Austria: Developments in working life 2016

Developments in working life in Europe: EurWORK annual review 2016

Disclaimer: This working paper has not been subject to the full Eurofound evaluation, editorial and publication process.
Political context affecting working life aspects

In 2016, the so-called 'grand coalition' consisting of the Social Democratic Party (SPÖ) and the conservative People's Party (ÖVP), which had been forming the federal government since the last elections in 2013, remained in office. However, several personnel changes occurred: on May 9, Austria's federal chancellor Mr Faymann from the SPÖ resigned from all positions. The resignation was preceded by heavy (external and internal) criticism on his person, but also by the clear defeat of the SPÖ's candidate in the first round of the federal presidential elections in April. After Mr Faymann's resignation, Mr Kern, former head of the Austrian Railways (ÖBB), was installed as new chancellor. Consequently, several personnel changes at the ministry level occurred (installation of new ministers for education and infrastructure, new state secretaries for diversity, public services and digitalisation, as well as at the Federal Chancellery, being responsible for government coordination). Women's affairs and equality issues were moved from the education (and women's) ministry to the health ministry.

In 2016, elections for the federal president were held. In the first round on 24 April, six candidates competed, with Mr Hofer of the far-right populist freedom party (FPÖ) surprisingly winning with 35.1% of the vote. Second was Alexander van der Bellen, formally independent (former Green party) candidate with 21.3%. The candidates of the two coalition parties, the SPÖ and ÖVP, came in fourth and fifth with just above 11% of the vote each.

Since none of the candidates were able to reach the majority of the votes in the first round, a second run-off election between the two first-placed was held on 22 May. This was won by Mr van der Bellen with a very narrow margin of 31,000 votes or 50.35%. However, this result was later on overturned by the Constitutional Court after an investigation revealed irregularities in the count of postal votes in several political districts. The election was re-held on 4 December, with Mr Van der Bellen winning clearly with 53.8% of the votes. He was sworn in as president on 26 January 2017, for a six-year period.

Further smaller local and regional elections were held in 2016, e.g. municipal elections in St. Pölten, capital of Lower Austria, Austria second largest regional province (in terms of inhabitants) and in Tyrol, as well as elections in the regional chambers of agriculture in the three provinces Carinthia, Styria and Vorarlberg.

For 2017, municipal elections in the regional province of Burgenland are planned, as well as in the city of Graz (capital of Styria). Furthermore, elections for the Austrian Student Union will be held in May. The next federal parliamentary elections are regularly scheduled for 2018.

The government(s) in office during 2016

<table>
<thead>
<tr>
<th>Government 1</th>
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<tbody>
<tr>
<td>In office since / to</td>
<td>2013</td>
</tr>
<tr>
<td>Name of the head of government (prime minister / chancellor / …)</td>
<td>Chancellor: Mr Christian Kern (from 17 May 2016 onwards; Mr Werner Faymann until his resignation on 9 May 2016)</td>
</tr>
<tr>
<td>Name all the parties that are forming this government</td>
<td>Social Democratic Party (SPÖ) Austrian People’s Party (ÖVP)</td>
</tr>
<tr>
<td>List the changes in the composition of the government in 2016</td>
<td>Change of chancellor in May 2016 (see above), several new ministers and state secretaries installed concurrently</td>
</tr>
<tr>
<td>Additional comments</td>
<td>Next elections are scheduled for 2018 (after the expiration of the 5-year legislative period).</td>
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## Elections and referenda

### Election 1

<table>
<thead>
<tr>
<th>When did the elections take place?</th>
<th>4 December (decisive second round), 1st round on 24 April, second round (annulled) on 22 May</th>
</tr>
</thead>
<tbody>
<tr>
<td>What kind of election it was? (parliamentary / presidential / referendum / local / …)</td>
<td>Presidential elections</td>
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</table>
| Outcomes of the election (mention also % of the votes achieved by the major participants in the election) | 1st round:  
Norbert Hofer (FPÖ): 35.1%  
Alexander van der Bellen (independent candidate): 21.3%  
Ingrid Griss (independent candidate): 18.9%  
Rudolf Hundstorfer (SPÖ): 11.3%  
Andreas Kohl (ÖVP): 11.1%  
Richard Lugner (independent candidate): 2.3%  
2nd (decisive round on 4 December): Alexander van der Bellen: 53.8%  
Norbert Hofer: 46.2% |
| Additional comments | The first decisive round on 22 May was overturned by the Constitutional Court after an investigation revealed irregularities in the counting of postal votes. There was no evidence, however, of fraudulently manipulating votes and the irregularities would not have been decisive in the result of the election, according to experts. The second round of the election was first rescheduled for the 2nd of October, but was postponed to 4 December due to a faulty glue (which would not stick reliably) used on the postal votes. |

### Forthcoming significant elections or political events in 2017

Only smaller elections are planned for 2017: Municipal elections for the regional province of Burgenland, as well as in the city of Graz (capital of Styria) will be held in October and February, respectively. Furthermore, elections for the Austrian Student Union will be held in May.

### Reactions from the social partners on new government’s working life policies

No new government took office in 2016, but only personnel changes occurred.
Developments in social dialogue and collective bargaining 2016

Major developments in national/peak-level social dialogue 2016

Changes affecting the social dialogue actors and institutions in 2016

Representativeness
There were no major changes.

Major developments affecting the main actors
There were no major developments affecting the main actors.

Legislative or institutional changes to the main social dialogue institutions
There were no legislative or institutional changes to the main social dialogue.

Changes in the social dialogue processes
There were no major changes in the practice of national-level social dialogue processes.

Main social dialogue topics and outcomes in 2016

The social partners are strongly involved in all topics relating to labour market and working life in Austria, and are regularly (formally and informally) consulted on a variety of topics by the government. Often, bipartite negotiations are followed by tripartite talks, so identifying genuinely bipartite social dialogue topics proves difficult. Also, social partner representatives are part of the PES’ administrative boards and are thus also automatically involved in the PES’ decisions, so an initiative implemented by the PES is also included in the list.

<table>
<thead>
<tr>
<th>Themes</th>
<th>Description of issue</th>
<th>Main result</th>
</tr>
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<tbody>
<tr>
<td>General labour market topics</td>
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<tr>
<td>Job creation, reduction of unemployment</td>
<td>The PES administrative board, which includes representatives of the peak-level social partner organisations, decided on the implementation of a package targeted towards decreasing the record-high national unemployment, worth EUR 196 million.</td>
<td>Legislation passed, mostly on qualifying measures</td>
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<td>Active labour market policies</td>
<td>See above</td>
<td>See above</td>
</tr>
<tr>
<td>Benefits (unemployment, sickness schemes)</td>
<td>No major issues debated by the social partners, but in two regional provinces, the minimum income was reduced for certain groups (persons entitled to asylum and granted subsidiary protection).</td>
<td>Regional legislation passed</td>
</tr>
<tr>
<td>Taxation and non-wage related labour costs</td>
<td>Income tax reform was implemented at the beginning of 2016, preceded by a campaign in 2015, by organised labour (AK and ÖGB).</td>
<td>Legislation came into force 1 January 2016</td>
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<tr>
<td>Pension reforms</td>
<td>After weeks and months of bi- and tripartite negotiations and talks, the coalition government held a long-awaited pension summit in late February. Several (smaller) measures were agreed upon, but a large-scale reform was missing.</td>
<td>In mid-December, legislation on several reform measures was passed in parliament, to be implemented in 2017, including an increase of the minimum pension for persons with 30 or more contribution years and incentives to work beyond the statutory retirement age.</td>
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<tr>
<td>Labour market participation of different groups</td>
<td>REFUGEES and ASYLUM SEEKERS: Bad Ischler Dialog September 2016 on integration, see below in detail. The following were publicly debated questions which were commented by the social partners: UNEMPLOYED: amid continuing high unemployment, the creation of a low-wage sector (1€-jobs) (mainly for currently unemployed) was suggested by the former director of an influential research institution and think-tank, but was immediately met with fierce criticism by organised labour. REFUGEES: in order to increase labour market participation of refugees, organised business suggested bonus payments for companies employing refugees and for refugees themselves. Organised labour has reacted with scepticism towards these suggestions, stating that recognised refugees have the same entitlements for allowances as others anyway. ASYLUM SEEKERS: for current Status quo left untouched so far Status quo left untouched so far Status quo left untouched so far</td>
<td>Status quo left untouched so far Status quo left untouched so far Status quo left untouched so far</td>
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asylum seekers, who are largely excluded from labour market participation, the creation of voluntary 1 EUR-jobs (in analogy with the discussion in Germany) was suggested by the chairman of the integration expert board, but was met with strong criticism by the PES and by organised labour.

### Working life related themes

<table>
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<tr>
<th>Wage setting systems, including the setting of minimum wages</th>
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<tr>
<td>In early 2017, the chancellor sparked a discussion on implementing a statutory minimum wage. This was strongly opposed by the social partners in whose autonomy the setting of sectoral minimum wages lies. In the end, the government demanded from the social partners to negotiate a minimum wage of EUR 1,500 for all sectors by mid-2017. If they fail to do so, the government would implement it by legal means.</td>
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### Working time regulations

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<tr>
<th>Flexible working time for metalworkers:</th>
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<tr>
<td>A new working time model that allows greater flexibility was implemented in the metalworking sector on 1 July 2016. The model was negotiated by the sectoral social partners in autumn 2015, and the contractual details were developed over the months preceding the implementation date.</td>
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</table>

Discussion on increased flexibility/working time reduction at the legislative level:
Organised labour demands a
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<tr>
<th>Terms and conditions of employment, including different forms of contracts</th>
<th>shortening of working hours, whereas organised business wants the extension of the working day to 12 hours under specific circumstances.</th>
<th>government commissioned the social partners to negotiate on the topic over the course of the first half of 2017.</th>
</tr>
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<tbody>
<tr>
<td>Health, safety and well-being at work</td>
<td>In several sectoral collective bargaining rounds, topics like paternity leaves and a better crediting of leave times for wage and bonus payment claims were discussed. (more info see below)</td>
<td>Consultation ongoing in sectoral collective bargaining processes</td>
</tr>
<tr>
<td>Work-life balance related themes, incl. family leaves</td>
<td></td>
<td></td>
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<tr>
<td>Skills, training and employability</td>
<td>An obligation to provide education or training up to the age of 18 stands to be implemented in the school year 2017–2018. The social partners welcome the initiative and have put it forward themselves already in 2007/2011 (source: <a href="http://www.sozialpartner.at/wp-content/uploads/2016/10/10-Jahre-Bad-Ischler-Dialog-Endversion.pdf">http://www.sozialpartner.at/wp-content/uploads/2016/10/10-Jahre-Bad-Ischler-Dialog-Endversion.pdf</a>, p.5)</td>
<td>Legislation was passed in parliament in July 2016.</td>
</tr>
<tr>
<td>Any other relevant themes/topics addressed in the national level/peak level social dialogue</td>
<td>In the first half of 2016, the role of the social partners was publicly debated, following criticism on their role by the vice-chancellor “they would put forward demands on behalf of their clientele only and not present any solutions”). The social partner heads responded strongly, stating that they would present solutions to a variety of topics, and present the government with concept papers, but they would not be followed up.</td>
<td>Debate ended (for the time being)</td>
</tr>
</tbody>
</table>
Examples of selected significant social dialogue debates

Labour market integration of refugees and asylum seekers

The integration of refugees (and asylum seekers) into the Austrian labour market was one of the main topics for the social partners in 2016. At the end of April, a tripartite "refugee integration" summit between the federal government and the social partners was held. Beforehand and in preparation for the summit, the social partners had developed a mutual position paper, which they presented to the government.

Soon after the summit, the chancellor resigned and a new one was installed (see above), who presented his own plans, so that the social partners' suggestions were not further taken up.

In their peak-level annual social partner meeting at the end of September in the town of Bad Ischl, which is devoted to a specific topic of interest every year, the topic of migration and integration was chosen. The social partners further developed their ideas and again presented a mutual position paper including the following points: The Austrian labour market should be open to anyone who has been registered as an asylum seeker for at least six months. An asylum seeker could be employed only after a labour market test proves that no other employee would be suitable for the job. Regional distribution of asylum seekers should take into account the needs and opportunities of specific regional labour markets. For young asylum seekers with a high chance of being granted asylum, all types of apprenticeships should be made available. Social transfers should continue to be paid during an apprenticeship, as remuneration for apprenticeships is lower than the means-tested minimum income they would receive if unemployed. The recently adopted obligation to provide education or training up to the age of 18 should be extended to young asylum seekers.

So far, none of the social partner suggestions were taken up by the government. In early 2017, the federal coalition government presented an updated work programme for the remaining 18 months of their legislative period, in which several measures regarding the integration of refugees are planned (e.g. an obligatory "integration year" at the end of which every participant should be integrated into the labour market), but the social partners' suggestions remain largely ignored.

New working time model in the metalworking industry

PLEASE NOTE: This is presented here as the metalworking industry is considered as having a very strong social partnership (unionisation is high) and as setting the pattern for the rest of the economy. Thus, a sectoral agreement in this sector might have larger implications for the whole economy eventually.

In the metalworking industry, the topic of a flexibilisation of working time has been part of almost every annual collective bargaining round since 2009, with no results achieved due to the unions' vast opposition, arguing that this would mean wage cuts for the employees. In autumn 2015, they finally reached an agreement and the implementation of a flexible working time model was agreed upon between the sectoral social partners in exchange for including a so-called "free time option" for the employees (see http://www.eurofound.europa.eu/de/observatories/eurwork/articles/industrial-relations/austria-new-working-time-model-as-part-of-metalworking-sector-collective-agreements). In the following months, the contractual details were negotiated and the new model was implemented on 1 July 2016, with a preliminary duration until 30 June 2019 in order to have a trial phase and make adaptations if necessary. The new model refers to the distribution of working time; within a time frame of 52 weeks, normal working hours may be flexibly distributed so that they do not lie above 38.5 a week on average. Limits on daily normal working hours of nine hours and weekly normal working hours not exceeding 45 hours were maintained. Excess work is to be announced at least two weeks before the beginning of the respective working week. Time credits may be accumulated over several years. A minus of up to 120 hours, and a plus of hours worked of up to 167 hours may be put on the working time account. Between the sixty-first hour and the hundredth hour of overtime, 10% extra time is granted to the employee; for all accumulated plus-hours above
this threshold, 20% extra time is granted. Up to 40 hours of time credits may be annually taken over into the next calendar year; for the time frame negotiated (3 years), this accumulates to 120 hours or more than 3 weeks. Those can be used up in times with a shortage of orders or for part-time work for older workers. A works agreement is binding for the implementation of the scheme.

The advantage for companies is that they can flexibly react to order fluctuations and peaks. From the employees’ point of view, this is a deterioration to the old model, in which overtime supplements of 25% were granted from the 41st weekly working hour. In exchange for increased flexibility, the social partners in 2015 agreed on the so-called "free-time option", which means that free time may be chosen instead of the collectively agreed wage increase, to be taken either daily, weekly or annually, for all six subsectors (in two subsectors, the choice had already been available to employees before). In the autumn bargaining round in 2016, however, the free-time option was again only prolonged for two of the six subsectors (automotive and mining and steel).

**Sectoral and company level social dialogue 2016**

There were no changes were implemented.

**Main developments - other than wages and working time - from important collective agreements or bargaining rounds**

In several sectoral collective agreements, specific clauses concerning leaves were implemented (see below for more details). This development has been going on for several years now.

**Examples of innovative collective agreements (at any level) made during 2016**

No genuinely innovative measures were implemented in collective agreements concluded in 2016. In several sectors, the free-time option (see above) was negotiated or re-negotiated, e.g. as mentioned above in two subsectors of the metal working industry, in the electronics industry, in the paper industry, or in the sweets industry (non-exhaustive list). In several collective agreements, a better recognition of leave periods (e.g. parental leave) for claims which are dependent on the length of service could be negotiated (e.g. metal industry).

**Policies and actions to address pay-inequalities**

**The recent public debate on pay gaps at the workplace**

For several years, pay inequalities have been mostly debated in the form of the gender pay gap on the one hand and in the form of pay inequalities between foreign workers (mostly concerning posted workers) and domestic workers as both topics have been of relevance in recent years. The gender pay gap is a constant topic in Austria, which still has one of the largest gaps within the EU. The same applies to feared pay inequalities concerning posted workers. Even though a law against social and wage dumping was implemented in 2011 (LSD-BG) and reformed several times, latest in 2017 (including improvements with regards to cross-border administrative prosecutions in connection with wage and social dumping, a tightening of the general liability of contractors, as well as the implementation of a customer liability (including private and public customers) in the construction sector in order to secure wage entitlements for posted employees), fraudulent behaviour is evident in some sectors, especially with regards to foreign companies and temporary agencies posting workers to Austria and sham companies "employing" foreign workers (see Eurofound 2016, Exploring the fraudulent contracting of work in the European Union, as well as (unpublished) national report).
Positions regarding the posted workers directive

Positions of trade unions
The ÖGB as well as its member unions and the Chamber of Labour (AK) state that there are hardly any improvements in the EC’s proposal. They criticise that it does not include measures aiming towards fighting the fraudulent use of posting of workers. No steps against “sham posting” (i.e. sham self-employment, sham companies) are included. Furthermore, all pay relevant components should be considered in the directive: Differences in social security issues (i.e. lower social security contributions which means lower employer expenses for wages than domestic companies) which lead to an unfair competitive advantage are not addressed. In addition, organised labour demands that on top of the collectively agreed minimum wages, the payment of wage supplements should also be made mandatory, as well as an obligation of employers to take over costs for travel, accommodation and food. The time restriction of two years is too high and should be lowered, according to the unions and the AK (due to the fact that most postings have a duration of less than six months).

The suggested extension of the scope of application beyond the construction industry has no effect on Austria, as all sectors have been included; the same applies to the wages – collectively agreed minimum wages are already legal standard in Austria.

Positions of employers organisations
The Federal Economic Chamber (WKO) has criticised the timing in the European Commission’s revision of the directive. A revision after having an assessment of the effect of the “enforcement directive” on social and wage dumping would have been welcomed. According to the WKO, the strict provisions for monitoring and sanctioning primarily target domestic employers who thus have a competitive disadvantage. Instead, the WKO demands – as foreseen in the enforcement directive – a better administrative cooperation between member states and an improved cross-border enforcement of sanctions. It rejects “an unnecessary and arbitrary tightening” of the directive and demands further controls of posting companies.

Position of the government
The government (social ministry) considers the proposed revision as a “step in the right direction”, but sees room for further improvement. The principle that the same work at the same place should be remunerated in the same manner is considered as decisive for the sustainable development of the European Union. The maximum duration of 24 months is also considered as too long, furthermore the social security contributions should be based on the employees’ actual wages (which is not yet included).

Pay gaps at the workplace

Evidence
Due to the illegal nature of wage dumping, no studies or hard facts on these types of pay inequalities are available. However, various studies on the pay inequality between men and women have been published within the last years, which all show that the gender pay gap is of substantial size in Austria.

At the end of December, the Austrian Court of Audit published its bi-annual General Income Report on the incomes of the Austrian population in 2014 and 2015. The report contains the average income by gender, sectors, occupational groups and functions. It shows that the median real incomes (i.e. corrected for inflation) have decreased by 3.5% between 1998 and 2015. The pay gap has increased sharply within this period: while incomes of the top 10% of earners have increased by 4.3%, they have decreased by 35.1% among the low 10% of earners. This effect can partially be attributed to the increase in part-time work, as those
numbers are not corrected for working time. Excluding seasonal and part-time workers, the real incomes of full-time workers have increased by 10.8% among women between 2004 and 2015 and by 3.9% among men. The gender pay gap is still the second-largest within the EU, with full-time employed women earning a gross annual income (median) in 2015 of EUR 35,023 and men of EUR 42,364. Only among the group of career public servants, no gender specific income disadvantage can be observed.

Companies of a specific size (150 employees and more) are obliged to provide income reports bi-annually (see below), however, they are not publicly available.

The labour inspectorate does not monitor pay in Austria. No further reports are available.

**Policies to address pay inequalities at the workplace**

Several policies targeted towards closing the gender pay gap were already introduced in 2011, including the disclosure of a minimum wage in job advertisements, a female quota for representation on supervisory boards of state-owned companies, or an amendment on income transparency which obliges large companies (with 150 or more employees) to provide their works council representatives with income reports.

In recent years (2016), only one measure of some importance in this matter was introduced, that is an information obligation of full-time jobs for part-time workers: When an employer plans on announcing a full-time position or a position with a higher number of hours, the employer's part-time employees are to be informed beforehand. Such, internal employees wanting to increase their working hours can apply first, which applies mostly to female workers due to the high incidence of female part-time work in Austria.

With regards to pay inequalities between domestic and foreign workers (mostly relating to posted workers), a law against wage and social dumping was first implemented in 2011. On 13 June 2016, amendments to the law were enacted (implementing Directive 2014/67), coming into effect on 1 January 2017. The new Act (LSD-BG) includes improvements with regards to cross-border administrative prosecutions in connection with wage and social dumping, a tightening of the general liability of contractors, as well as the implementation of a customer liability and the creation of new exemption clauses.

**Social partner's involvement in addressing pay inequalities at the workplace**

The social partners are generally always involved in shaping policies and legislation, and the implementation of information rights for part-time workers (see above) was a longstanding demand by the ÖGB’s womens’ group.

The unions provide the works council members with information and consultation on how to analyse the biannual income reports by the companies (see above) and what questions to raise in discussion of the outcome with employers.

In December 2015, the white-collar GPA-djp union held a campaign week on implementing a minimum wage (gross, monthly) of EUR 1,700 in all sectoral collective agreements, targeted towards increasing the minimum wage especially (but not only) for female workers who are over-represented in low-wage sectors.

Gender equality is addressed in all collective bargaining rounds; staggered minimum wage increases with a higher percentage increase for lower wage groups have been negotiated in several sectors in the latest (autumn 2016) bargaining rounds, also targeted towards increasing pay inequalities between higher and lower income earners in general. In the collective agreements for the electronics and metal industries, a performance distribution option is included; in the provisions it states that one of the criteria for (individual) wage increases is an improvement of the structure of wages, in particular with regards to gender equality.

The social partners were also heavily involved in the implementation and the revision of the law against wage and social dumping (see above).
Promoting the reconciliation of working families and caregivers

Recent policies

Reform of the childcare benefit scheme

Since 2000, the childcare benefit scheme (Kinderbetreuungsgeld) has been in place in Austria as a universal benefit for parents on parental leave. It has undergone several reforms over the course of the years. The latest change was adopted in parliament in 2016 (following lengthy and very controversial negotiations) and will come into force on 1 March 2017 (for all births from this day onwards, i.e. not retroactively). It mostly concerns the former four different flat-rate models and only marginally the income-dependent variant (80% of the net income are paid with an upper threshold of EUR 2,000 per month).

The main changes are the following:

The former four flat-rate models (which had been in place since 2010), with a choice of drawing benefits for the length of 30 plus 6 months, 20 plus 4 months, 15 plus 3 months or 12 plus 2 months (with the additional months being reserved if both partners take leave) are substituted by a childcare benefit account.

Whereas before, the total benefit to be received was highest with the longest possible drawing period and lowest with the shortest possible period, the new account foresees a specific lump sum, independent of the length of drawing the benefit.

The period of drawing the benefit can be chosen freely between 12 months and 28 months by one parent. If the second parent also draws benefits from the account, the total maximum period for both parents increases to between 15 and 35 months.

Depending on the length of the leave/drawing period, the daily rate lies between EUR 14.53 and EUR 33.88 (i.e. in the shortest variant, corresponding to about EUR 1030 a month for twelve (or fifteen) months and EUR 442 a month for 28 (or 35) months for the longest period).

For each parent, 20% of the total period are reserved, which are non-transferable. In its shortest variant, the minimum length for each parent is 91 days, in its longest possible variant, the minimum share for each parent is 212 days (ca. 7 months).

If the parents share the drawing period almost equally (at least 40:60%), an additional partner bonus of EUR 1,000 (500 for each parent) is granted.

The income dependent variant of the childcare benefit remains as a separate model. A new feature is that the partner bonus is also granted for this variant.

Up to 31 days, both partners may draw childcare benefits simultaneously in both the “account” and the “income dependent” model.

A new so-called family time bonus (Familienzeitbonus) is implemented on 1 March 2017. This is a financial allowance for fathers for a period of between 28 and 31 days, within 91 days of the birth of a child. The daily rate lies at EUR 22.60, thus reaching a maximum of EUR 700 for 31 days. It is also eligible to adoptive or foster fathers, as well as to same-sex partners. A written agreement with the employer is needed; there is no legal right to this family time. It is paid (as well as the parental leave benefit) by the regional public health insurance.

However, the monetary allowance received during the family time will be deducted from the father’s daily rate of childcare benefit if he later on takes parental leave.

Since 2016, females, whose female partner gives birth to a child, are also entitled to parental leave, as well as foster parents. (Adoptive parents, including same-sex partners have already been entitled to this since 2013).

Household income equality calculator
In late 2016, an online calculator was implemented in a joint initiative by the social and women’s affairs ministries. The calculator supports an equal distribution of childcare duties via providing some orientation on the expected household income during phases of leaves and/or subsequent parental part-time work. It shows how much money is available to a household and to each partner, dependent on the hours worked and on the type of childcare benefits chosen (i.e. the amount of benefits received). The calculator (gleich=berechnet) is available here: https://www.gleich-berechnet.gv.at/

Measures for carers implemented 2014
Already in 2014, two measures targeted towards facilitating the reconciliation of work and family for caring relatives were introduced: nursing care leave and part-time work due to care duties.

- nursing care leave
Employees who would like to care for a relative may take a nursing care leave (Pflegekarenz) of one to three months. While on leave, an income dependent leave benefit is granted in the amount of the unemployment benefit (of which the base amount is 55% of the former income).

- working part-time due to care duties (Pflegeteilzeit)
When opting for nursing part-time work, the working hours may be reduced to a minimum of ten hours a week. For the hours not worked, the leave benefit is paid as an aliquot part for the reduced working hours.

For both measures, the employer’s consent is needed, i.e. there is no legal right. In some collective agreements, however, provisions on nursing care leave are included (e.g. in the social care sector, see below).


Rights to request special working time arrangements, place of work etc.

Parental part-time work
The right to parental part-time work under certain conditions (employer with at least 20 employees, having been employed with the employer for at least three years) was first implemented in 2004. It foresees a right to change the amount and/or organisation of working time for parents. In 2016, a reform of this measure came into force, reducing the flexibility of its usage:

- A range for the shortening of working time was implemented. The working time reduction must correspond to at least 20% of the normal working hours (e.g. for a normal 40-hour working week, the minimum reduction lies at eight hours a week), with a weekly minimum working time of twelve hours.

- Before the reform, the range of working time reduction was entirely flexible (e.g. down to one hour a week).

More info on reduced flexibility
In the federal coalition government’s current work programme (2013-2018, p. 14), a reform of parental part-time work was foreseen (in addition to the above mentioned measures implemented in 2016, a shortening of the right to parental part-time work from the seventh to the fifth (or fourth) year of age of the child) parallel to the expansion of childcare places (improved, still ongoing) and the implementation of a paternity leave at the birth of a child (to be implemented 1 March 2017) – those proposed reforms have by now been implemented with the exception of the shortening of parental part-time work to the fourth/fifth year of life (which remained untouched). Especially the unions were strongly against such a shortening (which was already discussed in 2012 by the then minister for women’s affairs), as long as there would be no right to a childcare place and as long as opening hours (especially in rural
regions) would not be compatible with working hours which would be determined by the employer (e.g. working afternoons when childcare institutions are open only mornings). Already in the previous government's work programme (2008-13), an “improvement of parental part-time work, following the social partners’ suggestions” was envisaged (p. 152), also based on the results of an evaluation conducted in 2006 and 2007 (assessment of the regulation by companies, see e.g. pp. 142ff and 164ff). Especially smaller companies (above the 20-employees-threshold) have reported that parental part-time work means a high organisational and financial effort, e.g. finding an appropriate substitute worker. Furthermore, a minimum threshold of working hours was demanded (p. 159), in order to be able to usefully employ workers on parental part-time work.

The special protection from termination of employment and dismissal, which covers all employees in parental part-time work until the 4th birthday of a child have remained untouched with the latest reform, even though this has been criticised by organised business in the past due to potential improper use (e.g. reduction of working hours by one hour, or change of beginning time by one hour, would lead to protection against dismissal until the 4th birthday). This topic has also been brought up in the above cited evaluation. However, with the implementation of an upper and lower threshold of weekly working hours in 2016, misuse (or rather, taking advantage of the special protection) has been made more difficult.

The role of collective agreements

No ‘hard’ data or other research-based evidence on the role of collective agreements in the reconciliation of work and family/care are available.

Thus, only exemplary evidence can be provided without any claim for completeness.

The most common and fairly widespread form of the consideration of work-life balance measures in collective agreements refers to the recognition of parental leave periods for wage increases (i.e. increments within the pay scheme) at different lengths (between ten months for the first child only e.g. in the retail sector to the full length to each child’s second birthday e.g. in the banking sector, construction or chemical industry) and to the recognition of parental leave periods towards claims which are dependent on the length of service (e.g. vacation claims, service anniversary bonus) at different lengths (e.g. like a full recognition of all leave periods negotiated in the last collective bargaining round in the metal industry). In the retail sector, this is extended to periods of hospice care (i.e. terminal care for close relatives and care for severely ill children) for up to ten months. In several collective agreements (e.g. in the social care sector), this is extended to phases of nursing care leave (recognition for claims which are dependent on the length of service of up to 24 months). Furthermore, in the social care collective agreements, provisions on a nursing care leave are included (so that employees have a collective claim for it and do not need to individually negotiate it due to the fact that there is no legal claim, see above).

Provisions on an unpaid paternity leave of up to four weeks within the first two months after the birth of a child are currently included in some collective agreements (e.g. private education sector, banking). With the implementation of a father’s leave by law by March 2017, for which the employer’s consent is needed however, it can be expected that provisions will be included in further collective agreements in the next bargaining rounds so as not to be forced to negotiate it individually with the employer.

In public service, an unpaid paternity leave up to four weeks has been available since 2011 - this is, however not regulated in collective agreements but public service regulations as there are no collective agreements in the public sector in Austria.

In the collective agreement for the electronics industry, it specifically states that in the distribution of the working hours (especially night and shift work), the reconciliation of work and family should be guaranteed. This also applies to working overtime or business trips. Employees doing night work are – within operational possibilities – to be provided with a day
work position if they need to care for a child up to twelve years or provide care for a close relative. This also applies to the collective agreement in the food industry.
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Disclaimer: This working paper has not been subject to the full Eurofound evaluation, editorial and publication process.