January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

AUSTRIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Austria on 20 May 2011. The time limit for submitting the 12th report on the application of this treaty to the Council of Europe was 31 December 2024 and Austria submitted it on 18 December 2024. On 12 June 2025, a letter was addressed to the Government requesting supplementary information regarding Article 3§2. The Government did not submit a reply.

The present chapter on Austria concerns 8 situations and contains:

– 3 conclusions of conformity: Articles 3§1, 6§1, 6§2

– 5 conclusions of non-conformity: Articles 3§2, 3§3, 4§3, 5, 20

The next report from Austria will be due on 31 December 2026.

[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The Committee notes that, according to official sources [www.arbeitsinspektion.gv.at], the new Occupational Safety and Health Strategy (2021 -2027) sets out measures related to the prevention of occupational accidents and work-related diseases, including those linked to psychological risks.

The gig or platform economy

The report refers to discussions within the Labour Inspectorate, in co-operation with the EU-OSHA Focal Point Network, with regard to the psychosocial risks at work on digital platforms, and webinars and specialist conferences which were organised for labour inspectors to ensure the enforcement of occupational health and safety regulations in relation to work on digital platforms.

The report further refers to the national campaign carried out by the Labour Inspectorate in 2024 to raise awareness of the psychosocial risks associated with employment in the parcel and delivery services (which have been subject of media reports, parliamentary inquiries, studies and press releases) and to improve the working conditions of those employed in this sector. The campaign further aims to increase the Labour Inspectorate’s knowledge of the sector and the prevailing working conditions. The work carried out by these workers is assessed as physically and mentally demanding, due to algorithm-controlled work processes, uncertain working hours without clear schedules as well as night and weekend work, a stressful working environment, unsuitable work equipment, lifting and carrying loads, psychosocial stress caused by aggressive behaviour and physical violence on the road, as well as coordination problems caused by subcontracting. The report notes that the importance of this sector increased during the COVID-19 pandemic, as evidenced by both the increase in the number of workers and the accident statistics of the Austrian Workers’ Compensation Board (AUVA).

Telework

The report notes that most safety and health regulations also apply to teleworkers, including the provisions on workplace evaluation, information and instruction and preventive supervision. Provisions on teleworking have been amended to cover teleworking outside workers' homes. Employers, prevention services and the Labour Inspectorate can only access private residences with the express consent of the worker or at their request for counselling purposes or to carry out assessments. Teleworkers must be assigned a workplace and the relevant documents (e.g. time sheets, health and safety documents, instruction certificates) must also be available at this workplace.

With regard to workers in agriculture and forestry, the report provides that the provisions of the Agricultural Labour Act (*Landarbeitsgesetz*, LAG) of 2021, dealing with occupational health and safety also apply to teleworkers.

The topic of telework is addressed by the Labour Inspectorate as part of the ongoing EU-OSHA campaign on digitalisation.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Jobs requiring intense attention or high performance

According to the report, no special measures have been implemented in this area.

The Committee takes note of the information provided in relation to the gig and platform economy, concerning the working and employment conditions of parcel and delivery services, as well as the campaign carried out by the Labour inspectorate in 2024 (mentioned above), which are also relevant in this context.

Jobs related to stress or traumatic situations at work

The report notes that the Workers Protection Act (ASchG) provides that negative consequences of excessive mental stress should be addressed preventively and proportionately through workplace evaluations, which must be reviewed following occurrences of mental stress.

The report further refers to the Labour Inspectorate's 2023-2024 initiative "Violence as an occupational risk," which is part of its focus on protection against (physical/psychosocial) violence in the workplace. The aim of the initiative is to support companies in implementing occupational health and safety measures to prevent violence at work and deal with such incidents professionally and effectively. The report indicates that the number of on-site inspections in this field has increased since June 2023, and that approximately sixty labour inspectors across Austria have been trained on the topic of violence in the workplace. The overall aim is to raise awareness of the various forms of violence in the workplace by providing comprehensive information for employers, managers and workers and, if necessary, to improve occupational health and safety guidelines in the companies concerned.

The report specifies that, as regards agriculture and forestry workers, the negative consequences of excessive mental stress are addressed through workplace evaluations, in accordance with the relevant provisions of the Agricultural Labour Act of 2021.

The report also provides an overview of the occupational health and safety regulations applicable to public service workers, which include the protection of mental health (Federal Public Employees Protection Act and analogous provisions applicable to public workers of the *Länder*).

Jobs affected by climate change risks

The report indicates that the protection of workers from extreme weather conditions (e.g. heat waves, including exposure to ozone and solar UV radiation) is regulated by the Workers Protection Act (ASchG), the Ordinance on workplaces (AStV), the Ordinance on optical radiation (VOPST), and the Ordinance on personal protective equipment (PPE-V). In this context, the report notes that risk assessment, appropriate information and instruction to workers as well as occupational health and safety care are key elements in ensuring the effective protection of outdoor workers in Austria.

The protection of workers against new vectors and infectious diseases, as well as allergies (including the increase in allergens in the environment), is regulated by the ASchG and the Ordinance on biological agents (VbA). Furthermore, the ASchG and the Ordinance on protection of construction workers (BauV) cover the protection of workers from direct hazards caused by natural disasters and indirect hazards during repair and maintenance work following such events. The ASchG provides for a risk assessment in such situations, which must include work-related psychosocial factors, as well as for review and adjustment. Although certain sections of the ASchG and the related Ordinance do not apply to workers working in disaster relief services if the nature of their specific activity requires it, the report notes that the highest possible level of safety and health protection must be guaranteed to such workers.

The report further notes that analogous provisions are contained in the legislation pertaining to the protection of agriculture and forestry workers (listed in the report).

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working

hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Austria is in conformity with Article 3§1 of the Charter.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The report notes that Austria does not have any regulations on the right to disconnect. However, it refers to regulations concerning working time, including overtime and rest periods. In particular, the requirement that employers keep records of workers' working hours applies equally in respect of teleworkers.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in the Austria is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report suggests that imposing occupational health and safety obligations on self-employed workers would interfere with their working conditions and their right to pursue gainful activity, in a manner incompatible with the nature of self-employment. However, the report also notes that the Social Insurance Institution for the Self-Employed (*Sozialversicherungsanstalt der Selbständigen*, SVS) offers several health-prevention programmes aimed at encouraging workers to maintain a healthy lifestyle. Moreover, business premises where activities involving certain lethal or serious health risks take place are subject to a certification system in accordance with the Austrian Industrial Code (*Gewerbeordnung,* GewO).

The Committee recalls that, under Article 3§2 of the Charter, all workers, including the self-employed, must be covered by occupational health and safety regulations, since employed and self-employed workers are normally exposed to the same risks (Conclusions 2003, Romania). The Committee therefore concludes that the situation in Austria is not in conformity

with Article 3§2 of the Charter on the ground that self-employed workers are not protected by occupational health and safety regulations.

Teleworkers

The report notes that most occupational health and safety regulations also apply to teleworkers, including provisions on risk assessment, the employers' obligations to provide appropriate information and training, and requirements for supervision and monitoring. Teleworkers must be assigned a workplace and the documents relevant to teleworking - such as time sheets, health and safety records or instruction certificates - must also be available at this workplace. With respect to agriculture and forestry, the provisions of the Agricultural Labour Act dealing with occupational health and safety likewise apply to teleworkers.

Domestic workers

The report refers to Section 8 of the Domestic Help and Domestic Employees Act (*Hausgehilfen- und Hausangestelltengesetz,* HGHAG), which provides that employers of domestic workers have an extended duty of care, which involves, among others, providing suitable working equipment and work premises, subject to specific penalties in case of non-compliance.

In its previous conclusion, the Committee noted information from a third-party submission (Amnesty International*, We just want some rights: Migrant care workers denied rights in Austria*, 2021) indicating that migrant domestic workers, especially women from Central and Eastern Europe, face a range of occupational health and safety hazards, including extended working hours, social isolation, emotional stress, lack of formal training and exposure to abuse, all exacerbated by language barriers (Conclusions 2021). The submission alleged further that these problems stemmed from the employment status of these workers as self-employed, which masked a relationship of subordination to the older people they cared for, their families, and/or the placement agencies facilitating their recruitment. While the Government acknowledged the discrepancy in legal protections available to domestic workers based on their employment status, it committed to assess the criticism contained in the third-party comments, with a view to addressing the situation (Conclusions 2021).

The Committee notes from other sources that virtually all live-in carers in Austria are *de facto* self-employed, which means that standard labour protections, including those on occupational health and safety, do not apply to them (Fink, M. (2024). *Access for domestic workers to labour and social protection – Austria*. European Social Policy Analysis Network, Brussels: European Commission). The same report indicates strong evidence that this type of employment often constitutes bogus self-employment. The Committee also notes, based on official data, that in 2023 57,634 self-employed care workers were registered with the Austrian Economic Chamber (WKO, 2023, *Abteilung für Statistik, Personenberatung und Personenbetreuung*, Branchendaten, 2023, p. 16).

The report does not provide any information on the measures taken in light of the criticism raised in the third-party submission mentioned above. The Committee recalls that States Parties must ensure that the employment of digital platform workers reflects their actual situation in order to avoid abuse, including as regards the use of "bogus" or "false" self-employment (Statement of interpretation on Article 12§3 - Social Coverage for Digital Platform Workers). To the extent bogus self-employment leads to reduced occupational health and safety protections, this statement is equally relevant in the context of Article 3§2 of the Charter. The Committee therefore concludes that the situation in Austria is not in conformity with Article 3§2 of the Charter on the ground that certain categories of domestic workers are not protected by occupational health and safety regulations.

Temporary workers

The report notes that temporary workers, interim workers, and workers on fixed-term contracts enjoy the same occupational health and safety protections as workers on contracts of indefinite duration. In particular, the Workers Protection Act (ASchG) employs a broad definition of "employee", which includes freelance workers, namely those working under a quasi-freelance employment contract, within the meaning of Section 4§4 of the General Social Insurance Act (*Allgemeines Sozialversicherungsgesetz*, ASVG).

Conclusion

The Committee concludes that the situation in Austria is not in conformity with Article 3§2 of the Charter on the grounds that:

- workers do not have the right to disconnect;
- self-employed workers are not protected by occupational health and safety regulations;
- certain categories of domestic workers are not protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report notes that the Labour Inspectorate monitors compliance with occupational health and safety regulations on site in companies and on construction sites. It is involved as a party in approval procedures, e.g. for commercial operating facilities, and is responsible for ensuring compliance with occupational health and safety aspects. In this context, it also acts in an advisory capacity.

The report also indicates that the Workers Protection Act (ASchG) and its regulations apply to the employment of workers. Workers are defined as all persons who work in the context of an employment or training relationship. With regard to public service, the implementation of health and safety regulations in general is monitored according to the same standards applicable to all categories of public workers and civil servants. The Labour Inspectorate is responsible for monitoring compliance with the provisions of the Federal Public Employees Protection Act (Section 88 B-BSG).

Domestic workers

The report notes that Section 8 of the Domestic Help and Domestic Employees Act (*Hausgehilfen- und Hausangestelltengesetz*, HGHAG) provides that employers of domestic help or domestic workers have an extended duty of care, which involves, among others, providing suitable work equipment and premises, subject to specific penalties in case of non-compliance in accordance with Section 23 HGHAG.

The report notes that there is no supervisory authority with overall responsibility for domestic help and domestic workers, since in accordance with Section 1 (2) no. 6 of the Labour Inspection Act (*Arbeitsinspektionsgesetz*, ArbIG), the Labour Inspectorate has no authority over private households.

The report indicates that, however, the district administration authorities exercise certain “supervisory powers” which to an extent are comparable to those of the labour inspectorates. For instance, if a person has finally been convicted by a court of a criminal offence involving violence against the life, health or physical safety of human beings or offending against morality, Section 22 HGHAG provides that the District Administration Authority may prohibit them from employing minors for a specified period or permanently, if in the circumstances of the case, there is reason to suspect that such minors would be at risk.

The Committee notes from other sources that nearly 100% of live-in care workers are formally self-employed and in many cases under “bogus” or “false” self-employment (Fink, M. (2024). *Access for domestic workers to labour and social protection – Austria.* European Social Policy Analysis Network, Brussels: European Commission). The same report indicates that the current system leaves considerable room for interpretation and poses challenges for law enforcement. The Committee also refers to its Conclusion on Article 3§2 where it concluded

that the situation is not in conformity on the ground that certain categories of domestic workers are not protected by occupational health and safety regulations.

The Committee considers that the situation is not in conformity with Article 3§3 of the Charter on the ground that insufficient measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning domestic workers.

Digital platform workers

The report indicates that discussions on psychosocial risk at work on digital platforms have been ongoing within the Labour Inspectorate, in cooperation with the EU-OSHA Focal Point Network. Webinars and specialist conferences for labour inspectors were organised to ensure the enforcement of occupational health and safety regulations in this area.

It also states that the Labour Inspectorate carried out a national campaign concerning parcel and delivery services. The campaign aimed to raise awareness of the dangers and stress factors faced by those working in that field, improve their working conditions, and increase the Labour Inspectorate's related knowledge of the sector and its prevailing working conditions. During the initial phase (April to June 2024), the Labour Inspectorate conducted on-site inspections and provided advice to large distribution centres. In the subsequent phase (September to December 2024), inspections and counselling were carried out for parcel and delivery service companies.

Teleworkers

The report notes that the general safety and health regulations also apply to teleworking. It indicates that employers, prevention services and the Labour Inspectorate may only access private residences with the worker’s express consent or at their request, for advisory purposes or to carry out risk assessments. Teleworkers must be assigned a workplace where the documents relevant to teleworking (e.g., time sheets, health and safety documents, instruction certificates) must also be available. With regard to agriculture and forestry, the provisions of the Agricultural Labour Act dealing with occupational health and safety also apply to teleworkers. The Farming and Forestry Inspectorates are responsible for ensuring compliance with these provisions and safeguards.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer’s premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer’s premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers’ risk assessments and training documentation; (iii) verify the appropriateness and

effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

The provisions of the occupational health and safety regulations in Austria must be complied with (territoriality principle). In cases of employment that fall under the Workers Protection Act (ASchG), the Labour Inspectorate is responsible in accordance with the Labour Inspection Act.

In the case of agriculture and forestry workers, the provisions of the Agricultural Labour Act concerning occupational health and safety are also applicable to posted workers. The Farming and Forestry Inspectorates are responsible for ensuring compliance with the applicable provisions and safeguards.

Workers employed through subcontracting

The report indicates that workers are hired out, within the meaning of Section 9 of the Workers Protection Act (*ArbeitnehmerInnenschutzgesetz*, ASchG), when they are placed at the disposal of third parties to work for the latter and under their control. Employers who send their workers to work for third parties are known as temporary work agencies. The employers for whom these workers then work are referred to as 'user undertakings'. Under the Workers Protection Act, user undertakings are deemed employers for the duration of a hiring-out arrangement.

The report describes the additional obligations that apply to both user undertakings and temporary work agencies when workers are hired out (e.g. personnel leasing). The report states that the responsibilities of the Labour Inspectorate in this respect are provided in the Labour Inspection Act (*Arbeitsinspektionsgesetz*, ArbIG). With regard to agriculture and forestry workers, the provisions of the Agricultural Labour Act dealing with occupational health and safety also apply to hired-out workers. The Farming and Forestry Inspectorates are responsible for ensuring compliance with the applicable provisions and safeguards.

Self-employed workers

With regard to the health and safety of the self-employed workers, the report states that interfering with the working conditions of these workers would conflict with their right to engage in gainful activity and would be contrary to the nature of self-employment.

It also indicates that the Social Insurance Institution for the Self-Employed (*Sozialversicherungsanstalt der Selbständigen*, SVS) offers a number of programmes designed to encourage the individual responsibility of self-employed workers. The report provides information on the initiatives promoted by SVS in respect of health prevention for the self-employed, such as: a deduction of insurance payments for self-employed workers who take active steps in maintaining their health; a refund of EUR 100 for health-promoting activities related to exercise, nutrition, stress/burnout, relaxation/bodywork, smoking cessation; or specific support for mental health.

The Committee recalls that it has recognised that, given the difference in the conditions in which a worker and a self-employed worker carry out their activities, there may, to a certain extent, have to be different rules for applying safety and health requirements. However, the objective of providing a safe and healthy working environment must be the same for both employed and self-employed workers, and the regulations and their enforcement must be adequate and suitable in view of the work being done (Conclusions XIV-2 - Statement of interpretation - Article 3).

The Committee considers that the situation is not in conformity with Article 3§3 of the Charter on the ground that measures have not been taken to ensure the supervision of the implementation of health and safety regulations concerning self-employed workers.

Workers exposed to environment-related risks such as climate change and pollution

The report provides information on the occupational health and safety regulations concerning the protection of workers from extreme weather conditions, such as: the Workers Protection Act, the Ordinance on personal protective equipment (PPE-V) or the Ordinance on protection of construction workers (BauV), as well as related provisions in the field of agriculture and forestry (see information in the report on Article 3§1).

The report indicates that preventive occupational health and safety requires knowledge of the hazards to which workers are exposed in the workplace. The employer is obliged to identify and assess the risks to the health and safety of workers and define risk prevention measures on this basis (ASchG). Where employment falls under the Workers Protection Act, supervision is the responsibility of the Labour Inspectorate, in accordance with the Labour Inspection Act. Under agricultural labour law, the responsibility for monitoring the implementation of health and safety regulations lies with the Farming and Forestry Inspectorates.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Austria is not in conformity with Article 3§3 of the Charter on the grounds that:

- insufficient measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning domestic workers;
- measures have not been taken to ensure the supervision of the implementation of health and safety regulations concerning self-employed workers.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within thematic Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

The Committee notes that according to Section 12 of the Austrian Equal Treatment Act (GlBG; Federal Law Gazette I No. 98/2008) a worker who receives lower pay for equal work or for work that is recognised as equivalent is entitled to payment of the difference and compensation for the harm suffered because this is deemed a violation of the equal treatment requirement.

Section 11 GlBG stipulates that job classification provisions in companies and collective bargaining standards must comply with the requirement of equal pay for equal work, or work that is recognised as being of equal value, when defining pay criteria and must not apply different criteria for the assessment of women's work and men's work in a way that leads to discrimination.

Equal Treatment Reports (*Gleichbehandlungsberichte*) on ongoing activities of the equal treatment commissions, including current cases, are published and presented to Parliament every other year.

The Committee notes from that the Country Report on Gender Equality from the Network of European Experts on Gender Equality and non-Discrimination (Austria, 2024) that paragraph 3 clause 2 in conjunction with Paragraph 5 of the Equal Treatment Act for the Private Sector

explicitly forbids direct and indirect discrimination when determining pay. These Paragraphs give definitions of direct and for indirect discrimination in conformity with the requirements of Directive 2006/54/EC.

Case law well-established by the Supreme Court obliges employers to eliminate gender-specific criteria from hiring processes and pay negotiations. Pay differences on the grounds of sex/gender are to date not permissible and can present grounds for individual claims.

When filing a complaint at court or making an application to the Equal Treatment Commission (*Gleichbehandlungskommission, GBK*), claimants have to demonstrate that they have been treated less favourably than a specific worker of another sex/gender by offering at least circumstantial proof (Paragraph 5(1) of the Equal Treatment Act for the Private Sector). To establish a comparable situation, it does not suffice that two workers are classified as being in the same job group by a collective bargaining agreement; rather, a qualitative examination needs to be carried out in each case, including of the type of work, the qualifications required, and the working conditions. In the absence of a specific comparator, the claimant has to rely on a hypothetical comparator.

Paragraph 11 of the Equal Treatment Act for the Private Sector commits collective bargaining parties at all levels to uphold the principle of equal pay for equal work or work of comparative worth in all classification schemes and norms of collective law-making. Furthermore, they are prohibited from distinguishing different criteria for evaluating women's work on one hand and men's work on the other.

For each case of alleged pay discrimination a qualitative evaluation needs to take place, considering objective criteria such as the type of work, the qualifications required for the particular job, and the conditions of work.

The Committee observes that the notion of equal work or work of equal value is defined in law. Therefore, the situation is in conformity with Article 4§3 of the point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the report, as general wage policy is the autonomous responsibility of the parties to the collective agreement in Austria, the worker and employer interest groups must assess

the various aspects of a job in an appropriate and non-discriminatory manner within the meaning of the Equal Treatment Act. The parties to the collective agreement agree both the wage and job groups as well as the level of pay. In the public sector, the job groups and pay levels are defined by law.

The classification of a job, position or the function is strictly determined by law and defines the regular activities to be carried out at a specific workplace and assigns them to specific levels. All jobs, positions or functions are assigned to a specific pay group and evaluation group. This assignment is based on the criteria of knowledge, intellectual performance and responsibility according to Sections 137, 143 and 147 of the Civil Service Act (Beamten-Dienstrechtsgesetz– BDG, Federal Law Gazette No. 333/1979) 1979. The regular activities to be performed are to be taken from the job description. The corresponding salary is determined on the basis of the corresponding job classification. There is no distinction between women and men, which is why there are no differences in the remuneration of jobs within the same classification.

The Committee also notes from the Country Report on Gender equality (Austria, 2024) that Paragraph 11a of the Equal Treatment Act for the Private Sector provides that enterprises that regularly employ more than 150 persons have to publish bi-annual reports on income distribution in their workforce, itemised by gender (*Einkommensberichte*). In these reports, the pay levels of the company's staff must be anonymised and then organised by gender and qualifications and correlated to existing pay schemes in the applicable collective bargaining agreement. Income reports are confidential but may be used as collateral evidence by claimants in equal pay court cases in order to substantiate *prima facie* proof of pay discrimination.

The Committee considers that the job classification and remuneration systems in Austria reflect the equal pay principle, including in the private sector. Therefore, the situation is in conformity with the Charter on this point.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, the following measures have been implemented to support reducing the gender pay gap:

- raise awareness and improve income transparency within companies as a key lever for closing the gender pay gap. The guideline for companies, which was published for the first time in 2017, has been updated and supplemented in collaboration with the Chamber of Labour, Austrian Trade Union Federation, the Ombud for Equal Treatment, and the Business and Professional Women organisation, and is now available in a user-friendly online version and as a printed version.
- the online salary calculator which was published back in 2011 was updated in 2019 and 2022. There was an additional update in March 2024 due to the significant changes in wages. In order to provide more information about this online service, including among female job starters, information postcards with four different designs were created as printed and online versions. An average of around 1,000 people use the salary calculator each day, with a total of more than 4.7 million users since 2011.

According to the report, for the year 2022, the gender pay gap in Austria was 18.4%. It decreased by 5.6 percentage points between 2010 and 2022.

The report states that to tackle the underlying structures that lead to this gap, it is important to open up career opportunities for women and to reduce the vertical as well as the horizontal segregation in the labour market.

In addition, three ESF-supported programmes are also geared towards increasing gender equality and specifically reducing the gender pay gap. Two initiatives in this field – *"100 Prozent – Gleichstellung zahlt sich aus" and "FairPlusService"* – offer support for organisations and workers regarding gender equality. The "Equal Pay Netz" programme aims to create capacity-building networks consisting of diverse actors to provide a platform to discuss and work on ways to reduce the gender pay gap.

As regards the public service, the Committee notes from the report that the gender pay gap among public workers has shown a steady downward trend from 11% in 2018 to 8.1% in 2023. Compliance with the targets to reduce the gender pay gap and achieve gender equality are required by law and involve responsibility to the Parliament.

The Committee notes from Eurostat that the unadjusted gender pay gap stood at 20% in 2019 down to 18.3% in 2023. The Committee considers that despite the downward trend, the gender pay gap remained at a high level compared to the EU 27 average of 12% in 2023. In this context, the Committee considers that there has not been a sufficient measurable progress in reducing the gender pay gap. Therefore, the situation is not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Austria is not in conformity with Article 4§3 of the Charter on the ground that there has not been sufficient measurable progress in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The report indicates that the Associations Act 2002 applies to all (non-profit) associations in Austria. Professional associations of employers and workers based on voluntary membership are also subject to the provisions of the Associations Act 2002. The requirements for their establishment and existence are therefore no different from those of other non-profit associations. No provision in the Associations Act 2002 prohibits certain categories of workers from forming or joining associations and trade unions.

In addition, Article 4 of the Anti-Terror Act contains special criminal provisions against the coercion of a worker by means of intimidation or violence to join or leave a professional association or other voluntary organisation.

According to the report, one of the key principles of the Austrian collective bargaining system is that all workers in a specific business sector are covered by collective agreements. This principle ensures that the vast majority of all collective agreements, on the part of employers, are concluded by their statutory interest groups (chambers), while on the part of workers, the Austrian Trade Union Federation, as a voluntary interest group, plays a major role. All employers in a specific industry belong to the employers' chambers. Therefore, if a chamber is a partner to a collective agreement on the part of the employer, all employers in this industry are bound by collective agreements.

Also, according to Section 12 of the Labour Constitution Act, the legal effects of the collective agreement apply not only to those workers who are members of the trade union concluding the collective agreement, but to all workers who are employed by employers bound by collective agreements. This, according to the report, ensures that even in sectors with low union organisation, collective agreements that apply to the entire industry can be concluded. The report states in this respect that in the area of precarious employment relationships, for example, the collective agreement for bicycle couriers has recently been concluded.

The Committee takes note of the information provided. It notes, however, from outside sources (ETUC, Austria Country Report 2022, Platform Reps) that in general, conditions for most workers in platforms are precarious, albeit relatively good compared to other countries and low-skilled jobs, including pay. According to these sources, the main obstacle to ensuring workers in platforms have adequate access to labour rights is the widespread misclassification of the employment status. Although the collective agreements provide good rights coverage, they apply only to workers with employment contracts. However, according to one recent survey, in the delivery sector, only a third (33%) work as workers, while the majority (59%) are employed as independent contractors. A small percentage (3.3%) stated that they were self-employed with a trading license. Drivers are probably even less likely to be employed. This means that, while the collective agreement contributes to better working conditions for those workers who hold an employment contract, it produces no consequences for independent

contractors and the self-employed, who constitute a majority of the workforce in the gig economy. Nevertheless, no legal cases in Austria have, so far, focused on the employment status of platform workers.

In the light of the above, the Committee concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that according to the Austrian collective bargaining system, the competent statutory interest groups of employers and the voluntary professional associations of employers have the capacity to enter into collective agreements *ex lege* if they have been officially recognised as having the capacity to enter into collective agreements.

According to the report, these statutory requirements are met by associations that:-have the capacity and responsibility for regulating the working conditions within their sphere of activity in accordance with their articles of association (which is the case, for example, if the articles of the association set forth the intention to jointly conclude collective agreements);- are active in a wider professional and geographical area in their objective of representing the interests of employers (which is understood to mean an industrial or economic sector);- are of major economic significance due to the number of members and the scope of activities: when determining the economic significance of the association, both the absolute number of members of the association and their relationship to the number of persons who are employed in the relevant branch but do not belong to the professional association must be taken into account.- are independent in representing the interests of employers vis-à-vis the other side.

In addition, the Federal Conciliation Office (*Bundeseinigungsamt*, an authority established at the Federal Ministry of Labour and Economy) can, in the context of an administrative procedure, grant the capacity to conclude collective agreements to professional associations that are based on voluntary membership if they meet the above-mentioned criteria.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

According to the report, under the Associations Act 2002, no minimum number of members or percentage coverage of workers in the affected industries is required to form a trade union. However, to be able to ensure a firm position in collective bargaining agreements, the number of members or coverage is important.

The statutory requirements mentioned above with regard to employers' organisations' capacity to enter into a collective agreement are also valid concerning trade unions. The report explains that in contrast to other countries, Austria's trade union system is characterised by a central organisational structure. There are no 'representative' trade unions in Austria that enjoy special privileges, but the Austrian Trade Union Federation (ÖGB) is an umbrella organisation that covers all sectors of the economy and comprises specialised trade unions. In being by far the most important voluntary worker association, the ÖGB was recognised as a collective bargaining organisation as early as 1947.

As to alternative representation structures at company level, the report indicates that the interests of workers are represented by the company's elected worker bodies (usually works councils). Works councils are mandatory in companies with at least five permanent workers and represent the economic, social, health and cultural interests of the workers in the company. The law provides them with a range of participatory powers, such as the right to information, intervention and enquiry, monitoring rights, consultation rights and participation in decision-making (worker representatives are entitled to make decisions jointly with the company owner).

Works council members act in this function on a voluntary basis and are not bound by any instructions. They must not be subject to any restrictions in performing their duties and must not be discriminated against regarding remuneration, career development or in-house training and upskilling programmes. In addition, they are granted protection against notice of termination of employment and dismissal. The worker representative bodies may consult the competent voluntary professional association or statutory worker interest group in all matters.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

According to the report, under the Federal Constitution, public service workers, including members of the armed forces and the police, are granted the right to fully exercise their political rights. Accordingly, public workers and civil servants have the same political rights as all other citizens and no differentiation is permitted to be made between the type of public service as regards the right to organise. Thus, the right of association also applies to members of the armed forces and the police.

Conclusion

The Committee concludes that the situation in Austria is not in conformity with Article 5 of the Charter on the ground that that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that Austria has well-established joint consultation processes based on the voluntary cooperation between the associations of employers (Austrian Federal Economic Chamber and Presidential Conference of the Chambers of Agriculture) and workers (Federal Chamber of Labour and Austrian Trade Union Federation). Joint consultation processes may be used to address various areas of government policy, such as the apprenticeship system, the monitoring of working conditions, the issuing of certificates of origin, competition policy and antitrust, labour market policy, consumer policy, or social insurance. Social partners make proposals for the appointment of lay judges at labour and social courts, and they provide assessors at the Austrian Cartel Court (Kartellgericht). One of the main functions of joint consultation processes is to negotiate employment terms and conditions through collective bargaining, including on wage policy.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The report states that the main joint consultation processes at the company level are the works agreements concluded between the employer and the works council in legally specified areas of competence, and periodic joint consultation which must be held between the same parties on current matters, general principles of management in social, staff-related, economic and technical terms, the organisation of labour relations, and occupational health and safety. Pursuant to Section 108 of the Labour Constitution Act (ArbVG), the employer must share and discuss with the works council information about the economic situation of the enterprise, including its financial standing and its expected development, the type and scope of production, the order volume, sales figures (quantity and value), investment plans and other planned measures to increase its profitability.

Joint consultation on digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

The report states that pursuant to Section 92a ArbVG, the employer must consult the works council on the planning and introduction of new technologies at the workplace, the organisation of working conditions and the effects of the environment on the safety and health of workers.

Digital transition

The Committee notes from outside sources that Austria's digital skills initiative, established in 2022, has been developed through a nationwide dialogue. It draws on a diverse group of stakeholders through the institutionalized advisory board, which is composed of experts from all relevant national institutions from the public sector, academia, educational institutions, interest groups, and social partners (Austria - National Coalition (Allianz für Digitale Skills und Berufe) | Digital Skills and Jobs Platform).

Green transition

With regard to the green transition, the Committee notes from outside sources that the social partners were part of the Just Transition Working Group which prepared the Just Transition Action Plan on Training and Reskilling (2023), and that they play a key role in implementing the Action Plan (Global Deal (2024), Global Deal Flagship Report 2024, 'Shaping Transitions to Decent Work: Social dialogue for a better future').

Conclusion

The Committee concludes that the situation in Austria is in conformity with Article 6§1 of the Charter.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report states that collective agreements generally apply at the industry level without State involvement. Unless the collective agreement stipulates otherwise, it is applied, within its geographical, material and personal scope, to all employers and workers who are members of the organisation involved in the conclusion of the collective agreement. Workers are represented by the Austrian Trade Union Federation, a voluntary interest group. All workers in a certain sector are covered by collective agreements. Regardless of their trade union membership, workers are covered if they work for an employer bound by the collective agreement. All employers in each sector are bound by collective agreements due to their compulsory membership in employers' chambers, which negotiate these agreements. A collective agreement may be extended beyond its original scope through an extension declaration (*Satzungserklärung*) issued by the Federal Conciliation Office. An extension declaration is granted if the agreement is in force, has predominant importance, applies to similar employment relationships, and is not already covered by another collective agreement.

Regarding the favourability principle, the report states that the hierarchical relationship between collective agreements and legislation depends on the legal nature of statutory provisions. The report distinguishes between fully mandatory law (*absolut zwingende Gesetzesbestimmungen*) where the collective agreements cannot derogate from these provisions, relatively mandatory law (*relativ zwingende Gesetzesbestimmungen*) where the deviation is only permitted if it is more favourable to workers, and dispositive law (*nachgiebiges Recht*) where collective agreements may derogate from such provisions even if unfavourable to workers. According to the report, the relatively mandatory provisions are the most common. The principle of favourability applies to the relationship between collective agreements and subordinate legal standards.

Regarding derogations, the report states that provisions in collective agreements on pay and working conditions have direct binding effect. Works agreements or individual agreements, which are considered as subordinate legal standards, cannot restrict or annul provisions in a collective agreement, unless such special agreement is more favourable for the worker, or it concerns matters not regulated in the collective agreement. Collective agreements set minimum requirements that cannot be disregarded, even with workers' consent.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of

collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report notes that no obstacles to collective bargaining were observed in Austria. The Committees notes from other sources that the collective bargaining coverage in Austria, which stands at about 98%, is one of the highest in Europe, and has remained largely stable over the recent decades (OECD/AIAS ICTWSS database 2021).

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

According to the Government, the Labour Constitution Act (ArbVG), Federal Law Gazette No. 75/2025 (BGBl. I Nr. 75/2025), was amended in 2025 to introduce the possibility of concluding collective agreements for freelance workers subject to compulsory insurance under Section 4(4) of the General Social Security Act (ASVG). This provision defines freelance workers as persons who undertake to provide services for a definite or indefinite period on the basis of freelance contracts, if they receive remuneration for their activity, provide the services essentially in person, and do not have any significant operating resources of their own. These criteria are intended to ensure that only freelance workers who are similar to workers are included.

Conclusion

The Committee concludes that the situation in Austria is in conformity with Article 6§2 of the Charter.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Austria.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market, the report refers that the Austrian Public Employment Service (Arbeitsmarktservice Österreich, AMS), Austria's leading provider of labour-market services, took measures to increase the labour market participation of women and to reduce gender segregation. With the aim of supporting women to find well-paid long-term employment, the AMS offers gender sensitive counselling and provides advice to women on possible career trajectories. To facilitate the return into the workforce after parental leave, the AMS also offers up to 156 weeks of financial support for labour-market compatible childcare. In 2023, approximately 10,600 persons received financial support for childcare and more than 98% of those were women among the general population.

As regards the measures taken to promote equal opportunities for women and men, the Austrian Government implemented the initiative "*Frauenfüehren*". This initiative aims to support companies, HR departments and managers in identifying and implementing approaches to increase the number of women in the labour market.

According to the report, over the past decade, there has been significant progress in increasing the number of women employed in technical fields in Austria. In the mechanical engineering sub-sector (Maschinenbau), female employment grew by 4,713, a 40% increase, reaching 16,575 women in 2023. This growth raised the proportion of women in this field by 2.1 percentage points to 17.4%. Similarly in the electronic sector female employment has risen from 25.2% to 27.5%. Positive developments were also noted in architectural and engineering offices, as well as in the technical and chemical analysis sectors, highlighting a broader trend towards gender balance in traditionally male-dominated industries.

The Committee notes that in the public sector, the Federal Equal Treatment Act seeks to promote greater participation of women in the labour market and to reduce gender segregation. Section 11 of the Act mandates employers to address underrepresentation and discrimination against women in the workforce, requiring each Federal Ministry to create and update a six-year plan for promoting female employment. This plan sets binding targets for increasing the proportion of women across remuneration levels and includes measures related to staffing, organisation, and training. Additionally, federal public employment shows a higher proportion of full-time working women compared to the private sector.

The Committee notes from Eurostat that female employment rate in 2023 stood at 73.2% in 2023 and at 74% in 2025, compared to the male employment rate of 81.1% in 2023 and 81.2% in 2025. The Committee observes that the gender gap has been decreasing since 2023 and is lower than the EU average, which demonstrates a measurable progress in this area.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee notes that Austria has introduced several legal measures and policies as regards effective parity in decision making positions. It has developed a multi-layered framework of legislative quotas, policy initiatives, and monitoring mechanisms to strengthen women's representation in decision-making positions across both the private and public sectors.

According to the report in the private sector, the Equality of Men and Women in Supervisory Boards Act (2017) introduced a binding 30% quota for supervisory boards of listed companies

and large corporations. This represents a structural measure to break male dominance at the highest corporate level. Implementation is legally enforceable: appointments violating the quota are void, ensuring the rule cannot be bypassed. However, the quota is limited to supervisory boards, leaving management boards less regulated and more resistant to gender parity. The EU Directive 2022/2381 requires Austria to extend or adjust its quota to reach 33–40% female representation across both supervisory and management boards.

In the public sector, the Federal Government set quotas for women on supervisory boards of state-owned companies (35% by 2018, raised to 40% for 2020–2024). Furthermore, federal ministries operate an indicator-based monitoring system, setting concrete targets for women in top pay grades (senior management posts). Results are published annually, giving visibility to progress and pressures for improvement. The Federal Equal Treatment Report, submitted biennially to Parliament, provides a detailed evaluation of women's career development in ministries, alongside challenges and recommendations. Furthermore, based on these policy guidelines, measures taken for the advancement of women and actual numbers regarding women in decision-making positions are published.

According to the report, in Austria, there are no legislative gender quotas, but voluntary ones are adopted by various political parties. However, in July 2019, the law on the funding of parliamentary groups was amended and a "bonus" for a higher proportion of women was introduced. The Committee notes from EIGE report of 2024 that in 2024, the share of women senior and junior ministers remained at 44 %, and the same for women in parliaments, stable at 42 %, above the EU average. The percentage of women in regional assemblies has increased marginally from 35 % in 2023 to 36 % in 2024. The Committee notes that these indicators are above the EU average and there has been measurable progress.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to data in the report, in Austria, the Equality of Men and Women in Supervisory Boards Act introduced a 30% gender quota (at least 30% women and 30% men) for supervisory boards of listed joint-stock companies and large corporations with over 1,000 workers, effective from 1 January 2018. Exemptions apply for smaller supervisory boards (fewer than six members) or companies with less than 20% female workers. Violations of the quota render elections void, leaving seats unfilled ("empty seat").

According to the EIGE report in 2024, women were still not represented at all among the board members of the central bank, who were exclusively men. This is one of the highest gender imbalances in the EU in a decision-making body.

The Committee notes from EIGE that the percentage of women on boards of largest publicly listed companies reached 33.5% in 2023 and 35.4% in 2025, above the EU average. However, as regards the proportion of women in executive positions, in Austria it stood at 13.8%, up from 9.2% in 2023. The Committee considers that despite a measurable progress, this indicator remains considerably below the EU average. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Austria is not in conformity with Article 20 of the Charter on the ground that the proportion of women in executive positions in the largest publicly listed companies is too low.