is formally in force from 2 August 2026, even though the classification rules and the substantive obligations of the provider or deployer linked to the triggering conditions in its Annex III have been postponed. A more rigorous legal interpretation is possible. If the postponed classification rules leave the expression 'a high-risk AI system listed in Annex III' without a fully effective trigger, then Article 86 may be formally applicable but will in fact have no effect. On that interpretation, the conclusion reached is not an immediate asynchronous solution but rather a discrepancy between formal applicability and substantive operability. In both cases, the text demonstrates that there is temporal decoupling within the regulation and not a single application date for the whole AI Act.

The distributive significance of that decoupling is conditional. Starting in December 2026, people who do platform work will have the right to receive information and have their cases reviewed under the Directive, regardless of whether they are classified under the AI Act, whereas conventional employees and

solo self-employed persons have no equivalent specific provision. The finding is therefore seen as preliminary evidence of intra-layer temporal decoupling and not as proof that Article 86 will be fully enforceable before December 2027.

5.7 Summary of findings

The analysis spots one pattern concerning the material aspect, backs up two propositions and also contains two exploratory refinements. The degree of protection that is specific to function is not the same across the various management functions; the dedicated safeguards vary according to personal scope; and Regulation 2026/1744 reverses the order at the EU level for both the main platform-work and conventional-employment routes. Moreover, material and personal scope are to some extent nested, and the AI Act shows a temporal decoupling within the different layers between the formal applicability of corrective measures and their actual operation.

Table 3. Regulatory timeline of the core and contextual corpus, with 2 August 2026 as observation point

Instrument / process	Proposal	Adoption	Entry into force	Applicability / transposition (original)	Amendment	Revised applicability	Status at 2 Aug 2026
GDPR (Reg. 2016/679)	25 Jan 2012 (COM(2012) 11)	27 Apr 2016	24 May 2016	Applicable 25 May 2018	Digital Omnibus (data) proposal COM(2025) 837 (European Commission, 2025c), 19 Nov 2025; proposes replacement of Art. 22(1)-(2); not in force	None in force at observation point	Applicable; enforceable for all categories
AI Act (Reg. 2024/1689)	21 Apr 2021 (COM(2021) 206)	13 Jun 2024; OJ 12 Jul 2024	1 Aug 2024	Art. 5: 2 Feb 2025; general application 2 Aug 2026; Annex III core originally 2 Aug 2026	COM(2025) 836 (European Commission, 2025d), 19 Nov 2025 → Reg. 2026/1744 of 8 Jul 2026; OJ 24 Jul 2026; in force 27 Jul 2026	Ch. III Sections 1-3 for Annex III; 2 Dec 2027; Annex I: 2 Aug 2028; remedies (Arts 85-86) and Art. 50 unchanged at 2 Aug 2026	Prohibition applicable; transparency and remedies applicable from observation point; substantive high-risk core postponed 16 months
Platform Work Directive (Dir. 2024/2831)	9 Dec 2021 (COM(2021) 762)	EP position 24 Apr 2024; Council 14 Oct 2024; signed 23 Oct 2024; OJ 11 Nov 2024	1 Dec 2024	Transposition by 2 Dec 2026; legal presumption from 2 Dec 2026	None	None	Adopted; secured pathway; deadline unchanged; not yet enforceable via national law
EP legislative-initiative resolution 2025/2080(INL)	EMPL draft report 26 Jun 2025	EMPL vote 10 Nov 2025; plenary 17 Dec 2025 (451-45-153)	n/a	n/a	n/a	n/a	Recommendation adopted; Commission proposal pending
Quality Jobs Act (Art. 154 TFEU process)	First-stage consultation Dec 2025 - Jan 2026	n/a	n/a	n/a	n/a	n/a	Second-phase consultation opened 20 Jul 2026; responses due 28 Sep 2026
Contextual: draft Commission guidelines on classification of high-risk AI systems	Published 19 May 2026	n/a	n/a	Consultation closed 23 Jul 2026	n/a	n/a	Draft; non-binding
Contextual: Commission guidelines on prohibited AI practices	n/a	Published 2025	n/a	Non-binding interpretive guidance on Art. 5(1)(f)	n/a	n/a	Interpretive context
Contextual: social partners framework agreement on digitalisation	23 Jun 2020	n/a	n/a	Autonomous implementation	n/a	n/a	Parallel soft-law trajectory
Contextual: EP right-to-disconnect resolution 2019/2181(INL)	21 Jan 2021	Adopted 21 Jan 2021	n/a	Request for directive	n/a	n/a	No Commission proposal
Contextual: Commission telework/right-to-disconnect consultations	30 Apr 2024 first stage	n/a	n/a	25 Jul 2025 second stage; closed 6 Oct 2025	n/a	n/a	No hard law; later linked to Quality Jobs process
Contextual: Quality Jobs Act - telework/OSH/disconnection areas	First-stage consultation 4 Dec 2025-29 Jan 2026	n/a	n/a	Second-stage consultation opened 20 Jul 2026	n/a	n/a	Prospective; timeline only
Contextual: Digital Omnibus (data) COM(2025) 837	19 Nov 2025	n/a	n/a	Pending legislative proposal	Proposes replacement of GDPR Art. 22(1)-(2)	No amendment in force	Prospective recalibration of GDPR base layer

Contextual rows are used for timeline reconstruction and interpretation, not for the descriptive material dimension or P1. Dates are from the Official Journal, EUR-Lex and the institutions' own announcements. Source: compiled by the author.

6. DISCUSSION

6.1 Layering observed in motion

The results indicate a process of slow institutional change. The example of the EU meets the layering conditions outlined in Section 2, since, at the point under observation, several layers are being adjusted at the same time: the AI Act has just been recalibrated, the directive is currently being transposed and Article 22 of the GDPR is undergoing a prospective amendment. Layering is therefore best understood as a situation involving overlapping adjustments rather than as a sequence of successive additions. In the same fortnight in July 2026 one layer was recalibrated while another layer was at the same time being added through the Quality Jobs Act. The link that Bulmer (2009) established between historical institutionalism and the EU timescape is clearly apparent here: it is through timing and sequencing that layering is managed.

6.2 Timing as a distributive instrument

The point about political time is that Goetz and Meyer-Sahling (2009) consider the rights involving timing, sequencing and speed to be part of power in the EU. Regulation (EU) 2026/1744 changed one of the originally fixed dates but left unchanged the timetable specified in the Platform Work Directive. Consequently, there has been a reversal in the nominal sequence at Union level since the employment-specific information safeguard provided for in Article 26(7) has shifted from four months before the deadline for transposing the Directive to twelve months after it. This pertains to the legal schedules established at Union level and not to consistent enforcement among all Member States. The distributive character of the situation comes about because the modification of the schedule in one area interacts with the unaltered scopes in the other areas.

The finding also qualifies the official account of the amendment as a deferral necessitated by the readiness for implementation. The co-legislators cited the delay of the standards, the adoption of common specifications, the issuance of guidance, and the establishment of the national competent authorities as the reasons for postponing the high-risk obligations. Although this may correctly identify the motivation behind the decision, it still remains incomplete in terms of its actual effect. A deferral which is justified on the grounds of administrative readiness still spreads out the period of waiting among the various categories of protected persons. The article does not say that this result was intended; instead, it highlights the consequence arising from the interaction of the regulatory calendars.

The delay was also the subject of political debate. When discussing the Digital Omnibus in the 2026 negotiations, the European Trade Union Confederation claimed that it could lead to a weakening of workplace protections and used the amendment as a way of reinforcing its request for specific legislation concerning AI in the workplace; following the provisional agreement it once again stated that employment continued to be a high-risk area and needed strong protection (European Trade Union Confederation [ETUC], 2026a, 2026b). While these comments presented the issue as one of diminished worker protection and regulatory uncertainty, the official reason given focused on standards and the readiness for implementation. Neither of the two sets of terms highlighted the relative sequencing effect between traditional employment and platform work, an effect which only becomes apparent when both the personal scope and the timing are considered together.

6.3 Two extensions of the framework

The two unexpected findings develop the idea in separate ways. The partial nesting of material and personal asymmetry has an effect of making the mechanism more effective. In Section 2 it was assumed that what is protected and who is protected were independent dimensions, and that their interaction with timing produced uneven gaps. However, Section 5.5 demonstrated that within each layer the two are linked: the functions which have the most direct impact on the working day—scheduling and pay—are named only in the instrument which has the most limited personal scope. The gaps which timing distributes are thus not gaps in a single, uniform range of protection but gaps in sets of protection that already vary according to category. Although the definition of asynchronous regulatory protection does not have to be altered, its mechanism should be stated more accurately than in Section 2: timing becomes distributive when the various layers differ in both what they protect and whom they protect, and the things that are protected are in part determined by who they cover.

The idea of intra-layer asynchrony broadens the scope of the concept. The framework was designed to allow comparison between layers; Section 5.6 discovered the same pattern within a single layer: the AI Act's explanation right being applicable sixteen months before the regime which provides the triggering content. Two consequences arise. Firstly, the instrument cannot be the unit of temporal analysis: a regulation is not treated as being applicable or deferred as a whole, and if Table 2 had recorded only one date per act, it would

have failed to capture the result. Secondly, intra-layer asynchrony is either absorbed or revealed depending on the other layers: platform work is covered by the directive's own explanation right from December 2026, whereas conventional employment is not. The pattern which was found throughout the architecture is also present within it and indicates the same thing.

6.4 The external extension: management at a distance

While the framework could extend to digitally mediated work, this extension is not examined in the present study. At the EU level, regulation concerning telework and disconnection is less advanced than national legislation in several Member States (Business Europe et al., 2020; European Parliament, 2021; Eurofound, 2020; European Commission, 2024, 2025b); an example of this is Romania's Law No. 81/2018 (Parlamentul României, 2018). Previous evidence relating to fully remote work shows that allocation, monitoring and evaluation can be carried out by human supervisors using digital infrastructure (Maroşan, 2021). Human and algorithmic management may therefore both exist within virtual teams, but the current article only considers this situation as a further case in which to test whether temporal and personal differentiation also apply between human and automated forms of the same managerial function.

6.5 What the observation point does not settle

Three developments following the observation point will serve to test the findings. The transposition of the directive by 2 December 2026 will change the platform-work pathway from an adopted to an enforceable one, and the variation in national transposition—which was omitted by this article—will then become the next area of asynchrony. The application of the AI Act's high-risk core on 2 December 2027 will close the intra-layer gap mentioned in Section 5.6 and will reduce, but not eliminate, the gap between platform work and conventional employment. The result of the Quality Jobs Act process, which began as a result of the Commission consultations (European Commission, 2025e, 2026b), will decide whether the layer under development extends to conventional employees and whether it reaches solo self-employed persons at all, since the social-policy legal basis already in place places limits on the Parliament's recommendation. The framework does not anticipate these outcomes. It states only that, whatever they are, their distributive effects will be observable only if the categories of protected persons, and not the instruments, are taken as the unit of observation.

7. CONCLUSION

In less than ten years, the European Union has established a multilayered system for the management of algorithms: a foundation based on data protection, a general regime concerning AI, a sector-specific directive for platform work, and an additional layer which is still being developed. As of 2 August 2026, these various elements lie at different points in time. Those who carry out platform work are covered by a specific regime which follows the same transposition route as before; conventional employees have access to the general safeguards and their employment-specific AI provisions are delayed by sixteen months; independent self-employed individuals who are not engaged in platform work have a textual basis in the delayed AI layer but no specific pathway under labour law.

Three results carry the argument beyond that description. First, Regulation (EU) 2026/1744 has reversed the original order at the Union level concerning the two regulatory routes: instead of being set four months before the deadline for transposing the Platform Work Directive, Article 26(7) is now scheduled twelve months after that deadline. Secondly, the scope of protection provided by the architecture in part depends on who is included, since rules relating to working time and earnings appear only in the sectoral regime. Thirdly, the AI Act includes intra-layer temporal decoupling in that Article 86 is formally applicable prior to the classification and the substantive high-risk rules connected with its trigger, even though its actual operability during that period is legally open to challenge. It is only when the temporal sequence and the scope of application are examined together that these conclusions become apparent.

The contribution of the concept is limited and therefore justifiable. It adopts the idea of layering from historical institutionalism and makes the observation regarding overlapping adjustments. Drawing on the assumption from the study of political time that timing and sequencing have distributive effects, it applies this to the relative positions of the protected categories. From labour-law literature, it takes the well-known issue of the scope of personal protection and the gaps associated with it, then adds the question of how regulatory calendars rearrange these gaps. Timing becomes distributive when the various layers differ in

both what they protect and whom they protect; the analysis also demonstrates that what they protect is in part determined by whom they cover.

The design includes the limitations mentioned in Section 3: only one observation point at Union level, no case law, and the single-author coding is not made reproducible through the published matrix. Each of the following will cause changes to the cells of the matrix: the transposition of the Platform Work Directive, the application of the AI Act's high-risk core, and the outcome of the Quality Jobs Act process. The framework does not predict any of these outcomes; instead, it provides a method for identifying their distributive effects by considering both the timing and the personal scope.

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Sole author - conceptualization, methodology, investigation, formal analysis, writing, review and editing.

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Ethical approval

Not applicable. The study analyses publicly available legal and institutional documents and involves no human participants.

Informed consent

Not applicable.

Data availability

All source documents are publicly available through EUR-Lex and the institutional sources cited in the manuscript. The complete coding matrix is reproduced in Tables 2a and 2b and the regulatory timeline in Table 3, allowing coding decisions to be traced to the cited primary sources.

Use of generative AI

Generative AI tools were used during manuscript preparation for language editing, structural revision and consistency checking. The author verified the primary sources, legal provisions, coding decisions and substantive claims and takes full responsibility for the final text.

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REFERENCES

- Abraha, H. (2023). Regulating algorithmic employment decisions through data protection law. *European Labour Law Journal*, 14(2), 172-191. <https://doi.org/10.1177/20319525231167317>
- Adams-Prassl, J. (2022). Regulating algorithms at work: Lessons for a 'European approach to artificial intelligence'. *European Labour Law Journal*, 13(1), 30-50. <https://doi.org/10.1177/20319525211062558>

- Adams-Prassl, J., Abraha, H., Kelly-Lyth, A., Silberman, M. S., & Rakshita, S. (2023). Regulating algorithmic management: A blueprint. *European Labour Law Journal*, 14(2), 124-151. <https://doi.org/10.1177/20319525231167299>
- Baiocco, S., Fernández-Macías, E., Rani, U., & Pesole, A. (2022). The algorithmic management of work and its implications in different contexts (JRC Working Papers Series on Labour, Education and Technology 2022/02, JRC129749). European Commission, Joint Research Centre.
- Bulmer, S. (2009). Politics in time meets the politics of time: Historical institutionalism and the EU timescape. *Journal of European Public Policy*, 16(2), 307-324. <https://doi.org/10.1080/13501760802589347>
- BusinessEurope, SMEunited, CEEP, & ETUC. (2020, June 23). European social partners framework agreement on digitalisation.
- Cefaliello, A., Moore, P. V., & Donoghue, R. (2023). Making algorithmic management safe and healthy for workers: Addressing psychosocial risks in new legal provisions. *European Labour Law Journal*, 14(2), 192-210. <https://doi.org/10.1177/20319525231167476>
- Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*, 30(1), 114-132.
- Eurofound. (2020). Telework and ICT-based mobile work: Flexible working in the digital age. Publications Office of the European Union.
- European Commission. (2024, April 30). Commission launches first-stage consultation of social partners on fair telework and the right to disconnect [News article]. https://employment-social-affairs.ec.europa.eu/news/commission-launches-first-stage-consultation-social-partners-fair-telework-and-right-disconnect-2024-04-30_en
- European Commission. (2025a). Commission guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689 (AI Act) (C(2025) 884 final).
- European Commission. (2025b, July 25). Commission starts second-stage talks with social partners on right to disconnect and fair telework [News article]. https://employment-social-affairs.ec.europa.eu/news/commission-starts-second-stage-talks-social-partners-right-disconnect-and-fair-telework-2025-07-25_en
- European Commission. (2025d). Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2024/1689 and (EU) 2018/1139 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI) (COM(2025) 836 final, 2025/0359(COD)).
- European Commission. (2025c). Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2016/679, (EU) 2018/1724, (EU) 2018/1725, (EU) 2023/2854 and Directives 2002/58/EC, (EU) 2022/2555 and (EU) 2022/2557 as regards the simplification of the digital legislative framework, and repealing Regulations (EU) 2018/1807, (EU) 2019/1150, (EU) 2022/868, and Directive (EU) 2019/1024 (Digital Omnibus) (COM(2025) 837 final, 2025/0360(COD)).
- European Commission. (2025e, December 4). Consultation document: First-phase consultation of social partners under Article 154 TFEU on possible direction of EU action to improve working conditions, health and safety at work and implementation of workers' rights - Quality Jobs Act (C(2025) 9944 final).
- European Commission. (2026a, May 19). Draft Commission guidelines on the classification of high-risk AI systems [Draft guidelines; updated July 23, 2026]. <https://digital-strategy.ec.europa.eu/en/library/draft-commission-guidelines-classification-high-risk-ai-systems>
- European Commission. (2026b, July 20). Commission opens second-phase consultation on Quality Jobs Act [News article]. https://employment-social-affairs.ec.europa.eu/news/commission-opens-second-phase-consultation-quality-jobs-act-2026-07-20_en
- European Parliament & Council of the European Union. (2016). Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). *Official Journal of the European Union*, L 119, 1-88. <http://data.europa.eu/eli/reg/2016/679/oj>
- European Parliament & Council of the European Union. (2024a). Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act). *Official Journal of the European Union*, L, 2024/1689, 12.7.2024. <http://data.europa.eu/eli/reg/2024/1689/oj>
- European Parliament & Council of the European Union. (2024b). Directive (EU) 2024/2831 of 23 October 2024 on improving working conditions in platform work. *Official Journal of the European Union*, L, 2024/2831, 11.11.2024. <http://data.europa.eu/eli/dir/2024/2831/oj>

- European Parliament & Council of the European Union. (2026). Regulation (EU) 2026/1744 of 8 July 2026 amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI). Official Journal of the European Union, L, 2026/1744, 24.7.2026. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202601744
- European Parliament. (2021). Resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)).
- European Parliament. (2025). Resolution with recommendations to the Commission on digitalisation, artificial intelligence and algorithmic management in the workplace: Shaping the future of work (2025/2080(INL); report A10-0244/2025).
- European Parliamentary Research Service. (2025). Digitalisation, artificial intelligence and algorithmic management in the workplace: Shaping the future of work (European Added Value Assessment, PE 774.670, 24 October 2025). European Parliamentary Research Service.
- European Trade Union Confederation. (2026a, March 26). Digital omnibus shows need for dedicated AI at work law. <https://www.etuc.org/en/pressrelease/digital-omnibus-shows-need-dedicated-ai-work-law>
- European Trade Union Confederation. (2026b, May 8). AI Omnibus deal weakens worker safety protections. <https://www.etuc.org/en/pressrelease/ai-omnibus-deal-weakens-worker-safety-protections>
- Falkner, G., Treib, O., Hartlapp, M., & Leiber, S. (2005). *Complying with Europe: EU harmonisation and soft law in the member states*. Cambridge University Press.
- Finck, M. (2017). Fragmentation as an agent of integration: Subnational authorities in EU law. *International Journal of Constitutional Law*, 15(4), 1119-1134.
- Goetz, K. H. (2009). How does the EU tick? Five propositions on political time. *Journal of European Public Policy*, 16(2), 202-220.
- Goetz, K. H., & Meyer-Sahling, J.-H. (2009). Political time in the EU: Dimensions, perspectives, theories. *Journal of European Public Policy*, 16(2), 180-201. <https://doi.org/10.1080/13501760802589198>
- Haverland, M., Steunenberg, B., & van Waarden, F. (2011). Sectors at different speeds: Analysing transposition deficits in the European Union. *JCMS: Journal of Common Market Studies*, 49(2), 265-291.
- Jarrah, M. H., Newlands, G., Lee, M. K., Wolf, C. T., Kinder, E., & Sutherland, W. (2021). Algorithmic management in a work context. *Big Data & Society*, 8(2). <https://doi.org/10.1177/20539517211020332>
- Kellogg, K. C., Valentine, M. A., & Christin, A. (2020). Algorithms at work: The new contested terrain of control. *Academy of Management Annals*, 14(1), 366-410. <https://doi.org/10.5465/annals.2018.0174>
- Leuffen, D., Rittberger, B., & Schimmelfennig, F. (2013). *Differentiated integration: Explaining variation in the European Union*. Palgrave Macmillan.
- Mahoney, J., & Thelen, K. (Eds.). (2010). *Explaining institutional change: Ambiguity, agency, and power*. Cambridge University Press.
- Maroşan, Ş. (2021). Work-life balance during the Covid-19 pandemic. The case of full remote employees in an IT company. *Journal of Global Politics and Current Diplomacy*, 9(1), 5-33.
- Meyer-Sahling, J.-H., & Goetz, K. H. (2009). The EU timescape: From notion to research agenda. *Journal of European Public Policy*, 16(2), 325-336.
- Parlamentul României. (2018). Legea nr. 81/2018 privind reglementarea activităţii de telemuncă. Monitorul Oficial al României, Partea I, nr. 296, 2 aprilie 2018.
- Schimmelfennig, F., Leuffen, D., & Rittberger, B. (2015). The European Union as a system of differentiated integration: Interdependence, politicization and differentiation. *Journal of European Public Policy*, 22(6), 764-782. <https://doi.org/10.1080/13501763.2015.1020835>
- Steunenberg, B., & Toshkov, D. (2009). Comparing transposition in the 27 member states of the EU: The impact of discretion and legal fit. *Journal of European Public Policy*, 16(7), 951-970.
- Streeck, W., & Thelen, K. (Eds.). (2005). *Beyond continuity: Institutional change in advanced political economies*. Oxford University Press.
- Stubb, A. C.-G. (1996). A categorization of differentiated integration. *JCMS: Journal of Common Market Studies*, 34(2), 283-295. <https://doi.org/10.1111/j.1468-5965.1996.tb00573.x>
- Veale, M., & Zuiderveen Borgesius, F. (2021). Demystifying the Draft EU Artificial Intelligence Act. *Computer Law Review International*, 22(4), 97-112. <https://doi.org/10.9785/cr-2021-220402>

- Willumsen, D. M., & Goetz, K. H. (2015). Staggered political institutions: Design and effects. *Journal of European Public Policy*, 22(7), 1040-1051.
- Wood, A. J. (2021). Algorithmic management: Consequences for work organisation and working conditions (JRC Working Papers Series on Labour, Education and Technology 2021/07, JRC124874). European Commission, Joint Research Centre.
- Wright, S. (2025). Artificial intelligence and work: A review of the European policy landscape. *Journal of Industrial Relations*, 67(5), 794-805.