



Ceemet – 5th Artificial Intelligence Working Group

Annex III.4. – Chapter on employment, workers' management and access to self-employment

1 October 2026

European AI Office

High-risk classification guidelines

- **Legal basis:** Article 6(5) AI Act
- **Objective:** to support providers and deployers of AI systems, as well as competent market surveillance authorities, in assessing whether an AI system should be classified as high-risk and facilitating the uniform and effective AI Act application
- **Scope:**
 - High-risk classification in **Annex I** (AI embedded in regulated products) and **Annex III** (specific high-risk sensitive areas)
 - Providing clarification on **scope** and **concepts** (horizontal and use case specific)
 - List of **examples** what is high-risk and not high-risk - with non-exhaustive list of practical examples covering all areas
- **Informed with broad input:** Broad stakeholder consultation, Member State feedback, etc. Finalisation expected shortly.

Horizontal aspects and overarching aspects of Annex III.4

When is an AI system high-risk?



1

AI system is embedded into a regulated product or is itself a regulated product

Relevant product legislation is listed in Annex I of the AI Act.

Two conditions:

- AI system is intended as a safety component of a product or is itself a product
- Product in question is subject to a third party conformity assessment

2

'Stand-alone' AI systems intended to be used in a high-risk use case in 8 areas (Annex III) :

- Biometrics
- Critical infrastructure
- Employment
- Education
- Essential services
- Law enforcement
- Migration, asylum and border control
- Administration of justice and democratic processes



Only the concrete use cases listed for each area according to their intended purpose

“Filter”: AI systems can be excluded in four cases, if the system

- Performs a narrow procedural task
- Improves the result of a previously completed human activity
- Detects decision-making patterns or deviations and does not replace or influence a human decision or
- Performs a preparatory task.

Employment, workers' management and access to self-employment

Point 4 of Annex III AI Act lists two high-risk use cases in which AI systems intended to be used in employment, workers' management and access to self-employment are classified as high-risk.

- (a) AI systems intended to be used for the recruitment or selection of natural persons, in particular to place targeted job advertisements, to analyse and filter job applications, and to evaluate candidates.
- (b) AI systems intended to be used to make decisions affecting terms of work-related relationships, the promotion or termination of work-related contractual relationships, to allocate tasks based on individual behaviour or personal traits or characteristics or to monitor and evaluate the performance and behaviour of persons in such relationships

Key issues clarified (1)

- **Personal scope:** Point 4 captures the broad spectrum of arrangements that constitute work, 'employment', and self-employed activity in general and is not limited to formal arrangements.
- **Recruitment and selection of natural persons:** Recruitment constitutes the process of preparing the constitution of a new work-related relationship, commencing already with the identification and attraction of potential applicants, and continuing until the conclusion of a contract, if applicable. Selection refers both to the selection of self-employed persons and to the specific stage of recruitment where are assessed, filtered, and chosen for advancement or hiring.
- **Targeted job advertisements:** Must be understood to represent an active indication that an employer is seeking candidates for a concrete vacancy. Employer branding or generic advertisements may fall out of scope. Same for personalization based on non-discriminatory, objective and reasonable criteria and exclusively contextual advertising.
- **Analyse and filter job applications:** Should be understood as alternative and not limited to AI systems that perform both functions.

Key issues clarified (2)

- **Evaluate candidates:** refers to any assessment of a candidate's (including self-employed) suitability, merit or potential, whether through scoring, ranking, predictive modelling, or qualitative judgements derived from data inputs. The provision does not require that the evaluation carried out by the AI system directly determines the hiring outcome. It suffices that it appreciably influences the decision-making process. AI tools that merely present factual information without involving evaluative weight may fall out of scope.
- **Decisions under point 4(b):** Can be any act or omission attributable to the employer that produces material effects on the worker's contractual position or relationship or the modalities of its work. Should be understood as including both cases where the AI system takes the decision in an automated manner and cases where a human operator formally takes a decision, but significantly relies on the output of the AI system.
- **Terms of work-related relationships:** Are not limited to unilateral modifications of the contract or relationship in the strict sense, but extend to determinations that materially affect the enjoyment of the rights and obligations of the worker arising from the abovementioned fundamental elements (e.g., denial of a leave request or a significant change to regular working hours). Includes both employed and self-employed persons. Day-to-day operational decisions such as allocation of office space or break and lunch time within the context of a shift fall out of scope.

Key issues clarified (3)

- **Promotion and termination:** Should be understood as covering any act or omission attributable to the employer that produces effects on the worker's position by, respectively, elevating grade, responsibilities, remuneration or access to career development, or any element that would contextually lead to an effective form of promotion; and any act or omission attributable to the employer which ends the employment relationship or other work-related contractual relationship or deprives the worker of the essential rights and benefits attached to it.
- **Allocate tasks based on individual behaviour or personal traits or characteristics:** Any individual task allocation 'based on individual behaviour or personal traits or characteristics', which may include data based on personality testing, behavioural scoring, or inferred productivity traits. Indicators such as punctuality, responsiveness to customer requests, reliability metrics, or performance ratings fall within scope.
- **Monitor and evaluate the performance and behaviour:** The conditions of "monitor" and "evaluate" are alternative and they cover AI systems intended to monitor "or" evaluate workers' performance or behaviour systematically, including during probationary periods, regardless of whether this affects a formal term contractually established, such as pay or working time.

Examples of use-cases included in the guidelines

In scope:

- Automated job matching and ranking
- Ranking of self-employed natural persons
- Targeted job advertisement based on user characteristics
- Workload allocation based on behavioral inputs
- Pricing and pay determination in platform work
- Assignment of civil servants to posts

Out of scope

- Identification non-inclusive wording in job ad descriptions
- Support to natural persons in tailoring their CVs to job opportunities
- Office space optimization
- Assistance in corporate travel planning or voluntary training (if no impact on career)

Falling within the filter

- Refining human-drafted evaluations (formal improvement)
- Verification of objective accreditations from official registries (e.g., bar qualification)

Thank you for your attention.